

# **Allegheny County Council**

*County of Allegheny  
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## **Agenda Synopsis**

**Tuesday, November 21, 2006**

**5:00 PM**

**Regular Meeting, Fourth Floor, Gold Room**

## **County Council**

*Rich Fitzgerald, President; Chuck Martoni, Vice-President; Jim Burn, Susan Caldwell, Joan Cleary, John DeFazio, Matt Drozd, Dave Fawcett, Mike Finnerty, Brenda Frazier, Vince Gastgeb, Bob Macey, Jan Rea, and William Russell Robinson - Members*

*Copies of all proposed legislation contained in this agenda can be viewed or obtained from the Chief Clerk, Office of County Council, Room 119 Courthouse, 436 Grant Street, Pittsburgh, PA 15219 Phone: 412-350-6495, or on Council's web site: [www.county.allegheny.pa.us/council](http://www.county.allegheny.pa.us/council).*

**I. Call To Order****II. Pledge of Allegiance****III. Silent Prayer or Reflection****IV. Roll Call**

**Roll Call:** Present: Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**V. Proclamations/Certificates**

**2861-06** Certificate of Achievement awarded to Adam J. Schultz upon earning the rank of Eagle Scout, scouting's most distinguished honor.

**Read**

**2862-06** Proclamation recognizing the month of November as American Diabetes Month and encouraging the public to learn more about diabetes and the risks associated with the disease.

**Presented**

**2863-06** Proclamation recognizing and thanking Mr. Albert Lexie, a philanthropic leader, for his contributions to the Children's Hospital of Pittsburgh Free Care Fund.

**Presented**

**2864-06** Proclamation honoring Ms. Jennifer Cohen for being named the 2006 Outstanding Philanthropist for her leadership during the recovery phase after Hurricane Ivan struck Millvale.

**Presented**

**2865-06** Proclamation awarded to Chief Robert Payne upon the momentous occasion of his retirement after a long and distinguished career in law enforcement.

**Presented**

**2866-06** Proclamation congratulating Auberle for winning the 2006 Alfred W. Wishart, Jr. Award for Excellence in Nonprofit Management.

**Read**

**2867-06** Proclamation thanking Mr. Walter R. Kuczma for his distinguished military service and dedication to veterans' by helping charter the Veterans of Foreign Wars Post 914 Intrepid in West Mifflin.

Read

**2868-06**

Certificate of Recognition awarded to the Regional Business Alliance for holding its sixth annual "Unity Breakfast" on November 17, 2006.

Read

**2869-06**

Certificates of Achievement awarded to the 2006 Greenfield Organization Community Service Awardees for making Greenfield a better place to live, work and visit.

Read

**2870-06**

Proclamation recognizing Dr. Cecilia Griffin Golden for her outstanding contributions to the YWCA of Greater Pittsburgh and the community.

Read

**2871-06**

Proclamation recognizing the Borough of Port Vue for creating "Veterans Park" a lasting tribute to our country's heroes.

Read

**2872-06**

Certificate of Recognition awarded to Ms. Deanna Ferchak for honoring our veterans by holding a ceremony every year at Emerson Elementary School

Read

**2873-06**

Proclamation honoring the Town of McCandless Fire and Rescue Appreciation Night awardees on November 11, 2006.

Read

**2876-06**

Certificate of Recognition awarded to Sallie Belland upon the momentous occasion of her 101st birthday celebration.

Read

**2877-06**

Certificate of Recognition awarded to Johnnie Campbell upon the momentous occasion of his 98th birthday celebration.

Read

**2878-06**

Certificate of Recognition awarded to Lillian Gibson upon the momentous occasion of her 91st birthday celebration.

Read

## **VI. Public Comment On Agenda Items**

## **VII. Approval of Minutes**

**2879-06**

Motion to approve the Minutes of the Special Meeting of Council held on October 17, 2006 and the Regular Meeting of Council held on October 24, 2006.

**A motion was made that this matter be Passed. The motion carried unanimously.**

**VIII. Unfinished Business****Special Committee on Government Reform - Second Reading****2586-06**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania amending Article 201, Section 5-201.05 of the Administrative Code to further define the powers, functions and duties of the Medical Examiner.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**Committee on Budget and Finance - Second Reading****2818-06**

A Resolution of the County of Allegheny amending the Operating Budget for 2006, as previously amended by other resolution(s) of County Council.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**2819-06**

A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2006 (Submission #11-06).

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**2842-06**

A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2006 (Submission #12-06).

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**Committee on Economic Development & Housing - Second Reading**

**2840-06** An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 4, entitled "Finances," by creating a new Article XI, entitled "Residential Visitability Design Tax Credit Program."

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**2836-06** Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to develop a tax increment financing plan for a proposed TIF District to include portions of the Fifth and Penn Redevelopment Area (pending certification) and designating a representative from the County to participate in the development of a tax increment plan for this proposed TIF District.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**2837-06** A Resolution of the County of Allegheny adopting the Potato Garden Run Tax Increment Financing Plan presented by the Redevelopment Authority of Allegheny County, creating the Potato Garden Run Tax Increment Financing District and authorizing related agreements.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**2839-06** Resolution approving a Project for the benefit of West Penn Allegheny Foundation, LLC, to be financed by the Allegheny County Hospital Development Authority by the issuance of one or more series of the Authority's Hospital Revenue Notes (West Penn Allegheny Foundation Project), Series 2006 (or similar designation) (the "2006 Notes") to be issued in aggregate principal amount not in excess of \$31,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the 2006 Notes, and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania, and constituting the elected official approval required by Section 147 of the Internal Revenue Code of 1986, as amended.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

### **Committee on Public Works - Second Reading**

#### **2817-06**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania authorizing the use of County owed real property by Voice Stream Pittsburgh for the purpose of placing a cellular antenna on top of the County Office Building.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

### **Committee on Health & Human Services - Second Reading**

#### **2797-06**

An Ordinance amending Section 880-1, et seq., of the Allegheny County Code of Ordinances by deleting the restriction applicable to within fifteen feet of the entrance to any Enclosed Area where smoking is prohibited.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 9 - Council Member Burn, Council Member Cleary, Council Member DeFazio, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Macey, Council Member Martoni and President Fitzgerald  
Noes: 5 - Council Member Caldwell, Council Member Drozd, Council Member Gastgeb, Council Member Rea and Council Member Robinson

#### **2838-06**

An Ordinance of the Council of the County of Allegheny recommending the adoption and approval of a proposed Allegheny County Health Department Rule and Regulation (Article IV - Needle Exchange)

**A motion was made that this matter be Passed for Chief Executive Signature. The motion failed by the following vote:**

**Votes:** Noes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

### **Special Committee on Riverfronts**

#### **2832-06**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the County to acquire certain properties in fee simple absolute and certain easements situate in the County of Allegheny, Pennsylvania, located adjacent to the Ohio, Monongahela, Allegheny, and Youghiogheny Rivers for the

purpose of creating a countywide riverfront park.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

## **IX. Liaison Reports**

## **X. New Business - Ordinances & Resolutions**

- 2882-06** 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.  
**Referred to the Committee on Budget and Finance**
- 2874-06** A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2006 (Submission #13-06).  
**Referred to the Committee on Budget and Finance**
- 2883-06** Resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting the Grants, Special Accounts, and Agency Fund Budgets, by setting forth appropriations to pay said expenses during the fiscal year beginning January 1, 2007 and ending December 31, 2007.  
**Referred to the Committee on Budget and Finance**
- 2884-06** Resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting a Capital Budget pursuant to Article IV, §2 and Article VII, §4 of the Home Rule Charter by setting forth appropriations to pay the expenses for capital expenditures during the fiscal year beginning January 1, 2007 and ending December 31, 2007.  
**Referred to the Committee on Budget and Finance**
- 2885-06** Resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting an Operating Budget pursuant to Article IV, §2 and Article VII, §4 of the Home Rule Charter, by setting forth appropriations to pay the expenses of conducting the public business of Allegheny County and for meeting debt charges for the fiscal year beginning January 1, 2007 and ending December 31, 2007.  
**Referred to the Committee on Budget and Finance**
- 2875-06** A Resolution of the Council of the County of Allegheny adopting and authorizing financing of a project by the Allegheny County Hospital Development Authority (the "Authority") on behalf of The Center for Emergency Medicine ("CEM") as desirable for the health, safety, and welfare of the people in Allegheny County.

**Referred to the Committee on Economic Development & Housing****2886-06**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, to amend the Code of the County of Allegheny, Division 1, entitled "Administrative Code," Section 5-205.01, entitled "Authorities, Boards and Commissions Operating Within Allegheny County," to clarify the applicability of audit requirements to certain municipal authorities.

*Not on original agenda. Motions passed to place on agenda and to waive second reading.*

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald

**2887-06**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 4, entitled "Finances," Chapter 475, entitled "Taxation," by creating a new Article XI, entitled "Allegheny County Farmland and Forest Land Assessments," in order to establish County policy for reviewing the preferential treatment for tax purposes of properties used as agricultural or forest reserve, or which are subject to agricultural use.

*Not on original agenda. A Motion was passed to place this bill on the agenda*

**Referred to the Special Committee on Property Assessments****XI. New Business - Motions****2880-06**

Motion of the Council of Allegheny County to continue the services of Attorney John F. Cambest to provide legal advice, representation and consultation to County Council.

**A motion was made that this matter be Passed. The motion carried by the following vote:**

**Votes:** Yes: 12 - Council Member Burn, Council Member Caldwell, Council Member Cleary, Council Member DeFazio, Council Member Finnerty, Council Member Frazier, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald  
Noes: 1 - Council Member Fawcett  
Abstentions: 1 - Council Member Drozd

**2881-06**

Motion Expressing the Sense of Council of Allegheny county formally establishing policy with regard to developing the Community Development Block Grant Program budget, beginning with the Year 34 Program.

**A motion was made that this matter be Passed. The motion carried by the following vote:**



**Votes:** Yes: 12 - Council Member Burn, Council Member Caldwell, Council Member DeFazio, Council Member Drozd, Council Member Fawcett, Council Member Finnerty, Council Member Gastgeb, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald  
Noes: 1 - Council Member Cleary  
Not present: 1 - Council Member Frazier

## **XII. Public Comment on General Items**

## **XIII. Adjournment**