

# **Allegheny County Council**

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## **Committee Meeting Minutes**

**Tuesday, September 16, 2008**

**5:00 PM**

**Conference Room 1**

## **Committee on Government Reform**

*Rich Fitzgerald, Chair; Jim Burn, Jim Ellenbogen, Nick Futules, Vince Gastgeb,  
Amanda Green, Bob Macey, and Chuck McCullough - Members*

**Roll Call:** Present: Jim Burn, Jim Ellenbogen, Nick Futules, Vince Gastgeb, Amanda Green, Bob Macey, Chuck McCullough, and Rich Fitzgerald

## I. Call to Order

**Summary:** *The meeting was called to order at 5:00 PM*

### Invited Guests:

**Jim Flynn, County Manger or Designee**

**Dennis Davin, Director, Economic Development**

**Brad Penrod, Director, Airport Authority or Designee**

**Jeffrey Letwin, Solicitor, Airport Authority**

**Glen Mahone, Chairman, Airport Authority**

**Mike Suley, Manager, Property Assessment**

**Jack Cambest, Council's Legal Advisor**

**Aggie Brose, Deputy Director, Bloomfield Garfield Corp.**

**Summary:** *Invited guests in attendance: Mr. Flynn, Mr. Davin, Mr. Penrod, Mr. Letwin, Mr. Mahone, Mr. Suley, Mr. Cambest, and Ms. Brose*

*Council staff in attendance: John Mascio, Jennifer Liptak, Jared Barker, and Joe Catanese*

## II. Roll Call

**Roll Call:** Present: Jim Burn, Nick Futules, Amanda Green, Bob Macey, Chuck McCullough, Rich Fitzgerald, Council Member Joan Cleary, Council Member John DeFazio, Council Member Matt Drozd, Council Member Michael Finnerty, Council Member Chuck Martoni, and Council Member William Robinson  
Absent: Jim Ellenbogen  
Phone: Vince Gastgeb

## III. Approval of Minutes

**4331-08** Motion to approve the Minutes of the July 17 & July 24 2008 Government Reform Committee meetings.

**Action:** **A motion was made by McCullough, seconded by Macey, that this matter be Passed. The motion carried by the following vote:**

**Votes:** Yes: 12 - Burn, Gastgeb, Green, Macey, McCullough, Fitzgerald, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Finnerty, Council Member Martoni and Council Member Robinson  
Abstain: 1 - Futules  
Absent: 1 - Ellenbogen

## IV. Agenda Items

### Ordinance

**4313-08**

An Ordinance amending the Allegheny County Code of Ordinances, Division 2, entitled "County Government Operations," Chapter 270, entitled "Real Estate Website," Section 270-2, entitled "Search capabilities," in order to establish search capabilities on the County's Real Estate Website for certain community development entities functioning within Allegheny County.

**Sponsors:** Rich Fitzgerald, Amanda Green, William Russell Robinson and Bob Macey

**Summary:**

*The Chair provide a summary of the bill. He said that the bill would authorize a limited and secured name search capability on the Allegheny County real estate website for bona fide community development entities.*

*He asked Ms. Brose to address the Committee and explain the benefits of the bill. She said that since the removal of the name search utility, community development entities have inquired about the possibility of allowing them to perform name searches so that they can more easily identify situations in which multiple parcels relevant to development (i.e. blighted or unusable land) may be owned by the same individual. She said that this would enable them to attempt to purchase these parcels more efficiently.*

*The Chair said that the bill the Department of Economic Development would be required to review the legitimacy of community development entities requesting access to the name search utility.*

*Ms. Cleary said that she has had requests from various municipalities that would also like this type of access. The Chair asked they were asking for economic development purposes. Ms. Cleary said not exclusively.*

*Mr. Burn said that he would not mind amending the bill to allow municipalities access if it were for economic development purposes only, but he had concerns if it were used for other access.*

*The Chair said that he was not inclined to address that issue through this bill. Ms. Cleary said that she may introduce a separate piece of legislation to address this.*

*Mr. Flynn indicated that the community groups could use a county pay website and that Ms. Brose could meet with Mr. Davin to discuss funding mechanisms for them to buy membership. Mr. Davin said he would be happy to meet with Ms. Brose to discuss this.*

*The Chair said that he would like to hold the bill until Ms. Brose meets with Mr. Davin. Everyone was in agreement with this.*

**Action:**

**Held in Committee**

**4328-08**

An Ordinance amending the Allegheny County Code of Ordinances, Chapter 705, entitled "Airports," through the creation of a new Part 4, entitled "County Properties," in order to clarify the procedures by which mineral rights are to be conveyed for property upon which an airport or other asset administered by the Allegheny County Airport Authority is located.

**Sponsors:** Rich Fitzgerald, Jim Burn, Joan Cleary, John DeFazio, Matt Drozd, Jim

Ellenbogen, Michael Finnerty, Nick Futules, Vince Gastgeb, Amanda Green, Bob Macey, Chuck Martoni, Chuck McCullough, Jan Rea and William Russell Robinson

**Summary:**

*The Chair provided a summary of the bill. He said that the bill would clarify the procedures by which mineral rights may be conveyed by the Airport Authority. He said that the bill was introduced due to an announcement that the Airport Authority was soliciting proposals for natural gas drilling on airport property.*

*He said that the Home Rule Charter requires the passage of an ordinance to permit any lease, conveyance, vacation, abandonment, or permit the use of County owned land or other real property.*

*He said that the bill would specifically require the passage of an ordinance authorizing any lease or other conveyance of mineral rights by the Airport Authority.*

*He said that the bill also contains language requiring that funds derived from the conveyance of mineral rights must be deposited into a County fund until appropriated, but specifically indicates that it places no limitation on the purpose for which such appropriation may be made.*

*The Chair referred to letters between Council's Solicitor Jack Cambest and the Airport Authority's Solicitor Jeffrey Letwin. Each solicitor expressed their views regarding this issue. Mr. Cambest said that he questioned whether the mineral rights were transferred to the Authority under a transfer agreement between the County and the Airport Authority.*

*Mr. Letwin said that they understood that the transfer agreement did include that. He also said that the Federal Aviation Authority (FAA) governs all land activity regarding the airport, and that they do not think that they were in violation of the Charter by issuing the Request for Proposals (RFP).*

*Mr. Cambest said that the issue of what happens to the revenue once it is generated is very important. Mr. Letwin said that they have no choice but to award the contract to the highest responsible bidder. Mr. Mahone did say, however, that they have the authority to reject bids. Mr. Letwin suggested that they continue with the bidding process and decide what to do with the funds later.*

*The Chair said that it was his understanding that any use of county owned land had to be approved by County Council. Mr. Letwin said that he believes that power was granted to the Airport Authority as part of the transfer agreement. Mr. Cambest disagreed. He said that he believed that County Council must take action by ordinance. He asked Mr. Letwin if he thought that they needed Council's approval to lease the land. Mr. Letwin said he did not believe they needed Council's approval. Mr. Cambest said that no where in the agreement did it indicate that the Authority had control over mineral rights. Mr. Letwin said that he believes the definition of land includes everything below it.*

*Much discussion took place regarding the current land use at the airport.*

*Mr. Mahone said that FAA regulations state that all revenues generated on airport land*

*must go back to the Airport Authority. Mr. Penrod said that once a municipality receives a FAA grant then they have to abide by their regulations. He said it is a nationwide policy.*

*The general consensus of the Committee was that Council needs to approve this by Ordinance.*

*Mr. Mahone reiterated that although the land is owned by the County, using federal funds make it subject to federal regulations. He said that this is federal aviation policy. He said it does not matter who owns the land. He said that if the Chief Executive and Council can negotiate with the FAA then maybe the County and the Airport Authority could split the money. He said that any funds generated that are used for anything other than the airport must have FAA approval. He said that he believes they could be creative on the use of the funds.*

*Mr. McCullough said that he does not believe that the Airport Authority had the right to issue RFP's without Council being notified in advance. He was very upset that Council had to read about this in the newspaper. He said he believes that Council, not the Airport Authority, ultimately has the authority to decide the use of the land.*

*Mr. Penrod said that the FAA requires that any revenue generated from the land must be used for the airport.*

*Mr. Mahone said that this is a windfall for the county. He said that the authority is aware of the issues surrounding the use of the funds. He proposed that Council and the Authority enter into some type of cooperation agreement to place the money in escrow and then figure out later how they could disperse it. He said they should work together to share the revenue and not scare off potential bidders. He said that even if the FAA decides the airport must use the funds, the county could be creative in how they use them.*

*The Chair said that he was inclined to allow them to generate the money and then figure out what to do with it later. Mr. McCullough said that he wants the Chief Executive and Council to sign off on any cooperation agreement prior to them awarding a contract.*

*Mr. Mahone said that he would like to place the money in escrow and that all proceeds be held until they approach the FAA and ask permission to share the funds.*

*Mr. McCullough said that he believes that the decision to award a contract should be made jointly by Council and the Airport Authority.*

**Action:** Held in Committee

## **V. Adjournment**

**Summary:** The meeting adjourned at 6:35 PM