

# **Allegheny County Council**

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

**Tuesday, April 1, 2008**

**5:00 PM**

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

## **County Council**

*Rich Fitzgerald, President; Chuck Martoni, Vice-President; Jim Burn, Joan Cleary, John DeFazio, Matt Drozd, Jim Ellenbogen, Mike Finnerty, Nick Futules, Vince Gastgeb, Amanda Green, Bob Macey, Chuck McCullough, 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 Cleary, Council Member Drozd, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member McCullough, Council Member Rea, Council Member Robinson and President Fitzgerald  
Absent: Council Member DeFazio  
Phone: Council Member Ellenbogen

**V. Proclamations/Certificates**

**3868-08** Proclamation declaring April 2008 “Fair Housing Month” in Allegheny County.

**Presented**

**3869-08** Proclamation honoring the late Staff Sgt. Patrick Kutschbach.

**Presented**

**3870-08** Proclamation declaring April 2, 2008 “Tobacco Free Allegheny- Kick Butts Day” in Allegheny County.

**Presented**

**3888-08** Proclamation declaring April 2008 “Jazz Appreciation Month” in Allegheny County.

**Presented**

**3871-08** Certificate of Achievement recognizing the South Park Senior High School Girls' Basketball Team for winning the WPIAL Class AA Championship.

**Presented**

**3872-08** Certificate of Achievement recognizing the Hampton High School Girls' Basketball Team for winning the WPIAL Class AAA Championship.

**Presented**

**3873-08** Certificate of Achievement recognizing the Upper St. Clair High School Girls' Basketball Team for winning the WPIAL Class AAAA Championship.

**Presented**

- 3874-08** Certificate of Achievement recognizing the Central Catholic High School Boys' Basketball Team for winning the WPIAL Class AAAA Championship.  
**Presented**
- 3875-08** Certificate of Recognition honoring Sgt. Otis DiCerbo for being named the Mon Yough Area Council of PTA/PTSA's 2008 Teacher of the Year.  
**Read**
- 3876-08** Certificate of Recognition congratulating the Central Volunteer Fire Company of Elizabeth Township for their recent accomplishments, including obtaining the Department of Health QRS Certification and Voluntary Rescue Service-Advanced Level.  
**Read**
- 3877-08** Certificate of Recognition congratulating the 2007-2008 graduates of the Local Government Academy's Newly Elected Officials Course.  
**Read**
- 3878-08** Proclamation recognizing Officer Lenny Mesarchik for being named the Forest Hills 2008 Citizen of the Year by the Woodland Progress.  
**Read**
- 3879-08** Proclamation recognizing Charlene Hrivnak for being named the Plum 2008 Citizen of the Year by the Advance Leader.  
**Read**
- 3880-08** Proclamation recognizing The Coalition of Labor Union Women- Pittsburgh Chapter's Man of the Year, Jack Shea, and Woman of the Year, Jean Friday.  
**Read**
- 3881-08** Certificate of Recognition congratulating Tom and Barb Grimm of McKeesport, who recently celebrated their 50th anniversary.  
**Read**
- 3882-08** Proclamation recognizing Thomas R. Solomich upon the occasion of his 35th anniversary with the Rothman Gordon Firm.  
**Read**
- 3883-08** Proclamation declaring April 4, 2008 "Melvin Pollock Day" in Allegheny County.  
**Read**

- 3884-08** Certificate of Recognition honoring Vigilant Hose Company No. 1 of Port Vue upon the occasion of its 100th anniversary and recognizing those members who have achieved 25 and 50 years of service with the organization.
- Read

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

## **VII. Presentation of Appointments**

- 3863-08** Appointment - Approving the appointment of Allison Burgan to serve as a Member of the Council of Friends (Hartwood) for a term to expire on April 1, 2010.
- A motion was made that this matter be Passed. The motion carried unanimously.

## **VIII. Unfinished Business**

### **Committee on Budget and Finance - Second Reading**

- 3843-08** A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2008 (Submission #04-08).
- A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:
- Votes: Yes: 13 - Council Member Burn, Council Member Cleary, Council Member Drozd, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member McCullough, Council Member Rea, Council Member Robinson and President Fitzgerald  
Absent: 1 - Council Member DeFazio  
Not present: 1 - Council Member Ellenbogen
- 3844-08** A Resolution of the County of Allegheny approving certain Inter-Departmental Transfers in the Operating Budget for the fiscal year beginning January 1, 2008 and ending December 31, 2008.
- A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:
- Votes: Yes: 13 - Council Member Burn, Council Member Cleary, Council Member Drozd, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member McCullough, Council Member Rea, Council Member Robinson and President Fitzgerald  
Absent: 1 - Council Member DeFazio  
Not present: 1 - Council Member Ellenbogen

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

- 3712-08** An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, granting authority to the County of Allegheny (the "County") to assign its interest in certain real estate tax liens to Redevelopment Authority of Allegheny County

(“RAAC”) which the County acquired in the settlement of an action brought by GLS Capital, Inc.

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

**Votes:** Yes: 12 - Council Member Burn, Council Member Cleary, Council Member Drozd, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald  
Noes: 1 - Council Member McCullough  
Absent: 1 - Council Member DeFazio  
Not present: 1 - Council Member Ellenbogen

### **3842-08**

An Ordinance Authorizing the County of Allegheny to acquire the Riverton Railroad Bridge and approaches over the Monongahela River, between City of Duquesne and City of McKeesport, from the Union Railroad Company, for the Steel Valley Trail.

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

**Votes:** Yes: 13 - Council Member Burn, Council Member Cleary, Council Member Drozd, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member McCullough, Council Member Rea, Council Member Robinson and President Fitzgerald  
Absent: 1 - Council Member DeFazio  
Not present: 1 - Council Member Ellenbogen

### **3796-08**

A Resolution Approving a Project for the benefit of Carnegie Mellon University (the “University”) to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt or taxable bonds, to be issued in one or more series, in the aggregate principal amount not to exceed \$135,000,000 including required reserves (if any) and costs of issuance, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds (hereinafter defined), and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania.

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

**Votes:** Yes: 12 - Council Member Burn, Council Member Cleary, Council Member Drozd, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald  
Noes: 1 - Council Member McCullough  
Absent: 1 - Council Member DeFazio  
Not present: 1 - Council Member Ellenbogen

## **IX. Liaison Reports**

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

**3885-08**

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

**Referred to the Committee on Budget and Finance**

**3886-08**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 4, entitled "Finances," through the creation of a new Chapter 491, entitled "Community College of Allegheny County Appropriations," in order to provide a mechanism for allocating a portion of certain revenues received by the County under the terms of the Pennsylvania Racehorse Development and Gaming Act, 4 P.S. §1101 et. seq., as a supplemental appropriation to the Community College of Allegheny County.

**Referred to the Committee on Budget and Finance**

**3887-08**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 1, entitled "Administrative Code," through the creation of a new Article 705, entitled "Parks," in order to provide a mechanism for exploring and accomplishing the privatization of one or more of the County Parks.

**Referred to the Committee on Parks**

**3864-08**

A Resolution ratifying certain year-end transfers pursuant to Section 805.03 of the Administrative Code.

**Referred to the Committee on Budget and Finance**

**3865-08**

A Resolution approving a project for the benefit of Duquesne University of the Holy Spirit (the "University"), to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt or taxable bonds, to be issued in one or more series, in the aggregate principal amount not to exceed \$35,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds (hereinafter defined), and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania.

**Referred to the Committee on Economic Development & Housing**

**3866-08**

A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2008 (Submission #05-08).

**Referred to the Committee on Budget and Finance****3867-08**

A Resolution of the County of Allegheny amending the 2008 Capital Budget for Allegheny County.

**Referred to the Committee on Budget and Finance****3889-08**

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the General Assembly to amend the Local Option Small Games of Chance Act, 10 P.S. §311 et. seq., in order to classify all liquor licensees as "Eligible Organizations" for the purposes of obtaining licenses to operate small games of chance.

*Second Reading waived*

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

**Votes:** Yes: 13 - Council Member Burn, Council Member Cleary, Council Member Drozd, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member McCullough, Council Member Rea, Council Member Robinson and President Fitzgerald  
Absent: 1 - Council Member DeFazio  
Not present: 1 - Council Member Ellenbogen

**3890-08**

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the General Assembly and Governor to enact a statewide ban on smoking in public places with all deliberate speed.

**Referred to the Committee on Health & Human Services****XI. New Business - Motions****3891-08**

Motion of the Council of Allegheny County pulling Bill No. 3677-08, establishing an annual Roberto Clemente Day in Allegheny County, from committee for an immediate final vote.

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

**Votes:** Yes: 5 - Council Member Drozd, Council Member Gastgeb, Council Member McCullough, Council Member Rea and Council Member Robinson  
Noes: 8 - Council Member Burn, Council Member Cleary, Council Member Finnerty, Council Member Futules, Council Member Green, Council Member Macey, Council Member Martoni and President Fitzgerald  
Absent: 1 - Council Member DeFazio  
Not present: 1 - Council Member Ellenbogen

**3892-08**

Motion Expressing the Sense of Council of Allegheny County urging the General Assembly to undertake the amendment of 53 P.S. §8601, governing taxation for public transportation, and 4 P.S. §1407, governing the uses by counties of the second class of revenues distributed from the Pennsylvania Gaming Economic Development and Tourism Fund, in order to provide counties of the second class with the flexibility necessary to effectively manage their budgetary position while

not overburdening the owners of taxable property.

**Referred to the Committee on Government Reform**

**3893-08**

Motion Expressing the Sense of Council of Allegheny County, supporting the amendment of Act 55 of 1997, the Institutions of Purely Public Charity Act, by Senate Bill 1328 in order to authorize the imposition of an essential services fee and a limited real estate tax to properties that are otherwise exempted from real property taxation.

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

**3896-08**

Motion Expressing the Sense of Council of Allegheny County expressing the intent of Council regarding revenues generated through the amendment of Act 55 of 1997, the Institutions of Purely Public Charity Act, by Senate Bill 1328 in order to authorize the imposition of an essential services fee on properties that are otherwise exempted from real property taxation.

*Motion made from the floor - not on original agenda*

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

**Votes:** Yes: 10 - Council Member Burn, Council Member Drozd, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Martoni, Council Member McCullough, Council Member Rea and President Fitzgerald  
Noes: 3 - Council Member Cleary, Council Member Macey and Council Member Robinson  
Absent: 1 - Council Member DeFazio  
Not present: 1 - Council Member Ellenbogen

**3894-08**

Motion of the Council of Allegheny County amending the Rules of Council for Allegheny County Council to clarify the Rules pertaining to decorum in Council's meetings.

**Referred to the Executive Committee**

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

## **XIII. Adjournment**