

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

John P. DeFazio - President, Council-At-Large  
Eileen Wagner - Vice President District 4  
David B. Fawcett, III - Council-At-Large  
Ronald Francis, Jr. - District 1  
Jan Rea - District 2  
Thomas A. Shumaker - District 3  
Vincent J. Gastgeb - District 5  
Michael Crossey - District 6  
Richard Schwartz - District 7  
Charles Martoni - District 8  
C. L. Jabbour - District 9  
James E. Simms - District 10  
Richard Fitzgerald - District 11  
Wayne Fontana - District 12  
Joseph Natoli - District 13

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

Wednesday, November 7, 2001 - 5:00 p.m.

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IN ATTENDANCE:

Guy A. Tumolo, Chief of Staff  
John Mascio, Clerk of Council  
John F. Cambest, Esq., Counsel for County Council  
George M. Janocsko, Esq., Assistant County Solicitor

- - -

PRESIDENT DE FAZIO: We are going to call the meeting  
to order.

Will you all please rise for the Pledge of Allegiance

to the flag.

(Pledge of Allegiance.)

PRESIDENT DE FAZIO: We are going to have the roll call.

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Here.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Here.

MR. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Here.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Present.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Here.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. MASCIO: Mr. Jabbour?

MR. JABBOUR: Here.

MR. MASCIO: Dr. Martoni?

DR. MARTONI: Here.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Here.

MR. MASCIO: Ms. Rea.

MS. REA: Here.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: Here.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Here.

MR. MASCIO: Dr. Simms?

DR. SIMMS: Here.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: Here.

MR. MASCIO: Mr. DeFazio, President?

PRESIDENT DE FAZIO: Here.

MR. MASCIO: Fifteen members present.

PRESIDENT DE FAZIO: Do we have any presentations of appointments by the Chief Executive?

MR. MASCIO: Yes, we do.

We have communication from Chief Executive Jim Roddey introducing his recommendation of James Edwards, Marilyn Liggett, and John Brown, Jr., for reappointment to the Allegheny County Finance and Development Commission.

We also have communication from Chief Executive Jim Roddey introducing his recommendation of Stanley Louis Gorski and John Petrolias for reappointment to the Authority for Improvements in Municipalities.

And we also have communication from Chief Executive Jim Roddey introducing his recommendation of Deborah Brown and Kevin McKeegan for reappointment to the Property Assessment Appeals Board.

PRESIDENT DE FAZIO: We will refer them to the proper committees.

Proclamations.

Recognizing and commending the Penn Hills Senior Softball Association and its players for its positive community spirit, winning seasons, and commitment to wellness and athleticism at any age.

Sponsored by Council Member Schwartz.

MR. SCHWARTZ: Sal, do you and your guys want to come up here.

I'm going to take this twofold here. You will see there is another one on the agenda, and it's been kind of a rough year in this county and this country and everything else and every once in a while you get to do something that just feels right, it feels good and it's something that you probably didn't know even existed, and I'm really happy that I'm able to recognize it.

I'm not going to go into a speech. I'm not going to read very much of it because I think actually you should hear from Sal and the members of the Penn Hills Senior Softball League. What I will do is we will tell you a little bit of history about it and then you're on, Sal.

The Penn Hills Senior Softball started one day in 1983 when a few fellows gathered at the Penn Hills Senior Citizen Center and decided to play catch, assembling on the nearby playgrounds. From those humble beginnings the organization has ballooned into a 16 league, including more than 100 players. Whereas the New York Times picked up word of the league and ran a story on it.

After that, senior teams from Virginia and Detroit contacted Penn Hills squad about getting together to play. Soon after, tournaments, the first ever tournament was held in 1984. Sometimes as many as 78 teams participate; and now teams travel all over the country, with the Penn Hills 60 and Over clinching the World Series in 1988 and the Penn Hills 50 and Over becoming two-time winners this year.

What I'd like to do now is I'd like to bring Sal up here, and I'd like you to introduce some of the members, tell them their ages and a little bit about it.

MR. MOLITIERNO: Mr. Richard Stashko from McKeesport. Richie is 73. Richie has been playing ball since, I'd say, 1986. He was on the 1988 championship team that we won up in Detroit and he's been down to Palm Springs and he's been to Florida, wherever.

I will tell you what, this here Senior Softball has become so big that we hold tournaments, like this year they held it in Las Vegas and it's a place where Joe's team won it for the third straight year. Every year there are big cities, Greensboro, North Carolina, had it one year. They were bidding. All these cities, it's just like a basketball tournament or baseball tournament. Big cities are bidding to get this Senior Softball down there, and Pittsburgh can't do it. We in Penn Hills can't do it alone. We just don't have the money nor do we have the fields.

Now, Gene Lewis, 81, and he's been with us since 1986. Ed Carey, 76, and he's been with us since 1988. Now, I'm 76 and I have been playing since 1984. I was on about six of the tournament teams that went to Virginia, Trenton, and Detroit, Georgia. Wherever there's softball, that's where us old people want to go. We try to stay healthy and we try to stay active.

(Applause.)

MR. SCHWARTZ: I want to give you all proclamations. The reason that I wanted to recognize this first was you will see the championship team will be up next, but I think it's a great opportunity for Allegheny County. At one time they were involved with the tournaments and I would love to see it come back here. It's something that can be done for the area, the economy, and just something that's right. It's not always professional teams and it's

not always college and it's not always organized sports per se on the high school level.

Joe, would you like to bring up the world champion Pittsburgh team.

Again, I will give you a little bit of background. This team was formed in 1999 under Joe's leadership here. In September 1999 they won their first national title in Chattanooga, Tennessee. Las Vegas was the site of the second national title in October of 2000, and October of this year the Gold 55 team captured their third straight national title.

Whereas, this team consists of players throughout the Western Pennsylvania area and has participated in regional tournaments in cities such as Columbus, Ohio; Glen Burnie, Maryland; Manassas, Virginia; Louisville, Kentucky; Myrtle Beach.

You guys go to some nice places. They captured the win in most of these tournaments leading them to the national championship; and is this slogan yours or is this Sal's and everybody here?

MR. BATTISTA: Everybody.

MR. SCHWARTZ: The slogan in Senior Softball is you don't quit playing softball because you get old, you get old because you quit playing softball.

Thank you for coming down. I personally am very proud to recognize your achievements. I'd like to give you these proclamations first.

Joe, I'd like you to give just a little bit of the history of the team.

MR. BATTISTA: Well, you said most of it. There were two teams that started out, a team from Penn Hills and a team from Pittsburgh Gold. The Penn Hills team was organized by Bob Rea and the Pittsburgh Gold team was organized by George Payne and we decided to merge in 1999 because the caliber of ball in the national level was pretty intense and there's really some great teams out there and we are very proud to represent Pittsburgh because there's teams that come from California and New Mexico, Rhode Island, New Jersey. They come from all over the country and they know who we are now, believe me, and we are one of the teams to beat, especially in our classification, the AAA Division where we play, and it jumps every five years.

There's 50, our 50 year old team is a dynamite team. We feed off of one another. It goes, 50, 55, 60, 65, all the way up to 70 years old. We are very, very proud of it.

One of the local newscasters one night gave us a really great compliment that we're proud of. He said we are the senior softball champions in the city of champions. We are very proud of that, too.

I just can't say enough about these guys here. We had some injuries early on but we fought our way through everything; and the adjectives to describe our team were like dynamite, awesome, you know. When we start hitting, it's like the 4th of July. It's just boom, boom, boom, boom, you know. We are very, very, very proud to represent Pittsburgh.

These western teams and teams from the far west and teams from Florida, they just take it for granted they are supposed to win because they play ball all year round. A couple managers didn't even want to shake hands me; and I said, what are we, chopped liver? We know what this game is about, so we kind of proved it to

everybody. We are very, very proud of everything; and another thing, this year, with the terrorist attacks and everything, what we are very, very proud of, some of the guys are wearing their hats, we were the only team -- there were probably 60, 70 teams in all the age groups. We were the only team that wore the flag emblem as part of our uniforms; and before and after every game, when we had our team chant, we all chanted U-S-A, and everybody commented and everybody complimented us because we showed that national enthusiasm.

We would like to present you, Councilman Schwartz, with one of our team hats. (Applause.)

MR. SCHWARTZ: Thank you very much.

I forgot to mention, we had the official scorekeeper and cheerleaders here, too.

PRESIDENT DE FAZIO: Unfinished business.

0117, an Ordinance protecting County employees who report violations of state and federal law and providing protection for employees who participate in investigations, inquiries, or court actions.

Second reading, sponsored by Council Member Crossey. Mike.

MR. CROSSEY: Thank you, Mr. President.

What I'd like to do at this point is refer that back to the Committee on Administrative Services.

When we pulled this out, it hadn't been discussed in quite a while and it kind of got buried in the process and we pulled it out again and took a look at it. I have asked our solicitor, Mr. Cambest, to give us his opinion of the Bill before we would ask anybody to vote on it. So I'd like to just refer it back to the Committee.

PRESIDENT DE FAZIO: Good enough.

MR. CROSSEY: Thank you.

MR. FRANCIS: Did you give Mr. Cambest the County Solicitor's Opinion?

MR. CROSSEY: Yes, I did.

MR. FRANCIS: Thanks.

PRESIDENT DE FAZIO: Any more unfinished business?

MS. WAGNER: Mr. President, before the Council meeting today we had a special Committee on the Rules again. It was sent back to the Committee at our last Council meeting.

Several members of Council were there. I could read you a report on when these Rules of Council had started. We have a Committee of myself, Councilwoman Rea and Councilman Schwartz. We have met in many meetings since April and there's two amendments that were brought two weeks ago to the Committee today. One was presented by Council Member Vince Gastgeb that we discussed last week and it reads: "The President of County Council shall be elected by a majority of the seated County Council members and may serve at the pleasure of the Councilmatic body. This election process will exist, but is not limited to, every other January following the municipal election cycle."

The second one is brought forward by Councilman Crossey. It's on page 15 of the Rules, and it amends the first sentence should read: "By an affirmative vote of the majority of the seated members of Council."

We in Committee are bringing these forward, and I would like a motion to add these to the Rules of Council to vote

on.

Is that correct, Mr. Mascio?

MR. MASCIO: Yes. You would need to vote on that amendment now.

MR. SCHWARTZ: I'd like to make that motion.

PRESIDENT DE FAZIO: There's a motion made by Rick Schwartz.

DR. SIMMS: I second it.

PRESIDENT DE FAZIO: Under remarks?

MR. FAWCETT: I didn't hear, Councilman Wagner, I attempted to make the meeting but was a little late. I take it it wasn't a long Committee meeting but was there any substantive discussion or you basically decided to just bring these matters back to the full Council?

MS. WAGNER: No. There was discussion by six or seven of us that were there. They were brought forward to full Council two weeks ago. Vince brought one forward. We discussed it at that time. Actually Councilman Crossey brought several forward, and we are going with the one that he brought forward.

MR. FAWCETT: I see.

PRESIDENT DE FAZIO: All right. Tom.

MR. SHUMAKER: I had a question for Mr. Crossey. When you said you are going forward with this, are you withdrawing your amendments?

MR. CROSSEY: All of my other objections to the Rules of Council stand and I would be voting against them.

MR. SHUMAKER: Are you offering these amendments on the floor?

MR. CROSSEY: No, I will not. I will vote against the Committee's recommendation for Rules of Council.

PRESIDENT DE FAZIO: Rick.

MR. SCHWARTZ: I would like to point out that on Councilman Crossey, what he submitted, there was only one amendment. The others were points. The amendment was what was voted on at the Committee meeting.

PRESIDENT DE FAZIO: What we will start with is Vince Gastgeb's amendment. Do you have it handy?

MR. MASCIO: You all have that.

PRESIDENT DE FAZIO: Everybody has it?

MR. MASCIO: Yes. It's in what I just passed out to you. It's like the third page down, proposed amendment to Council Bill 0401. Everybody has that.

PRESIDENT DE FAZIO: Is that in the agenda?

MS. WAGNER: That's what I just read, Mr. President.

PRESIDENT DE FAZIO: All right.

MR. MASCIO: Motion to amend Bill No. 0401, Article 1, Section C to read as follows: "The President of County Council shall be elected by a majority of the seated County Council members and may serve at the pleasure of the Councilmatic body. This election process will exist, but is not limited to, every other January following the municipal election cycle."

That's the amendment that was proposed by Council Member Gastgeb, which was in Committee today, and the Committee voted to give an affirmative recommendation to that amendment.

PRESIDENT DE FAZIO: All right. Is there a second to that?

MS. REA: I will second it.

PRESIDENT DE FAZIO: Under remarks?  
(No response.)  
PRESIDENT DE FAZIO: Seeing none, take the vote.  
MR. MASCIO: Mr. Crossey?  
MR. CROSSEY: No.  
MR. MASCIO: Mr. Fawcett?  
MR. FAWCETT: Yes.  
MR. MASCIO: Mr. Fitzgerald?  
MR. FITZGERALD: Yes.  
MR. MASCIO: Mr. Fontana?  
MR. FONTANA: Yes.  
MR. MASCIO: Mr. Francis?  
MR. FRANCIS: Yes.  
MR. MASCIO: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. MASCIO: Mr. Jabbour?  
MR. JABBOUR: Yes.  
MR. MASCIO: Dr. Martoni?  
DR. MARTONI: Yes.  
MR. MASCIO: Mr. Natoli?  
MR. NATOLI: Yes.  
MR. MASCIO: Ms. Rea?  
MS. REA: Yes.  
MR. MASCIO: Mr. Schwartz?  
MR. SCHWARTZ: Yes.  
MR. MASCIO: Mr. Shumaker?  
MR. SHUMAKER: Yes.  
MR. MASCIO: Dr. Simms?  
DR. SIMMS: Yes.  
MR. MASCIO: Ms. Wagner?  
MS. WAGNER: Yes.  
MR. MASCIO: Mr. DeFazio, President?  
PRESIDENT DE FAZIO: Yes.  
MR. MASCIO: Ayes, 14; no's, one. That amendment

passes.

PRESIDENT DE FAZIO: There is another amendment.

MR. MASCIO: This amendment is proposed by Council Member Mike Crossey. This was also taken up at the Committee meeting today and given an affirmative recommendation by the Committee.

This amendment, page 15 S, first sentence should read: "By an affirmative vote of the majority of the seated members of Council."

You can almost consider that a clerical amendment because it actually should always say the affirmative vote of the majority of the seated members of Council.

PRESIDENT DE FAZIO: Is there a second to that motion?

DR. MARTONI: I will second it.

PRESIDENT DE FAZIO: Under remarks?

(No response.)

PRESIDENT DE FAZIO: Seeing none, we will take the vote.

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

MR. MASCIO: Mr. Fitzgerald?  
MR. FITZGERALD: Yes.  
MR. MASCIO: Mr. Fontana?  
MR. FONTANA: Yes.  
MR. MASCIO: Mr. Francis?  
MR. FRANCIS: Yes.  
MR. MASCIO: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. MASCIO: Mr. Jabbour?  
MR. JABBOUR: Yes.  
MR. MASCIO: Dr. Martoni?  
DR. MARTONI: Yes.  
MR. MASCIO: Mr. Natoli?  
MR. NATOLI: Yes.  
MR. MASCIO: Ms. Rea?  
MS. REA: Yes.  
MR. MASCIO: Mr. Schwartz?  
MR. SCHWARTZ: Yes.  
MR. MASCIO: Mr. Shumaker?  
MR. SHUMAKER: Yes.  
MR. MASCIO: Dr. Simms?  
DR. SIMMS: Yes.  
MR. MASCIO: Ms. Wagner?  
MS. WAGNER: Yes.  
MR. MASCIO: Mr. DeFazio, President?  
PRESIDENT DE FAZIO: Yes.  
MR. MASCIO: Ayes, 15; no's, zero. That amendment

passes.

PRESIDENT DE FAZIO: Eileen.

MS. WAGNER: Mr. President, I'd like to put a motion on to pass the Rules of Council as amended.

MR. SCHWARTZ: Second.

PRESIDENT DE FAZIO: Under remarks?

(No response.)

PRESIDENT DE FAZIO: Seeing none, take the vote.

MR. SHUMAKER: I just had a quick question. I looked at these but I didn't know we were voting on them tonight, so I didn't bring my copy which I had marked. Maybe Mr. Tumolo can help.

One of my many concerns on these Rules is with respect to Bills or motions being referred to Committee. Would you point to me where -- is there any limitation or requirement for the Committee to then send the motion out, back out to the full Council?

MR. TUMOLO: It's been quite a while since I have read the Rules. From what I recall, once the Bill is in Committee, it can be held, it can be tabled, it can be referred back to the general Council. If it's held, I believe there has to be an indication of how long it will be held and the reason for it being held.

Does that answer your question?

MR. SHUMAKER: It does. Actually, I found what I was looking at. Page seven, next to the last paragraph. I'd like to make a motion for that next to the last paragraph, to amend it. It says: "Any Bill referred to a Committee must be considered by that Committee." I'd like to change that to "considered and referred back to Council."

MR. TUMOLO: I believe that's in another section.

MR. SHUMAKER: If it is already in there, then, this would be a harmless amendment, but it couldn't hurt. I think it's an important point.

PRESIDENT DE FAZIO: Page seven?

MR. SHUMAKER: Next to the last paragraph.

PRESIDENT DE FAZIO: Mike.

MR. CROSSEY: Mr. President.

Tom, I understand what your concern is but I think it's covered in the next paragraph. In the next paragraph it says, after the Committee does all its work, Committees will report out the results of their deliberations to the main body of Council. Doesn't that cover what your objection is? My understanding of your concern is that you don't want things to be buried in Committee?

MR. SHUMAKER: Yes.

MR. CROSSEY: This says that after the Committee does all its legal research and due diligence, it must report out the results of its deliberation to our full body.

MR. MASCIO: Mr. Shumaker, if I may comment. There's a safety net that's written into these Rules that states that if a Bill should happen to be buried in Committee, and I think it's either 60 or 90 days, if it doesn't come out of Committee by that time, that any member of Council may make a motion at a regular meeting of Council and with a two-thirds majority may pull that Bill out of Committee.

The reasoning behind writing that into the Rules is to give a safety net to Bills so that people would not bury the Bills in Committee. If you can get two-thirds of a vote of the full members of Council, it probably should be taken out of Committee. So there is a measure that's written into the Rules that prevents that from happening if Council so chooses to prevent that.

MR. TUMOLO: It's on the next page.

MR. SHUMAKER: All right. I think you are referring to page eight, middle of the paragraph?

MR. TUMOLO: Any member of Council may do that.

MR. SHUMAKER: I would move to amend the two-thirds to a simple majority.

DR. MARTONI: You know what, you can't amend it. We didn't pass it. Maybe we should pass it first and then amend it.

PRESIDENT DE FAZIO: You have to amend it first and then vote.

MR. SCHWARTZ: Amend it first.

PRESIDENT DE FAZIO: If you are going to amend it, do it first.

Page eight, middle of the page, it has two-thirds. He wants to change it to a simple majority.

MR. FAWCETT: I would second that motion to amend.

PRESIDENT DE FAZIO: Under remarks?

MR. FAWCETT: That seems to make sense. If more than half of us want to pull something out, I think we ought to be able to. I don't think that's something we would do frequently. I think it would be very infrequent, in fact. I think we respect our Committees; but if we feel something is being held up, we ought to be able to, by majority vote, bring it out.

PRESIDENT DE FAZIO: All right.

MR. MASCIO: On Council Member Shumaker's amendment, Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?  
MR. FAWCETT: Yes.  
MR. MASCIO: Mr. Fitzgerald?  
MR. FITZGERALD: No.  
MR. MASCIO: Mr. Fontana?  
MR. FONTANA: No.  
MR. MASCIO: Mr. Francis?  
MR. FRANCIS: Yes.  
MR. MASCIO: Mr. Gastgeber?  
MR. GASTGEB: Yes.  
MR. MASCIO: Mr. Jabbour?  
MR. JABBOUR: No.  
MR. MASCIO: Dr. Martoni?  
DR. MARTONI: Yes.  
MR. MASCIO: Mr. Natoli?  
MR. NATOLI: Yes.  
MR. MASCIO: Ms. Rea?  
MS. REA: Yes.  
MR. MASCIO: Mr. Schwartz?  
MR. SCHWARTZ: No.  
MR. MASCIO: Mr. Shumaker?  
MR. SHUMAKER: Yes.  
MR. MASCIO: Dr. Simms?  
DR. SIMMS: No.  
MR. MASCIO: Ms. Wagner?  
MS. WAGNER: No.  
MR. MASCIO: Mr. DeFazio, President?  
PRESIDENT DE FAZIO: No.  
MR. MASCIO: Ayes, 8; no's, 7. That passes.  
PRESIDENT DE FAZIO: Any other remarks?  
(No response.)  
PRESIDENT DE FAZIO: Is there a motion?  
MS. WAGNER: I already made a motion.  
PRESIDENT DE FAZIO: Motion was made and properly

seconded. Seeing no more questions, we will take a vote on the whole Rules.

MR. MASCIO: On Bill No. 0401 as amended, Mr. Crossey?

MR. CROSSEY: No.  
MR. MASCIO: Mr. Fawcett?  
MR. FAWCETT: Yes.  
MR. MASCIO: Mr. Fitzgerald?  
MR. FITZGERALD: Yes.  
MR. MASCIO: Mr. Fontana?  
MR. FONTANA: Yes.  
MR. MASCIO: Mr. Francis?  
MR. FRANCIS: Yes.  
MR. MASCIO: Mr. Gastgeber?  
MR. GASTGEB: Yes.  
MR. MASCIO: Mr. Jabbour?  
MR. JABBOUR: Yes.  
MR. MASCIO: Dr. Martoni?  
DR. MARTONI: Yes.  
MR. MASCIO: Mr. Natoli?  
MR. NATOLI: Yes.  
MR. MASCIO: Ms. Rea?  
MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?  
MR. SCHWARTZ: Yes.  
MR. MASCIO: Mr. Shumaker?  
MR. SHUMAKER: No.  
MR. MASCIO: Dr. Simms?  
DR. SIMMS: Yes.  
MR. MASCIO: Ms. Wagner?  
MS. WAGNER: Yes.  
MR. MASCIO: Mr. DeFazio, President?  
PRESIDENT DE FAZIO: Yes.  
MR. MASCIO: Ayes, 13; no's, two. That Bill passes.  
DR. SIMMS: Mr. President.  
PRESIDENT DE FAZIO: Jim.  
DR. SIMMS: I might make just one comment before we

move on in the agenda.

Perhaps some of you read in the paper yesterday regarding a incident that happened in Ross Township. It involved the stopping -- in fact, the person who was stopped by the Ross Police, his name was brought forward by the Administration as one of the appointees to the Board here this evening; but Mr. John Brown, who is a retired bank executive of PNC Bank, who formerly played for the Cleveland Browns and the Pittsburgh Steelers, an outstanding citizen in this community, serves on many Boards and charitable organizations, Mr. Brown and his son were returning from a jazz concert. They live in the Community of Ross.

It was early in the morning. There were no other cars on the street. Mr. Brown was driving with his high beams on. Apparently a Ross police officer stopped Mr. Brown and, in fact, gave him a ticket for driving with high beams. He was in the vicinity of his home.

Mr. Brown and his son both commented that they really felt that they were stopped as a result of racial profiling. They felt that the incident was one that certainly smacked of that.

I have, since that time, spoken to a lot of people about this and I took the liberty of speaking with Ms. Rea about it. Since it's in her District, I didn't want to be presumptuous to call any police officer in the District without sharing with her. She mentioned to me that she intends to join me in pursuing some clarification on this issue.

Matters like this are extremely difficult to prove. They are extremely intuitive. You may remember once when we had a discussion around this table about moving Council meetings out to suburban areas and I commented, rather facetiously, that I'd be worried about traveling to some of these communities for fear of racial profiling; but absolutely this is a case, a man returning to where he lives, even though the area is probably not that populated, the area that he happens to live in, and near his home, one o'clock in the morning, without any cars on the road to be blinded with high beams, he was stopped and given a ticket.

The officer did have discretion between a warning or something to that effect, but he decided the ticket was the way he wanted to go with it. So I think it's a matter that is extremely important. I think it's extremely serious. If we follow the demographic data, that we are seeing more and more African Americans are moving into suburban areas, particularly areas that heretofore they had not lived, and perhaps the police departments may not be aware of that and they may have made some assumptions about these

two black men at one o'clock in the morning on this road at night; but that is the fact of what happened and I believe we owe at least our citizens some response in terms of this Council's sensitivity to these issues.

I'm not at this point indicting the police officer, but certainly Mr. Brown and his son, as citizens, have a right to bring these issues to our attention and to the attention of the authorities.

The Post-Gazette thought the story worthy enough that they dedicated significant space to the story on the local section of the paper.

So hopefully we will be able to at least get some clarification on this issue and let our citizens know these matters are of grave concern to us as a Council and that we do intend to look into them.

Thank you, Mr. President.

PRESIDENT DE FAZIO: All right. We now go to the Report of the Committee on Budget and Finance issues.

0487, Resolution of the County of Allegheny amending the Grants and Special Accounts Budgets for 2001 (Amendment No. 4).  
Second reading, submitted by County Manager.

Jim.

DR. SIMMS: Thank you, Mr. President.

The Budget and Finance Committee met and reviewed this matter. We looked at the modifications of the Grants Budget. We examined them, and we passed a motion in support of this; and we ask Council's concurrence, with a positive recommendation coming out of Budget and Finance Committee, to vote positively on this.

Thank you.

PRESIDENT DE FAZIO: Is that a motion?

DR. SIMMS: I make a motion to approve, yes.

DR. MARTONI: Second?

DR. MARTONI: I'll second.

PRESIDENT DE FAZIO: Any remarks?

(No response.)

PRESIDENT DE FAZIO: Seeing none, take the vote.

MR. MASCIO: On Council Bill 0487, Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

MR. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Yes.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Mr. Jabbour?

MR. JABBOUR: Yes.

MR. MASCIO: Dr. Martoni?

DR. MARTONI: Yes.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Yes.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: Yes.  
MR. MASCIO: Mr. Shumaker?  
MR. SHUMAKER: Yes.  
MR. MASCIO: Dr. Simms?  
DR. SIMMS: Yes.  
MR. MASCIO: Ms. Wagner?  
MS. WAGNER: Yes.  
MR. MASCIO: Mr. DeFazio, President?  
PRESIDENT DE FAZIO: Yes.  
MR. MASCIO: Ayes, 15; no's, zero. The Bill passes.  
PRESIDENT DE FAZIO: 0489, Resolution authorizing

interdepartmental budget transfers 91 through 97.  
Second reading, submitted by County Manager.  
Jim.

DR. SIMMS: Yes, Mr. President.

This matter came before our Committee and what the Administration is doing is they are making budget modifications. We are moving money from various sources to take care of obligations in other places. A number of the transfers that came before us were to provide additional resources to the property assessment function.

In that regard, after we discussed it, one of our Committee members, Mr. Schwartz, was of the opinion he would abstain in the voting on this issue; and so after our discussion and we talked about it, our recommendation is to approve it. It came out of our Committee with the six to one vote, six of us voted positive to recommend this, Mr. Schwartz voted to abstain from it. We are asking that this be voted on as recommended.

DR. MARTONI: I second his motion.

PRESIDENT DE FAZIO: Under remarks? Mike.

MR. CROSSEY: I was going to ask Mr. Schwartz if he would share with us his concerns.

MR. SCHWARTZ: Well, my concerns are that we have, to no one's surprise, we have a problem with property assessments. I think that the attention needs to be pointed out that the way that we are fixing this problem is just continuing to throw money at it. These transfers total \$1.2 million to the Property Assessment Department. That is above and beyond everything that's gone into it this year; and next year's budget, there is another \$2 million increase for that, plus another \$3.5 million for the computer system.

My problem, and the reason I abstained in the first place, was I asked a question, which I still have not got an answer yet, there has been talk, I believe it has been started, about a lawsuit to Saber to look at recovering some of the money. While I realize that this money, if recovered, is not going to show up on the doorstep tomorrow or in a year, maybe two, three years down the road, what I asked was, this problem is everyone in this counties, not just County Council, I asked if the Administration was joining in this lawsuit. I still have yet to get an answer. I asked Mr. Torockio in the Budget and Finance. There were some other people there.

I cannot vote for this money because I don't believe the other effort -- and we have created another industry in Allegheny County. We have a property assessment industry now. At one time we used to have an assessment department with 90-some assessors professionally trained and everything else.

People keep on telling me the system is better now. I

haven't seen it. I'm no longer willing to throw money at this until this problem is solved, and show me a way to solve it. Don't just tell me we are throwing more money, putting more hearing officers out there, and looking at more appeals.

Thank you.

PRESIDENT DE FAZIO: Anyone else?

(No response.)

PRESIDENT DE FAZIO: No other comments. 0489 vote.

MR. MASCIO: On Bill No. 0489, Mr. Crossey?

MR. CROSSEY: No.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

MR. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Yes.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Mr. Jabbour?

MR. JABBOUR: Yes.

MR. MASCIO: Dr. Martoni?

DR. MARTONI: Yes.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Yes.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: No.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Yes.

MR. MASCIO: Dr. Simms?

DR. SIMMS: Yes.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: Yes.

MR. MASCIO: Mr. DeFazio, President?

PRESIDENT DE FAZIO: Yes.

MR. MASCIO: Ayes, 13; no's, two. The Bill passes.

PRESIDENT DE FAZIO: Report of the Committee on Public

Works.

0468, Ordinance authorizing the County of Allegheny to acquire by condemnation certain parcels of land for the replacement of Kilbuck Run Bridge No. 9 on Glenfield Road in the Borough of Sewickley Hills and to take such further action as may be necessary under applicable law, including the Eminent Domain Code of 1964, as amended.

Second reading, submitted by the County Manager.

Rich.

MR. FITZGERALD: Thank you, Mr. Chair.

Yes, we discussed this Bill in Committee with Director Donatelli; and just to summarize this, because this did not pass unanimously, there were some concerns voiced by members of the Committee.

What we did, actually in our discussion Councilman Fontana questioned, and I will let Wayne speak for himself, but just to summarize the meeting, taking of the land by eminent domain

versus arriving at a fair market value acceptable to both the county and landowners, and Mr. Donatelli stated that the county has been in negotiations for approximately nine months with the property owners, had the property appraised, and had offered more than the appraised value. The county to date has been unable to get all of the parties together to sign the sales agreement. Mr. Donatelli advised that the offered value will be placed in an escrow account and litigation will go before a judge who will determine what a fair price is if measures to get the parties together fail. The county will then follow the judge's Order and move on the project.

We had discussion about what the land would be used for, how much land is in question for Mr. Donatelli. It was answered approximately 100 square feet of land in question and that the land will be used for footers in the replacement of Kilbuck Run Bridge No. 9. We then voted on this motion. The motion passed, three to one, with Councilman Fontana voting no.

So I would ask Wayne to maybe state some of his objections on the Ordinance.

MR. FONTANA: Thank you, Mr. President.

I had some questions at the meeting for Mr. Donatelli, who is not here tonight obviously, he can't answer them now, but I did ask our staff to get some information about this.

My concern obviously is that we are asking or trying to take this property through eminent domain without trying to come to an amicable solution first and that certainly concerns me.

Mr. Donatelli did send me a packet of information showing me the appraisal of the piece of ground that is being taken. That's not exactly what I was looking for. As a realtor, I can tell you that property value would change. So I believe there should be an appraisal as it is and an appraisal after the property is taken to see the difference in the value. I think that's a better way of doing this.

I don't have any information that the owners got appraisals. I don't know that they did. I don't have any information whether or not the owners are objecting at this point in time except a letter that I received from Mr. Donatelli dated November 6 saying that the parcel was owned by nine family members and a family representative accepted their price, the county's price, but delayed in responding to our offer in order to investigate whether one of the members owned his share as a trustee or as an individual. I don't think that would take long to figure that out.

They submitted the draft Ordinance for approval but because of this delay, they were concerned that one of the family members would not sign an agreement.

He submitted the Ordinance to the Committee and to this Council tonight to request our permission to file a declaration of taking only as a precaution; and since that time Mr. Donatelli states that all but two family members have signed the agreement. The remaining two members are expected to sign within the next three weeks. So I questioned whether or not we should be doing this now, when it looks like this is going to be resolved in three weeks.

So I would respectfully submit that we table this or hold it until we see whether or not the other members do sign; and then if they don't, we can take it up at that point in time. So obviously I'm going to vote no here. I think it's a bad precedent for us to vote on something like this. In my estimation it is just

giving our department a hammer to use on these people. I'd rather sit down and be able to work this out amicably and hope that they can, at least give them the time to do that.

Thank you.

PRESIDENT DE FAZIO: Rick.

MR. SCHWARTZ: Would you entertain a motion to hold the Bill until action, if we are three weeks or a month away?

MR. FITZGERALD: We voted on this in Committee. I'm going to recommend that we do it. If there's enough votes to table this, if Wayne was to make a motion to table, I have no problem with that. I'm going to vote to go forward with the Bill, but I can understand how some people might want to wait three weeks or whatever time period.

MS. WAGNER: Mr. President, I voted in Committee to go forward with the yes vote; but since this has been brought forward with Mr. Donatelli, I will be changing my vote for my Committee to hold this until we can settle it without taking it.

DR. MARTONI: I just have a question. Is it going to hold up the building of this bridge? I like to build bridges. I'd like to build more, in fact.

MR. FONTANA: By the information I have received here, it is not. I don't see any problem.

DR. MARTONI: There's a seasonal thing, I don't know. That's why I'm asking.

MR. FONTANA: According to this letter, it's not.

MR. FITZGERALD: I don't have an answer to that. I don't know if there's anybody here from the Administration who can speak to that. I see Mr. Webb here. I don't have that answer, Chuck, sorry.

DR. MARTONI: We are going to do it no matter what, do I understand this?

MR. FITZGERALD: That's my understanding.

DR. MARTONI: Whether three weeks from tonight, six months, we are going to take this land and build this bridge?

MR. FONTANA: That's not the issue, Chuck. The issue is should we take it by eminent domain first. Why not let them work it out, and he is saying three weeks. I think it's a bad precedent for this Council to take.

I'd like to make a motion to hold it for a month or three weeks.

DR. SIMMS: I second that motion.

PRESIDENT DE FAZIO: Let's vote.

MR. MASCIO: Motion to hold Bill No. 0486, Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

MR. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: No.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Yes.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: No.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: No.

MR. MASCIO: Mr. Jabbour?

MR. JABBOUR: Yes.

MR. MASCIO: Dr. Martoni?  
DR. MARTONI: No.  
MR. MASCIO: Mr. Natoli?  
MR. NATOLI: Yes.  
MR. MASCIO: Ms. Rea?  
MS. REA: No.  
MR. MASCIO: Mr. Schwartz?  
MR. SCHWARTZ: Yes.  
MR. MASCIO: Mr. Shumaker?  
MR. SHUMAKER: No.  
MR. MASCIO: Dr. Simms?  
DR. SIMMS: Yes.  
MR. MASCIO: Ms. Wagner?  
MS. WAGNER: Yes.  
MR. MASCIO: Mr. DeFazio, President?  
PRESIDENT DE FAZIO: Yes.  
MR. MASCIO: Ayes, nine; no's, six. Motion to hold

carries.

MR. FITZGERALD: Mr. Chairman, if I may have a minute before we move off of Public Works.

I want to bring up an issue that came up recently by a newsletter that was put out by one of my colleagues, Councilman Shumaker. In that newsletter Councilman Shumaker accuses me of proposing to increase golf fees on the residents of Allegheny County.

If Mr. Shumaker had been at our Budget meetings and had been at our Public Works meetings, he would know that we had a very tight budget proposed by the Administration of around \$31 million, and it's a flat line budget from last year to this year. That includes raises of three percent for our employees and includes supply costs, which have gone up considerably, including road salt; and one of the items in trying to pare that budget down to pay for those items is cutting back the concerts at Hartwood Acres.

My understanding is Hartwood Acres is in Hampton. My understanding is Hampton delivered 1,000 vote plurality yesterday to return you to this Council; and I don't know if the residents of Hampton realize that you are being, how do I say it, divisive, I think is the way I'm going to kindly put it, as we try to look at ways, creative ways to finance our budget next year.

Now, we are in discussions as a Committee with the Administration, which will deal with skating fees, golf course fees, lodge fees, rentals of our shelters. We are looking at corporate sponsorships. We are looking at partnerships. We are looking at many ways, creative ways to try to deal with our budget problems.

Before people go forward publicly in attacking other Council members, I would appreciate if they would come to the Committee meetings, engage in the discussion, and find out the facts before they do so.

Thank you, Mr. Chair.

PRESIDENT DE FAZIO: All right.  
Wayne.

MR. FONTANA: Thank you.

I had a Committee meeting, Economic Development, before this particular meeting and our intent was to recommend two appointees to the Port Authority of Allegheny County. We did have that meeting. It's not on the agenda but we wanted to try to get these appointments on the Board as soon as possible.

I would respectfully ask this Council if we can deal with this tonight so we can put these members on the Board. We did vote unanimously to reappoint them. They are already on, and I would ask if we can do that tonight.

PRESIDENT DE FAZIO: Yes. Do you want to make the motion?

MR. FONTANA: The agenda items is Bill No. 484 and it was a communication from the Chief Executive introducing the recommendation of Dr. Estella Smith for reappointment to the Board of the Port Authority of Allegheny County for a term to expire December 31st, 2006.

DR. MARTONI: I will second that motion.

PRESIDENT DE FAZIO: Under remarks?

(No response.)

PRESIDENT DE FAZIO: Seeing none, we will try a voice vote.

All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT DE FAZIO: Opposed?

(No response.)

PRESIDENT DE FAZIO: Seeing none, it passes.

DR. SIMMS: She is from District 10, outstanding citizen.

MR. FONTANA: There is also another appointment. It was Bill No. 485. It's a communication from the Chief Executive introducing his recommendation of Irene Kane for reappointment to the Board of the Port Authority of Allegheny County for a term to expire December 31st, 2006.

DR. MARTONI: I second the motion.

PRESIDENT DE FAZIO: Under remarks?

(No response.)

PRESIDENT DE FAZIO: Seeing none, we will try it again.

All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT DE FAZIO: Opposed?

(No response.)

PRESIDENT DE FAZIO: The ayes have it.

MR. FONTANA: Thank you very much.

DR. MARTONI: They are two outstanding Board members, I want to say that.

PRESIDENT DE FAZIO: All right.

New business.

0494, Resolution expressing desirability for the Allegheny County Hospital Development Authority to issue its obligation on behalf of the Ohio Valley General Hospital for a project consisting of: financing all or a portion of the costs of (a) acquiring and installing medical equipment, including renovation of the hospital facilities to accommodate the equipment; and (b) reimbursing the hospital for moneys advanced by the hospital for the acquisition of the equipment; and approving the issuance of the obligation by the Allegheny County Hospital Development Authority for the purposes of the public approval requirements of the Internal Revenue Code.

First reading, submitted by the County Manager, refer to the Committee on Budget and Finance.

0495, Resolution expressing desirability for the

Allegheny County Hospital Development Authority to issue its bonds on behalf of UPMC Health System for a project consisting of: financing all or a portion of the costs of (a) defeasing the Children's Hospital of Pittsburgh's outstanding revenue bonds (the "CHP bonds") and the Northwest Medical Center's outstanding revenue bonds (the "NMC bonds"); (b) repaying interim indebtedness incurred by UPMC Health System for the purpose of defeasing the CHP bonds and the NMC bonds pending the issuance of the bonds (hereinafter defined); (c) funding any necessary reserves; (d) obtaining bond insurance and/or liquidity support with respect to the bonds; and (e) issuing the bonds; and approving the issuance of the bonds by the Allegheny County Hospital Development Authority for the purposes of the public approval requirements of the Internal Revenue Code.

First reading, submitted by County Manager, refer to the Committee on Budget and Finance.

0496, Resolution of the County of Allegheny amending the Grants and Special Accounts Budgets for 2001 (Amendment No. 5).

First reading, submitted by County Manager, refer to the Committee on Budget and Finance.

0497, Ordinance authorizing the Chief Executive to execute a deed conveying the County of Allegheny's interest in four parcels to One Hundred Ltd.

First reading, submitted by County Manager, refer to Committee on Economic Development.

0498, Ordinance amending Section 1007.11 of the County's Administrative Code to provide for a waiver of the residency requirement for certain positions or classifications of employees.

First reading, submitted by the County Manager, refer to the Committee on Administrative Services.

0499, Ordinance implementing the requirements of the Federal Clean Air Act.

First reading, submitted by County Manager, refer to the Committee on Human Services.

Notification of contracts.

Communication from County Manager Bob Webb submitting a summary of the approved Executive Actions relating to contracts from October 9 through October 29, 2001.

DR. MARTONI: I move we receive and file.

PRESIDENT DE FAZIO: Is there a second on that?

DR. SIMMS: Second.

PRESIDENT DE FAZIO: All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT DE FAZIO: Opposed?

(No response.)

PRESIDENT DE FAZIO: The ayes have it.

Communication from the County Controller Dan Onorato submitting the Executed Personnel Action Report for the month of October 2001.

DR. MARTONI: I move we receive and file.

PRESIDENT DE FAZIO: Second?

MR. GASTGEB: Second.

PRESIDENT DE FAZIO: Under remarks?

(No response.)

PRESIDENT DE FAZIO: Seeing none. All those in favor,

signify by saying aye.

(Chorus of ayes.)

PRESIDENT DE FAZIO: Opposed?

(No response.)

PRESIDENT DE FAZIO: The ayes have it.

Public comment on general topics?

MR. MASCIO: We had Mr. Liller signed up.

PRESIDENT DE FAZIO: Mike.

MR. CROSSEY: If I may make a quick comment, please, and I'm sorry I didn't make it to the Budget and Finance Committee meeting today. I had a few comments there but I would like to make them here.

I have asked twice now for a line item analysis of the budget. I have not received it. I don't think it is proper to ask County Council to be considering a budget until we are provided all of the information that we need to make a reasonable judgment on the comprehensive fiscal plan and budget that we are being asked to look at.

Also, in my opinion, the Administration has passed the buck on this one and they have given us a budget that is not balanced. There are several areas, as I read through the comprehensive fiscal plan, that say shortfall here or shortfall there; and let me just remind the Committee that's considering this Bill, that Article 8, Section B(3) of the Administrative Code requires the Chief Executive to give us a budget that is balanced at the time of submission to us.

I don't believe they have done that, and I believe that we should take a very close look at that before we move too much further into that budget.

Thank you.

PRESIDENT DE FAZIO: Jim, do you have any comment?

DR. SIMMS: We will do that.

PRESIDENT DE FAZIO: All right. We have one speaker who is not here, Harry Liller.

DR. MARTONI: I move for adjournment.

DR. SIMMS: Second.

PRESIDENT DE FAZIO: Under remarks?

(No response.)

PRESIDENT DE FAZIO: All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DE FAZIO: Opposed?

(No response.)

PRESIDENT DE FAZIO: The ayes have it.

(At 6:00 p.m., the meeting was concluded.)

#### C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing of the within cause and that this is a true and correct transcript of the same.

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URSULA H. PAPPAS

Registered Merit Reporter

Submitted 11/8/01