

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
John P. DeFazio	-	Council-At-Large
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
Joan Cleary	-	District 6
Nick Futules	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
Jim Ellenbogen	-	District 12
Amanda Green Hawkins	-	District 13

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

Tuesday, April 20, 2010 - 5:00 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
429 Forbes Avenue, Suite 1300
Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

James Flynn - County Manager
Joseph Catanese - Director of Constituent Services
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: We're going to call the meeting to order. If everybody would please rise. Welcome to the Tuesday, April 20th regular meeting of the Allegheny County Council. If you would rise for the Pledge of Allegiance. And I would ask you to maintain a moment of silent prayer for our former colleague, Richard Olasz, who passed away last week and served on the original Council.

(Pledge of Allegiance.)

(Silent Prayer or Reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. CATANESE: Mr. Burn?
MR. BURN: Here.
MR. CATANESE: Ms. Cleary?
MS. CLEARY: Present.
MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: Here.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Here.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Here.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Here.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Here.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Here.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Present.
MR. CATANESE: Mr. Macey?
MR. MACEY: Here.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Here.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Present.
MR. CATANESE: Ms. Rea?
MS. REA: Here.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Present.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Here.
MR. CATANESE: Fifteen (15) members present.
PRESIDENT FITZGERALD: 5558-10.

MR. CATANESE: Certificate of Achievement honoring the Perry High School girls' basketball team for winning the Pittsburgh City League championship. Sponsored by Council Member Green Hawkins.

PRESIDENT FITZGERALD: Councilwoman Green Hawkins?

MS. GREEN HAWKINS: Thank you. I'm going to ask the coach, Coach Evinaza (phonetic), of the Perry High School team and the team members to come up, who are here with us. I understand we're wishing Coach Alveson (phonetic) a speedy recovery. I'd like to read the certificate for the coach and then for the team.

Allegheny County Council is proud to present this Certificate of Achievement in recognition of your beneficial guidance and influence upon the young women of Perry High School's girls' basketball team. Throughout the season, you urged them to prevail in academics, as well as athletics, leading them through an excellent season in which the team earned the 2010 Pittsburgh City League Championship. Your indelible contributions to Allegheny County's long legacy of sports champions are to be commended. And on behalf of the citizens of Allegheny County, we join with you in celebration of your team's memorable season. Sponsored by myself, Council Member Green Hawkins.

(Applause.)

MS. GREEN HAWKINS: Now for the team. This Certificate of Achievement is awarded to the 2009-2010 Perry High School girls' basketball team in recognition of their outstanding athletic abilities, which were showcased throughout the team's fantastic season and in the team's capture of the 2010 Pittsburgh City League Championship. The team's indelible contributions to Allegheny County's long legacy of sports champions is to be commended. On behalf of the citizens of Allegheny County, we join with the team in celebration of their outstanding and memorable season. Sponsored by myself this 20th day of April.

(Applause.)

MS. GREEN HAWKINS: Coach Evinaza, do you want to say a few words?

COACH EVINAZA: I just want to say thank you, and excuse my appearance. We had a game today. This is our point guard, Chelsea Anderson, who was elected to All City this past week. Without her we couldn't have really got the ball into position at all.

(Applause.)

COACH EVINAZA: Next is Dawn Waurty (phonetic). Dawn is a tenth grader. She's played a big role in coming off the bench and playing good defense. And last but not least, Erin Curgess (phonetic), one of our top forwards. And hopefully she will decide what she wants to do. She's undecided. These are all good girls. The rest couldn't make it. They're all at track or softball. And the head coach is sick. Thank you again.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 5559-10.

MR. CATANESE: Certificate of Achievement honoring the Pittsburgh Allderdice High School boys' basketball team for winning the Pittsburgh City League Championship. Sponsored by Councilman Fitzgerald.

PRESIDENT FITZGERALD: I'd like to bring up Coach McDonald. Is Coach McDonald here? He didn't make it? You know what? We're going to wait until they all get here. I didn't realize that the team was not all here. So we're going to jump ahead to 5560-10.

MR. CATANESE: Proclamation honoring Caitlin Zurcher for being named the 2010 "Youth of the Year" by the Boys and Girls Clubs of Western Pennsylvania. Sponsored by Councilman Burn.

PRESIDENT FITZGERALD: Councilman Burn.

MR. BURN: Thank you, Mr. President and members of Council. Good evening, everyone. Just like we saw with Councilwoman Green's proclamation and many of the proclamations that are on tonight's list, and like many of the proclamations that we've had in the past, it's really an honor for my colleagues and I to celebrate the youth of Allegheny County, whether they're winning a championship, winning an academic award or exhibiting leadership at a young age. We feel that it's necessary to remind the residents and business owners of our county and those who watch these meetings that for every negative story that you might read or hear about in the paper or the media about the children of our county, I suggest and would advocate to you that there's at least 25 positive stories for the children in this region.

And what we try to do here collectively and individually is celebrate and honor those young men and women who are the future leaders of this region and beyond. And I'd be honored to do that again tonight with

a local resident from the Borough of Millvale, where I had the honor to serve as mayor for 12 years. And I know Caitlin and I know her parents, and they're here tonight. Caitlin works with the Boys and Girls Club, the Northern Area Boys and Girls Club, which is headquartered in Millvale. I've had the honor to serve there as a Board of Directors member. The Chair of the Board of Directors, Patricia Young, is here tonight. The executive director, Sue Goetz, is here as well. And thank you all for being with us.

Caitlin, I'd like to read the proclamation into the record. But before I do that, I'd invite you to come on up and join me. If your parents would like to come up, and if Pat and Sue would like to come up as representatives of the Boys and Girls Club, it would be great to have you with us as well.

Whereas, students of Allegheny County exhibit their community activism and mentoring skills by enhancing the quality of life for the youth of our region.

And whereas, Miss Caitlin Zurcher has served as an active member of the Northern Area Boys and Girls Club for the past 12 years.

And whereas, Miss Zurcher participates in the club as a peer mentor, as a teacher and as an administrator.

And whereas, Miss Zurcher realizes the importance of providing attention and care to the children of the club. As such, her great service to the club's youth has translated to her great academic career, and she hopes to pursue a degree in elementary education when she attends school in the fall.

And whereas, because of Miss Zurcher's responsibility and impressive dedication to the club, she was chosen out of the members of eight clubs in our region as the Boys and Girls Club of Western Pennsylvania's Youth of the Year.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, commends Miss Caitlin Zurcher for her dedication to improving the lives of the youth of our county. We congratulate her on receiving the distinction of Youth of the Year from the Boys and Girls Club of Western Pennsylvania. Caitlin, on behalf of myself, my colleagues, the residents of Millvale, my district and the county, congratulations on a job well done.

(Applause.)

MISS ZURCHER: I'd like to thank Councilman Burn for presenting me with this proclamation, and I am honored to be the Northern Area Youth of the Year, as well as Western Pennsylvania. And I hope to do well in Harrisburg. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 5561-10.

MR. CATANESE: Proclamation honoring Propel McKeesport for receiving the Effective Practice Incentive Community Award from New Leaders for New Schools. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Councilman Macey.

MR. MACEY: Good afternoon. You know, we have a lot of ways to get educated in Allegheny County, and some of them parochial, some of them are public schools, others are private schools and some are maybe a GED. I know. I've had four kids that have gone through every one of those phases. So I can appreciate the fact that Propel is here in Allegheny County, in Montour, in Braddock, in McKeesport, as well as Homestead and other places.

I had the pleasure of going to the Propel in McKeesport. And while I was there, it was amazing to me. The whole place was alive. It was abuzz with activities. And it just seemed like it was one great, big community that was just enjoying education. Keep in mind, there were other classrooms where there were people quiet and studying, but I was impressed with the school. One of the most important things I saw that you don't see in a lot of schools, there were a lot of adult assistants. There were teachers there that helped students. And I just think that Propel has done a wonderful job.

One of the things that I noticed, and more than once while I was in the school, was the sign that said, life habits towards greatness. Those were academics, attitude, behavior and pride, no excuses, treat others the way you want to be treated, and teamwork.

With that, I'd like to invite up to the podium, Dr. Carol Wooten, Chairman of Propel, Tina Chekan, Ann Martin and Teresa O'Neill. And from the County of Allegheny ---.

Whereas, Allegheny County schools and teachers possess a rich history of providing quality education to the youth of our region.

And whereas, Propel McKeesport was named the top performing elementary school from a national consortium of 89 charter schools.

And whereas, for the second consecutive year, the school received the Effective Practice Incentive Community, EPIC, Award from the New Leaders for New Schools.

And whereas, New Leaders for New Schools placed Propel McKeesport within the gold gain category, which is the organization's highest honor and is given only to schools who make significant gains in student achievement.

And whereas, the school's excellence is made possible by the administrators' dedication to hiring high-quality teachers and to maintaining a collaborative learning environment that encourages its students.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, congratulates Propel McKeesport for being recognized with a Gold Gain EPIC Award from New Leaders for New Schools. In receiving the most prestigious award from the organization, we commend the teachers, students, administration and principals for their commitment to fostering and promoting progress within the school. Congratulations.

(Applause.)

DR. WOOTEN: On behalf of Propel McKeesport, I would really like to thank everyone for this recognition. And on behalf of Propel Schools, I would just like to say I think we've stayed true to the mission that we opened the first school with in 2003 and will be opening the sixth and seventh school with this fall, and that is to provide choice for families who otherwise would not have a choice and to provide high performing schools. We are research and development, and our doors are always open to other private, parochial --- and other public schools, I should say. So please come and visit a Propel School. Ms. Chekan?

MS. CHEKAN: Thanks. I would also like to thank Councilman Macey for this recognition for Propel McKeesport. We're very excited to receive it. As Carol said, the mission of Propel Schools is to provide families in Allegheny County with high-performing schools of choice. Through dedication and determination of our students, our staff members, our community and our

families, we were able to collaboratively work together to achieve this level of success. So we look forward to continuing to serve the families and students of Allegheny County. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: Now we can move on to 5559-10.

MR. CATANESE: Certificates of Achievement honoring the Pittsburgh Allderdice High School boys' basketball team for winning the Pittsburgh City League championship. Sponsored by Councilman Fitzgerald.

PRESIDENT FITZGERALD: And I'm going to ask the Allderdice team to come up and join me, along with Coach McDonald and Athletic Director Cornell --- Cornell (changes pronunciation). Cornell (corrects pronunciation)? I'm sorry. And they did make it. They showed the same determination in driving to the courthouse as they do driving to the basket and winning the City Championship. And we're extremely proud of our great institution in Squirrel Hill, Taylor Allderdice, which has such a great tradition of excellence. Here, guys, some of you can spread up this way. The folks in the county may not know, but you guys being on TV is no stranger. You've been very famous, as you are listed on our most famous billboard in Squirrel Hill by our proponent, Mr. Childs, from IT. And the basketball team was prominently displayed up on the board, so they're well known. Anyway, Coach, congratulations. I'm going to read this into the record, then I want you to come up and say a few words. And if you could, identify all of your players so that we get all their names into the record.

This Certificate of Achievement is awarded to the 2009-2010 Taylor Allderdice High School boys' basketball team in recognition of their outstanding athletic abilities, which were showcased throughout the team's fantastic season and the team's capture of the 2010 Pittsburgh City League championship. The team's indelible contributions to Allegheny County's long legacy of sports champions are to be commended. And on behalf of the citizens of Allegheny County, we join with the team in celebration of their outstanding and memorable season. Sponsored by myself this 20th day of April 2010. Coach and team, congratulations.

(Applause.)

COACH MCDONALD: We want to thank everybody for inviting us down here. It's a pleasure and an honor to be here today. I want to introduce the rest of Allderdice boys' basketball team, starting with myself, Coach Andre McDonald. To my right is our athletic director, Mr. Dan Cornell. We have our top manager, Mr. Ricky Mosley. We have Mr. Kyle Tarpley, our assistant coach, Casey River. We have John Farley, Eric Mallinger. Also, our MVP on the team this year was Ishmael Swain. We also have senior, Corey Fields. We have Cameron Bailey, a returning junior, and Ben Mickens, a sophomore. We have also one of our senior captains, who is right here, Brandon McClester, Dawayne McDonald and Daniel Childs, along with our other assistant coach, Mr. Robert Cash. We also have our principal on board, Mr. Heath Bailey. We want to thank him also for being very indictive to what we've been doing for our program and we appreciate you for having us down here. Thank you again.

(Applause.)

PRESIDENT FITZGERALD: Principal Bailey, I'm sorry. I wanted to bring you up as well. I apologize. I was not aware that you were here. I'm going to ask the athletic director, Mr. Cornell, to come up and say a few words as well.

MR. CORNELL: Well, I'm very proud to be here with this fine group of young men, and I'm very proud of their season. I'm very proud of their academic achievement as well as their sportsmanship. So I'm looking forward to seeing great things from them and maybe we'll even see a champion next year. Go Dragons.

(Applause.)

PRESIDENT FITZGERALD: If any parents are here, please, you can come up and take pictures of your sons. A big day for their accomplishments.

(Pictures taken.)

(Applause.)

PRESIDENT FITZGERALD: We're going to skip over the next two. I don't think they're here yet. So we're going to go to 5564-10.

MR. CATANESE: Proclamation honoring the Association for Children and Adults with Learning Disabilities for their efforts to educate those with learning disabilities in our region. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. I know we all are very proud of the young men and the faculty and staff at Allderdice High School, not only a fine academic institution, but they have some sports prowess to put forward as well. It's a nice segue for this next proclamation.

As we know, many of our adults and young people in our county face challenges when it comes to learning and sometimes participating in sports and other activities. And while there are a lot of efforts in this county and a lot of fine schools that address this issue, there are organizations that are working each and every day to help our constituents who have learning disabilities. If any of us have members of our family who have learning disabilities, we know the challenges that they face, but we also know that with the resources we have in this community, those challenges can be faced successfully.

Today we're here to recognize one of the organizations that's been working in our community for many, many years, and that's the Association for Children and Adults with Learning Disabilities. And I want to read the proclamation, and when I do that --- or as I do that, I'd like to have Ms. B. Martin, who's the marketing guru for this particular organization, and the executive director, Mr. Tom Fogarty, join me. Ms. Martin is a little under the weather and probably won't be saying very much, but Mr. Fogarty will make up for that. If one of you would stand on either side of me, please.

Whereas, institutions in our region advance the betterment of our society by providing programs to assist those with learning disabilities.

And whereas, the Association for Children and Adults with Learning Disabilities has supported those with developmental disabilities, to allow them to pursue an enviable life.

And whereas, the organization assists individuals to make meaningful choices, develop relationships and enjoy productive, healthy and successful lives.

And whereas, for the past 44 years, the organization has partnered and communicated with families to ensure and organize educational and supportive culture. It provides professional development and personal achievement for those with learning disabilities.

And whereas, throughout its history, ACLD has created the region's first day school for students with learning disabilities, started tutoring programs and initiated one of the first centers dedicated to helping people with learning disabilities achieve high literacy skills and employment.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, commends the Association for Children and Adults with Learning Disabilities for its continual commitment to improving the lives of those with learning disabilities in our region. And while I am the prime sponsor of this proclamation, I'm sure it echoes, and I echo the sentiments of my colleagues, that whatever we might do to assist individuals who have learning disabilities, that we're dedicated to doing that here in Allegheny County. As I mentioned, Ms. Martin is a little under the weather, but she's free to speak, but if not, Mr. Tom Fogarty, the executive director, will have a few words at the podium.

MR. FOGARTY: I want to thank the Council. This is a very exciting award for us, and in particular, Councilman Robinson for doing this for us. We've been in existence for 44 years in Allegheny County, and we're dedicated to helping the children in this area and the adults in this area who have what is called specific learning disabilities. These are neurological impairments that prevent certain individuals from being able to do what they wish to do. So special programs are available. We know more about this disability than ever before. In fact, it's a very interesting statistic that one out of every seven Americans now is considered to have some type of learning disability by the National Institutes of Health. So it is a big problem. Fifty (50) percent of the kids in special ed programs in the United States have specific learning disabilities. There are 13 different categories of disabilities that are taken care of by the federal government, public schools and private schools.

So we're very pleased that we've been able to do this in Allegheny County and hope to be able to do this in the future. And once again, on behalf of the Board of Directors, our volunteer Board of Directors, our staff, who are very hard workers, and the clients that we serve, the folks from Allegheny County, thank you very much.

(Applause.)

MR. ROBINSON: I'd just like to also mention that, as you know, many organizations and groups are attempting to have their efforts funded. This group and organization is no different than others. And rather than ask everybody to simply focus on ACLD, I ask those of you who are touched by learning disabilities to give this organization your special effort, whether it be in attempting to get funding from this county, from the state or the federal government and knowing that your enthusiasm in embracing the young people and the not-so-young people would do a lot to bring the rest of us along. So I thank each and every one of you for allowing this organization to be recognized here today. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: Okay. We're going to hold off on 5563-10. I don't believe they're here yet. We'll wait until they arrive. 5562-10 I believe we're going to read into the record, and I believe the rest of them will be as well.

MR. CATANESE: Proclamation naming April 28, 2010 as "Workers Memorial Day" in Allegheny County. Sponsored by Council Members DeFazio, Fitzgerald and Green Hawkins.

5565-10. Proclamation naming April 30, 2010 as "Workers Memorial Day" in Johnstown, Pennsylvania. Sponsored by Council Members DeFazio and Fitzgerald.

5566-10. Proclamation honoring the 50th anniversary of the Joseph Somma Funeral Home. Sponsored by Council Member Finnerty.

5567-10. Proclamation honoring Matt Stanley of Boy Scout Troop 301 for earning his Eagle Scout ranking. Sponsored by Council Member Finnerty.

5568-10. Proclamation honoring the tenth anniversary of the Allegheny County Jail Collaborative. Sponsored by Council Members Finnerty, Fitzgerald, Futules, Green Hawkins, Martoni and DeFazio.

5569-10. Proclamation honoring the Honorable Kate Ford Elliott, the Honorable Joseph M. James, Wendell Freeland and Ray Billotte for their community service and for receiving awards from Amen Corner. Sponsored by Council Members Finnerty, Burn, Drozd, Futules, Gastgeb, Green Hawkins, McCullough, Robinson, Ellenbogen, DeFazio and Macey.

5570-10. Proclamation commending Ted Kirsch for his service to our community as the president of the Pennsylvania Chapter of the American Federation of Teachers. Sponsored by Council Members Martoni, Burn, DeFazio, Drozd, Ellenbogen, Finnerty, Fitzgerald, Futules, Gastgeb, Green Hawkins and Macey.

5571-10. Certificate of Recognition honoring the 50th anniversary of Arthur and Janis Myers. Sponsored by Councilman Macey.

5572-10. Proclamation honoring Lance Maha, the West Mifflin High School boys' basketball coach, for being named "Coach of the Year" by the McKeesport Daily News. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Okay. This one is not on the agenda, but we're going to use the President's prerogative to place it on the agenda. And I'm going to ask Councilman Robinson ---. I believe he has a special proclamation that we are going to deliver tonight. And I'm going to turn the floor over to him and ask Mr. Robinson to tell us about this. Councilman Robinson.

MR. ROBINSON: Thank you, Mr. President and members of Council. Thank you for your indulgence and using your prerogative as president. Dr. Martoni and I, we're a tag team. Any time I do something that relates to the community college, I need Dr. Martoni. So he's going to help me with a special presentation. As you know, periodically, we have invited the college to join with us in recognizing the exceptional people at the college, and Dr. Martoni has already been available to say some kind words because he knows most of these people, and he's been affiliated with the college for many years, so I appreciate him being here. That person is with us. I don't think Doc knows this particular person. This is probably one of the few people at the community college he does not know. But he'll know them once I read this.

Whereas, for his entire life, Dr. Charles J. Martoni has been a fixture in our community and has relentlessly served our county.

And whereas, Dr. Martoni is a prime example of how citizens may thrive in our region if they remain at home. He was born and raised in Swissvale, attended Swissvale High School and remains today an active member of the Swissvale community.

And whereas, before attaining degrees from our region's colleges and universities, Dr. Martoni enlisted

in the United States Army and worked in the steel mills of Pittsburgh and wrestled professionally in Pittsburgh's Studio Wrestling, and I'm going to add this part, with the illustrious Jumping Johnny DeFazio, world lightweight champion --- light heavyweight champ.

Whereas, Dr. Martoni attended the Boyce Campus of the Community College of Allegheny County when it first opened in 1966. A budding erudite, he would receive his first degree from the college in 1968, and he would earn seven degrees in his lifetime from CCAC, Duquesne University and the University of Pittsburgh. That was in spite of being the infamous Masked Marvel. That's him unmasked.

Whereas, Dr. Martoni worked for CCAC in 1971 at the Boyce Campus. He has taught students regularly and became president of the Boyce Campus in 2008.

And whereas, throughout his career, Dr. Martoni has served dedicatedly as a school board member for the Swissvale School District, as a council member and as president of Swissvale Borough Council, as mayor of Swissvale, as the president of the Mon Valley Initiative, as a director on the Board of the Port Authority of Allegheny County and as the vice president for Allegheny County Council.

Now, therefore, be it resolved, Allegheny County Council, on behalf of the citizens of Allegheny County, hereby commends Dr. Charles J. Martoni, an alumnus of the Community College of Allegheny County, for his lifetime of service to Allegheny County and to the Community College of Allegheny County and honors his lifetime of achievement. Dr. Martoni continually faces the needs of the community and of the students of our region above all other matters. He is a portrait of a committed, motivated elected official, and we should all mirror his great example.

This was sponsored by me because we wanted to keep it a secret. And the secret's not a secret if one other person knows it. But I'm sure everyone on this Council joins me in congratulating Dr. Martoni. He probably thinks we're finished after this. But before he speaks, there are representatives of the college who are standing behind me who want to share in this event. Dr. Alex Johnson could not be with us this evening, but he sends Dr. Martoni his best. But before the Doctor speaks, we are going to have Ms. Nancilee Burzachechi, who's one

of our vice presidents at the college, come forward. And we have another memento for Dr. Martoni, and then he can have a few words. Nancilee, are you available?

MS. BURZACHECHI: I sure am. Thank you. And thank you all for your time and for assistance in recognizing our esteemed colleague. We all have the pleasure of working with him every day. And especially those of us who sit with him on cabinet know his value. This is a proclamation signed by our Chair of the Board and Dr. Alex Johnson, who sends his regards, but he was unable to make it.

Whereas, the Allegheny County Council has chosen to recognize the Honorable Charles J. Martoni for his lifetime achievement.

And whereas, he has distinguished himself not only as a member of County Council serving with honor the residents of District 8, but also as a loyal member of the CCAC family.

And whereas, Dr. Martoni's contributions to the college have been as director of financial aid and counseling, as dean of students and currently as campus president of CCAC Boyce.

And whereas, in these roles he has made a difference in the lives of countless individuals who revere and honor his example of great strength and determination.

And whereas, Dr. Martoni has modeled educational excellence by obtaining degrees from CCAC, California University of Pennsylvania, Duquesne University and the University of Pittsburgh.

Therefore, be it resolved that the Board of Trustees of CCAC join with the Allegheny County Council in recognizing Dr. Martoni's achievements amassed during a lifetime committed to community and educational excellence. Signed by Thomas Santone and Alex Johnson. And above all, not only is he a wonderful colleague, but he always puts the students first in everything that he does. So thank you, Chuck, for all you do and for working with us.

(Applause.)

MR. ROBINSON: Just two other things quickly. One, the Board of Trustees of the college --- we're going to also recognize Dr. Martoni at our next meeting. Our County Manager, Jim Flynn, and I serve on that board. So we will be at the next meeting to recognize him. I just

want to tell you one little quick funny story about the Masked Marvel, and I think this was before he got his title. As I mentioned, he and John DeFazio go way, way back, to the beginning of professional wrestling, certainly, around here. And I remember the two of them talking about the good old days when you didn't get paid very much money and you might have to wrestle two or three times a night. And sometimes you didn't know what your name was going to be when you were wrestling.

But I remember Doc saying one time he went --- and he was like the guy that put all the bouts together. So he tried putting the bouts together, and he tells John --- he says, meet me at such-and-such a place. So John meets him and gives him whatever he had to give him. And John's getting ready to leave, and Doc says, no, you can't leave. He said, what do you mean? He says, go out to your car and get your trunks. He says, for what? Because you're wrestling. John said, what's my name tonight? They have a lot of great stories about what they have done.

One thing that wasn't mentioned, Dr. Martoni, when he was in the service, used to wear skis and trekked across cold, frosty ground in his professional capacity in the Army. He also started his athletic career as a boxer before he was a wrestler. And from time to time, I mention about people coming off the third rope. And those of you who know anything about wrestling know you don't want a wrestler coming off the third rope. John and Doc know about that, and Doc said one time, I came off the third rope one too many times. He's a great guy, a great friend, Dr. Charles Martoni.

(Applause.)

DR. MARTONI: Thank you, Bill, and thank all of you for coming. I really don't know what to say. I'm a bit surprised at this. Okay. And I'm certainly not deserving of it, but I'm flattered that my colleagues and my friends at the college feel this way. The community college is one of the great, great institutions in this whole country, and we are among the best community colleges in the country. We usually rank in the top ten. It's a great college, and it's very easy to be dedicated to such a college. And trust me, we have the best people in the world working there. Okay. We are very blessed. So I don't know what to say. I just want to thank everybody. Okay. And thank you guys for coming. I

really appreciate that. And Bill, thank you. As for my friend Johnny, that's the reason I have a cane today. That's what he did to me.

MR. ROBINSON: It's picture time.

(Pictures taken.)

(Applause.)

PRESIDENT FITZGERALD: Public comment on agenda items. We have five speakers this evening, starting with Richard Granger. Is Mr. Granger here? Would you state your name and address for the record, please?

MR. GRANGER: Hi. My name's Richard Granger. I reside at 23 Bailey Avenue in Pittsburgh. I'm commenting on agenda item 5506-10, the service sector prevailing wage ordinance. I'm here on behalf of the United Food and Commercial Workers Union, Local 23, and our 5,200 members who reside in Allegheny County. We thank the County Council for their support of working families in bringing the service sector prevailing wage legislation this far. And we support the passage of the County prevailing wage legislation for the service sector. We want to encourage responsible development in Allegheny County, but we believe that public tax dollar investment in development is good policy, but only when supporting families-sustaining jobs. Tax dollars should not go to subsidize development that creates jobs that undercut the existing private sector wages. This legislation will spur development by creating a clear set of rules and standards for those who want to use public dollars in development. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Granger.

(Applause.)

PRESIDENT FITZGERALD: Harry Liller? Mr. Liller, state your name and address for the record, please.

MR. LILLER: My name's Harry Liller, 438 Ruxton Street. I'm actually about two streets away from here, Mount Washington. I'm also here in support of the prevailing wage. Being an unskilled worker with no college education, we're at the mercy of the employees --- employers. What we need to do is lift up minimum wages that are livable wages. I actually had an argument here in this room with Congresswoman Melissa Hartless where she yelled at me and stated that she would never vote to raise the minimum wage. So I told her to say it in front of those cameras. So I take this personally when I fight to

raise the minimum wage, and this is what this does. So I am for this.

And I also want to bring up another situation where my non-profit bank plan will be on the Pepsi Refresh Challenge this month, coming up in May. There's a young art student out of the art center across the street here. His name's Ryan Goodyear. He's put me on the computer. He's put me on Facebook. And it's called refresheverything.com. Pepsi's taking ideas across the country, and people get to vote on it. My non-profit bank plan states that you make a product people need or you perform a service people need. I will help you start your own small business.

The Commerce Department always tells us that 90 percent of small businesses fail in their first year. That is unacceptable. The Small Business Administration does not help start-ups. This Council has denied me before, stating that I'm not allowed to create this. There's a non-profit that creates mortgages. That's a financial non-profit. Mine will specialize in creating small businesses. My non-profit will be different from everybody else's because I will pay property taxes and school taxes, because our local governments need it and our local school districts need the tax revenue. That's why my plan will be unique to anybody else's.

I would also like unions to start their own small businesses, too, in manufacturing stuff, because all our manufacturing is shipped overseas. My neighbor has a florist company, and the flowers, the roses, are actually made in Colombia. We don't even make our own roses no more. Now, I'm pretty sure we could do things like that, create greenhouses. All throughout the month of May, I will be bringing up a brochure, refresheverything.com, and you vote for the non-profit diagram. I'll be back next month.

PRESIDENT FITZGERALD: Thank you, Mr. Liller. Joe Osborne? Mr. Osborne, state your name and address for the record, please.

MR. OSBORNE: Joe Osborne, 5604 Solway Street, Suite 204, Pittsburgh, 15227. Good evening. My name's Joe Osborne. I'm the legal director of the Group Against Smog and Pollution. If I look familiar to you, it's because I spoke at a Council meeting early in March about the problems with the Liberty-Clairton State Implementation Plan. That's the county's federally-

required plan to clean up particulate matter pollution in the Liberty-Clairton area.

Tonight Council is to consider changes to the county's air pollution control regulations, which are necessary for that clean air plan to go forward. The regulation changes that we ask you to approve are, in themselves, pretty uncontroversial. But they're a necessary component of the clean air plan that's fatally flawed. To name just a couple of the more notable flaws, the county's plan will not make the Liberty-Clairton area meet EPA's health-based air quality standards until long after the absolute latest deadline the law allows. And even then, by the Health Department's own admission, the plan fails to provide clean air in portions of Liberty-Clairton where at least 80 families live. Both of these problems are clear violations of the Clean Air Act.

And for these reasons, we expect the EPA will reject the plan and send it back to the Health Department to be rewritten. The EPA review process can take as long as 14 months from the time they finally receive the plan, and we already know what the outcome of that review will be. Meanwhile, during those 14 months, nothing will be done to address the air quality problem. More kids will develop asthma. More adults will experience potentially severe cardiovascular or respiratory problems and we'll receive more bad press about the polluted air in southwestern Pennsylvania.

So rather than waiting 14 months for EPA, Council has an opportunity to force the Health Department to fix the plan now. I ask that Council refuse to adopt these regulation changes so the Health Department can provide a plan that will provide clean air for all Liberty-Clairton residents and will do so by the Clean Air Act deadline. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Osborne. Father Jared Jackson? Father Jackson, if you would state your name and address for the record, please.

FATHER JACKSON: Good afternoon. I am Father Jared Jackson, priest at Church of the Redeemer, 5700 Forbes Avenue in Squirrel Hill. We also represent Pittsburgh Interfaith Impact Network, PIIN, and we are here to urge the ladies and gentlemen of the Council to support the prevailing wage ordinance because we believe that this will not hurt any small businesses but will support the labor of the service workers of this area.

And we believe that that is in accordance with what we read in the usual Bible the Christians call the Old Testament, in the book called Eleh ha-devarim. The Christians called it Deuteronomy. The Lord said to Moses, justice, only justice, you must pursue. And we believe that this ordinance helps us and will honor you to help all the people of this county to support justice. Thank you.

PRESIDENT FITZGERALD: Thank you, Father Jackson.

(Applause.)

PRESIDENT FITZGERALD: Gabe Morgan? Mr. Morgan, if you would state your name and address for the record, please.

MR. MORGAN: Gabe Morgan, 209 Ninth Street, Pittsburgh, PA, 15222. I am the western Pennsylvania area leader of SEIU Local 32BJ and president of the Pennsylvania State Council of SEIU locals in the state. I am also here speaking on behalf of prevailing wage. There have been a number of things that I've read in urban newspapers about prevailing wage. This has been a long struggle of ours, so I just want to restate the case in the following way.

Right now, as you sit here, there are thousands and thousands of service sector workers in the private sector working in the biggest buildings in this county who already make prevailing wage. And in fact, what we are asking our government to do is when you are handing out public subsidy to help develop a project, which is a good thing to do, to require that people abide by the standards that already exist in the private market in this county. We are blessed in this county in that there are thousands of service sector workers who can afford to take their kids to the doctor, people doing things like cleaning bathrooms in the large office buildings, making hotel beds, through years and years of work, with responsible employers, responsible unions in the private sector, have established a good standard of living for service sector workers that often do not exist in cities like Pittsburgh.

What the prevailing wage ordinance is is not asking you to legislate the minimum wage in the private sector. We are asking you to --- when you're giving a public subsidy, to require that people pay the existing private sector rate on a series of jobs where that rate sustains families in the city. So what we're really

asking you to do is not undercut the base of good jobs that we already have, because you had nothing to do with creating them. Some of you did. Some of you were down to picket lines with us, and we appreciate that. But again, this is, essentially put, using public money to continue to develop a base of good jobs that already exist, not using public money to undercut the jobs that you have. It's not illegal. You're not legislating to the private sector or general wage, which would be legal in the state. We are simply saying, if you're asking us for our money, here are the requirements that you're going to meet in return for our money. And we believe that you have every legal right to do that in the same manner that the city does. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Mr. Morgan.
(Applause.)

PRESIDENT FITZGERALD: Presentation of
Appointments. 5573-10.

MR. CATANESE: Approving the appointment of Eric Schumann to serve as a member of the Council of Friends Organization, North Park, for a term to expire on April 20th, 2012. Sponsored by Council Member Burn.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Thank you, Mr. President and members of Council. Move for approval.

(Chorus of seconds.)

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Schumann is approved. 5574-10.

MR. CATANESE: Approving the appointment of Bob Vishneski to serve as a member of the Council of Friends Organization, Hartwood Acres, for a term to expire on April 20th, 2012. Sponsored by Council Member Burn.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Move for approval.

(Chorus of seconds.)

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Vishneski is approved. 5575-10.

MR. CATANESE: Approving the appointment of Elizabeth Lewis-Scripps to serve as a member of the

Council of Friends Organization, Hartwood Acres, for a term to expire on April 20th, 2012. Sponsored by Council Member Burn.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Move for approval.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Lewis-Scripps is approved. 5576-10.

MR. CATANESE: Approving the reappointment of Elaine Davis to serve as a member of the Council of Friends Organization, North Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Burn.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Move for approval.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Davis is approved. 5577-10.

MR. CATANESE: Approving the reappointment of Sylvia Easler to serve as a member of the Council of Friends Organization, Hartwood Acres, for a term to expire on April 20th, 2012. Sponsored by Council Member Burn.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Move for approval.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Easler is approved. 5578-10.

MR. CATANESE: Approving the reappointment of Don Horn to serve as a member of the Council of Friends Organization, Hartwood Acres, for a term to expire on April 20th, 2012. Sponsored by Council Member Burn.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Move for approval.

MS. CLEARY: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Horn is approved. 5579-10.

MR. CATANESE: Approving the reappointment of Jennifer Bergman to serve as a member of the Council of Friends Organization, Hartwood Acres, for a term to expire on April 20th, 2012. Sponsored by Council Member Drozd.

PRESIDENT FITZGERALD: Councilman Drozd?

MR. DROZD: Yes. Jennifer Bergman was given unanimous support by her colleagues there to urge us to reappoint her, and I would so urge and put the motion up.

MR. MACEY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Bergman is approved. 5580-10.

MR. CATANESE: Approving the appointment of Mary Lou Kientz to serve as a member of the Council of Friends Organization, Settler's Cabin Park, for a term to expire on April 20th, 2012. Sponsored by Council Member Finnerty.

PRESIDENT FITZGERALD: Councilman Finnerty?

MR. FINNERTY: Thank you. I'd like to make a motion to approve.

MR. MACEY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Kientz is approved. 5581-10.

MR. CATANESE: Approving the reappointment of Lawrence J. Lennon to serve as a member of the Council of Friends Organization, Settler's Cabin Park, for a term to expire on April 20th, 2012. Sponsored by Council Member Finnerty.

PRESIDENT FITZGERALD: Councilman Finnerty?

MR. FINNERTY: I make a motion to approve.

MS. CLEARY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Lennon is approved. 5605-10.

MR. CATANESE: Approving the appointment of Kay Downey-Clarke to serve as a member of the Council of

Friends Organization, Settler's Cabin Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Finnerty.

PRESIDENT FITZGERALD: Councilman Finnerty?

MR. FINNERTY: I make a motion to approve.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Downey-Clarke is approved. 5582-10.

MR. CATANESE: Approving the appointment of Richard Hrivnak to serve as a member of the Council of Friends Organization, Boyce Park, for a term to expire on April 20th, 2012. Sponsored by Council Member Futules.

PRESIDENT FITZGERALD: Councilman Futules?

MR. FUTULES: I'd like the record to reflect that Richard Hrivnak is the Honorable Richard Hrivnak. He's the mayor of Plum Borough, and I would recommend him highly. Move for approval.

PRESIDENT FITZGERALD: So moved.

MR. ROBINSON: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Mayor Hrivnak is approved. 5583-10.

MR. CATANESE: Approving the appointment of Tammy Firda to serve as a member of the Council of Friends Organization, Round Hill Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Councilman Macey?

MR. MACEY: Thank you, Mr. President and members of Council. I move for approval.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Firda is approved. 5584-10.

MR. CATANESE: Approving the reappointment of Ron Regrut to serve as a member of the Council of Friends Organization, White Oak Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Councilman Macey?

MR. MACEY: I move for approval.
(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.
Discussion? All in favor, signify by saying aye.
(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Regrut is approved. 5585-10.

MR. CATANESE: Approving the appointment of Robin Miller to serve as a member of the Council of Friends Organization, Round Hill Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Councilman Macey?

MR. MACEY: I move for approval.
(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.
Discussion? All in favor, signify by saying aye.
(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Robin Miller is approved. 5586-10.

MR. CATANESE: Approving the appointment of Carrie Verbanick to serve as a member of the Council of Friends Organization, White Oak Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Councilman Macey?

MR. MACEY: I move for approval.

MS. GREEN HAWKINS: Second.

PRESIDENT FITZGERALD: Moved, second.
Discussion? All in favor, signify by saying aye.
(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Carrie Verbanick is approved. 5587-10.

MR. CATANESE: Approving the appointment of Ina Jean Marton to serve as a member of the Council of Friends Organization, White Oak Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Councilman Macey?

MR. MACEY: Likewise, what Mr. Futules said, that he had the Honorable. Well, this is the Honorable Ina Jean Marton, the mayor of White Oak. I move for approval.

PRESIDENT FITZGERALD: So moved.
(Chorus of seconds.)

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mayor Marton is approved. 5588-10.

MR. CATANESE: Approving the reappointment of Teri McClain to serve as a member of the Council of Friends Organization, White Oak Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Councilman Macey?

MR. MACEY: Move for approval.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. McClain is approved. 5594-10.

MR. CATANESE: Approving the reappointment of John Danzilli, Jr. to serve as a member of the Council of Friends Organization, Boyce Park, for a term to expire on April 20th, 2012. Sponsored by Councilman Martoni.

PRESIDENT FITZGERALD: Councilman Martoni?

MR. MARTONI: Move for approval.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Danzilli is approved. 5590-10.

MR. CATANESE: Approving the reappointment of Kenneth Allshouse to serve as a member of the Council of Friends Organization, North Park, for a term to expire on April 20th, 2012. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Move for approval.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Allshouse is approved. 5591-10.

MR. CATANESE: Approving the reappointment of Gerard J. Aufman, Jr. to serve as a member of the Council of Friends Organization, North Park, for a term to expire on April 20th, 2012. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Move for approval.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Aufman is approved. 5592-10.

MR. CATANESE: Approving the reappointment of Allison Burgan to serve as a member of the Council of Friends Organization, Hartwood Acres, for a term to expire on April 20th, 2012. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Move for approval.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Burgan is approved. 5593-10.

MR. CATANESE: Approving the reappointment of Joe Catanese to serve as a member of the Council of Friends Organization, Deer Lakes Park, for a term to expire on April 20th, 2012. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Move for approval.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Approved. No nays. Mr. Catanese is approved. 5595-10.

MR. CATANESE: Approving the reappointment of Cole Moretti to serve as a member of the Council of Friends Organization, Deer Lakes Park, for a term to expire on April 20th, 2012. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Move for approval.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Cole Moretti is approved. 5596-10.

MR. CATANESE: Approving the reappointment of D. Lamar Oliver, III to serve as a member of the Council of Friends Organization, Hartwood Acres, for a term to expire on April 20th, 2012. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Oliver is approved. 5607-10.

MR. CATANESE: Approving the reappointment of Gary Rigdon to serve as a member of the Council of Friends Organization, North Park, for a term to expire on April 20th, 2012. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Move for approval.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Our parks certainly have a lot of friends. 5597-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato, submitting his recommendation of Daniel K. Bricmont, Esquire for reappointment to the Air Pollution Control Advisory Committee for a term to expire on December 31st, 2010. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 5598-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato, submitting his recommendation of Marilyn Liggett for reappointment to the following authorities: Allegheny County Industrial Development Authority, the Allegheny County Hospital Development Authority, the Allegheny Higher Education Building Authority and the Residential Finance Authority for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Unfinished business. Committee on Budget and Finance, second reading. 5549-10.

MR. CATANESE: A resolution of the County of Allegheny, amending the Grants and Special Accounts Budget for 2010, Submission 04-10. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. Move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved, second. Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes 15, noes 0. The bill passes.

PRESIDENT FITZGERALD: Committee on Economic Development and Housing, second reading. 5506-10.

MR. CATANESE: An ordinance amending and supplementing the Allegheny County Code of Ordinances, Division 2: County Government Operations, through the creation of a new Chapter 280, entitled "Wages: County and County-Subsidized Projects," to require contractors who provide building services and food services to Allegheny County to pay prevailing wages to employees employed pursuant to such contracts, and to require that building service, food service, grocery and hotel employees employed on projects receiving County subsidies be paid prevailing wages. Sponsored by Council Members Robinson, Fitzgerald, Macey, Futules, Finnerty, Cleary, DeFazio, Green Hawkins, Martoni and Ellenbogen.

PRESIDENT FITZGERALD: Mr. Burn?

MR. BURN: Yes, Mr. President. Please add me as a co-sponsor.

PRESIDENT FITZGERALD: Please add Mr. Burn as a co-sponsor. And before we move to Chairman Finnerty, I want to, first of all, praise Chairman Finnerty and the work that he did in bringing this bill --- and I know there were a number of bills that were introduced and worked on in committee public hearings. It's been a number of months. And this bill really has been a compromise bill, working with all segments of the community: the Allegheny Conference, the business community, the labor community, the development community, our Economic Development Department, et cetera.

And I just wanted to get on the record that the legislative intent of this bill deals really with direct contracts that this county has in some of our buildings. Also, the qualifying economic development projects that are out there. It will not affect our Human Service Department and the human service contracts that we have. That's not the legislative intent of this bill. But I just wanted to get that on the record. And again, Mr. Finnerty, before I turn it over to you, congratulations. Really, a lot of good work went into this. Chairman Finnerty?

MR. FINNERTY: Thank you, Mr. President. The Economic Development and Housing Committee has been working on this bill for quite a while. We've brought a lot of people in and talked to a lot of people from both sides, people from the Allegheny Conference, Building Owners and Managers Association, BOMA, was in, SEIU

people, some people from UFCW, Local 23 came in and discussed it with us.

And we did this not in different segments, but all together, sitting around the table and talking. And people that were present that day were myself, John DeFazio, Bill Robinson and Jennifer and Jared from Staff. This is how this bill developed and how it came about. It wasn't something that was just put up from one-sidedness, but was a group of people coming together and coming to an understanding so that we can make life a lot better for people in Allegheny County. And I think that's what's important, that we're going to make life a lot better for a lot of people. And that's what this bill's about. This was taken out of committee with a unanimous vote and an affirmative recommendation. So I'd like to make a motion for approval of this bill.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion?

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: I'll start with --- I'm going to ask the sponsor, Mr. Robinson, to begin, and then we'll certainly give everybody a chance to speak.

MR. ROBINSON: Thank you, Mr. President and members of Council. I echo Mr. Finnerty's concerns that we were very deliberative and utilized all the resources that were available to us. Now, I certainly thank my colleagues who were initial co-sponsors and others who were convinced that this was, indeed, the right thing to do. There are times in our legislative experience where we simply have to do what we have determined is right. And we have to be willing to stand behind it and all its consequences, known and unknown. I believe this bill, 5506-10, presents that kind of opportunity for each member of this Council.

I certainly, as the sponsor, have one primary concern, and that was that this county could leverage public investment, the investment through the tax dollars of citizens in this county and elsewhere that were under our jurisdiction, to create good jobs for our people, that development could, indeed, speak very specifically to giving people decent wages, to allow them to take care of their families and to feel very good about living in our county. We are more than a Monday Night Football town. We're a town of people, a county of people. And we owe it

to the people in this county to provide them with good jobs when we have that opportunity. I believe this bill provides us with another opportunity to do that.

We've done many things in this county to create economic development opportunities. This is yet another opportunity, and one that I hope my colleagues here on this Council will fully embrace and support this evening. I believe that we have crafted a bill collectively, and with our due diligence that not only this Council can support, but I believe the Chief Executive of this county will support. I cannot speak for the Chief Executive, nor do I attempt to do so, but I believe this bill is compelling enough that he will sign it. Thank you, Mr. President and members of Council.

PRESIDENT FITZGERALD: Thank you, Mr. Robinson. I'm going to come down and go over ---. I saw a lot of people had their hands up. I'm going to go next to Councilwoman Rea. Councilwoman Rea?

MS. REA: Thank you, Mr. President. I agree with a lot of things that have been said, but I disagree with some things. And my biggest concern and disagreement has been all along that 5506-10 is more a labor negotiation than legislation. And I look at the Charter, and I can cite Article 7, Section 2(j). And it says, the Manager shall have the following powers and duties at the direction of the Chief Executive to negotiate labor and other contracts on behalf of the county. And then you go to the second article, and that's Article 5, Section 2(i), which grants the Executive exclusive authority over all contracts not involving the donation or acceptance of real or personal property.

And since I've been on Council, and that's been 12 years, I just can remember we were constantly told that it's up to the County Manager and the Chief Executive to negotiate wages. And this legislation, to me, negotiates wages. And I would feel more comfortable in supporting it if it came directly from the Chief Executive or the County Manager. And I don't understand why that happens and why Council, at this juncture, after 12 years, is trying to negotiate labor wages. That's very confusing to me, and I feel it's illegal or it's against the Charter. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Rea. Councilman McCullough?

MR. MCCULLOUGH: Thank you, Mr. President. I noticed we got an opinion from our attorney. And, you

know, Jack and I have disagreed on many issues over the years. Maybe the last time we agreed on something was when there was a bill before Council to force the rows to work without pay. At that time, we both opined that that was involuntary servitude. So that was seven years ago, so maybe every seven years Jack and I --- the stars align correctly. But I agree with Jack.

And I did a little bit of looking into this on my own. There's a State Prevailing Wage Law. Before we get off about jobs for people, remember, we do have a State Prevailing Wage Act. And it says the following under Section 333.114(a), preemption: except as set forth in Subsection (b), this act shall preempt and supersede any local ordinance or rule concerning the subject matter of this act, which is prevailing wages. Subsection (b) says the following: this section does not prohibit local regulation, which would be us, pursuant to an ordinance which was adopted by a municipality prior to January 1, 2006, and which remains in effect on January 1, 2006. We're four years too late with this.

We got into a similar problem back in 2007 when a lot of well-meaning people passed a smoking ban. And that was before the Commonwealth Court. And the Commonwealth Court opined a very similar preemption provision under the Clean Air Act. Frankly, it's doggone near identical. So we didn't have the power to do this. We were preempted.

I have a real problem with getting everybody's hopes up that we're somehow going to improve wages for people who may need it the most and give them false hope and false promises when we pass something that is knowingly and blatantly illegal. We've got case law precedent that's just a couple years old telling us that we can't do this, by an appellate court in Pennsylvania. We know we can't do this. And I'd point out to you that we have a severability clause in this prevailing wage legislation that says if any part of this is deemed to be unlawful, invalid, void or unenforceable, then that provision shall be construed severable from the remaining provisions of this ordinance. Frankly, what that means is there's going to be a court ---. If anybody challenges this, it's going to take a red pencil to this entire thing and strike out every provision up until we get to Section 3.

I'd be happy to work with everybody here and work with our Solicitor, who has told us upfront that we can't do this, to see if there's a way to get around it. As you know, last fall, we all passed the essential services fee, and that's something that I had pushed for a long time. I didn't particularly lead the charge last fall because I didn't have the consensus behind me, but we did. We passed it. Subsequent to our passage, we received an opinion from our Solicitor that he felt it was contrary to law. The Chief Executive vetoed it, and we folded our tent.

I don't like to see that kind of practice. I would much prefer knowing, going into a vote, that if something's illegal, we try to get around it. I would prefer not to deliver it to the Chief Executive and put it in his lap, something that we know, unfortunately or not, is illegal and figure, well, let him deal with it. That's not the way we do government here. We have an independent obligation pursuant to our oath of office to abide by the law. And unless we can come up with a legitimate way of digging around a clear preemption statute, I can't go along with this.

PRESIDENT FITZGERALD: Ms. Green Hawkins.

MS. GREEN HAWKINS: Thank you, Mr. President. Well, just for the record and for clarification, I'm not aware that our Solicitor --- our attorney, Mr. Cambest, said not to do anything. I believe he issued an opinion and gave us options of what he believed could happen should we choose option A or option B. But I don't recall him saying --- making a directive as to whether or not we should do this or ---.

PRESIDENT FITZGERALD: Councilman Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. As Mr. Finnerty knows, over the last three weeks I've had some family issues which precluded me from being at some of the meetings. But I have no doubt that he ran them as Mr. Fitzgerald said. So excuse me for not being at some of those meetings. I want to bring you back just real quickly. In 2003 we had an issue called Needle Exchange Program, where the Health Department was involved with needle exchange in the City of Pittsburgh. And I brought it up as an issue, not so much because I was debating the merits of needle exchange, but because it was likely illegal, what the Health Department was doing. This Council agreed. We changed the conditional use of the

land. We changed --- we have the ordinance versus the Health Board. And needle exchange program is existing today as is, and is doing it legally. It would have been devastating if anybody would have brought suit against the Health Department because they were in violation of state law. Right now we're fighting in federal court a child predator law that we all passed 15-nothing and the Chief Executive signed, because there is no gray area there. Mr. Wojcik and Mr. Onorato went on the record saying that we believe we're right. There's no gray area.

I don't believe that this bill is as gray, so to speak, as some are making it. I do feel that this bill is preempted by state law. In the smoking that Mr. McCullough brought up, the Clean Indoor Act, it says right within the Act, it shall preempt and supersede any local ordinance or rule concerning the subject matter. And the Minimum Wage Act says the same exact language. This Act shall preempt and supersede any local ordinance or rule concerning the subject matter. Think about this for a second. If Allegheny County passes this and local communities can do so, what's to stop McKeesport on Monday from passing something that has a different prevailing wage? Then Fox Chapel third, and then Upper St. Clair a fourth.

The state law has to mean something. We have to sit here and try to abide by state law the best we can. Now, my colleague, Ms. Green Hawkins, brings up a good point. Sometimes we don't know. It's gray. It's just going to come down to --- I think tonight some people think there's different shades of gray. In my case, I don't think there's any. But the process is it goes from us to the Chief Executive. And Mr. McCullough brought up a good point. We're putting, I feel, a bill in the lap of someone who's --- it's very suspect if it's legal. Mr. Robinson made an opinion that he thinks the executive will sign it.

I'm going to make an opinion. I'm not sure. I'm going to make that opinion because I don't know how you would run for statewide office, have something in front of you that's this public, that could be illegal, then go ahead and sign it. I'd much rather work with the state officials through a resolution. It just doesn't belong in this body. It just doesn't. It's not a county situation. We're asking the Controller to have enforcement power. The Controller, even by law, isn't

allowed to have that power. It just is in the wrong body. And this happens again and again where we go to court. You know, somebody could file suit. The smoking, it's overturned. This could get overturned. Then you're back to square one, which is even lower than where you were before. So I'm not even going to discuss the merits, just the legality of an issue. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd? I'm sorry. Mr. Futules. I didn't realize you ---. Mr. Futules.

MR. FUTULES: Thank you. I'm glad that people brought up everything, and I'm hearing both sides here right now. You brought up the smoking and the essential services, which I was going to bring up, but I'm glad you did. So we --- not me personally, but County Council, did the smoking. We were overturned by the state, but guess what? Nobody's smoking in any buildings anymore because the state recognized what we did as a Council and said, maybe we should be doing the same thing this county does. So maybe this might be similar to that.

And even early on I questioned the legality of this, and I waited until the public hearing before I became a co-sponsor. I wanted to hear from the people, because I don't like to co-sponsor a bill. I want to hear it from the people first because everything I do comes from my heart. It comes from courage. Tonight I want to have both of those things to support the people that have asked for help. And that's exactly what I feel in here, to help the people with what they believe and what I believe. So just with that, I just want to thank everyone for coming, too.

PRESIDENT FITZGERALD: Councilman Finnerty?

MR. FINNERTY: Thank you, Mr. President. I'd just like to keep my remarks very short. I think I stated in the beginning, I think it's the right thing to do for the people of Allegheny County. I think that's extremely important. The legal aspect is a gray area to me, and it's something that will have to be probably ironed out in a court of law if that happens. And I think it's a bill that we should pass for the people of Allegheny County. Thank you.

PRESIDENT FITZGERALD: Councilman Ellenbogen?

MR. ELLENBOGEN: I've had to struggle with this a little bit. But you know, when my children were very young --- I know what it's like to struggle and to work and to try to feed your kids. And I sympathize with the

folks that are trying to do this. The linchpin for me in this thing, and I think that it hasn't been mentioned enough, is the fact that they're just saying, if you want government money, then you've got to live by the agreement we have. I, in no way, would vote for anything that would interfere with private commerce. If you want to come into this town and you want to build something and you want to go get your money from the banks or you want to get your money from another private organization, that's fine. But if you want government money to do this ---. These same folks who are being --- I feel, being betrayed, that aren't being paid enough, are the same folks that pay the taxes. They have a right for their tax money and for them to be treated fairly. And that's why I support this.

And let me say this again so it's very clear to everyone. If you want to come into Allegheny County and you want to build something and you want to have a business and you want to get your money from the private sector, then you have a right to do what you want to do. But if you want taxpayers' money, then I think we have a right to say, pay these folks a prevailing wage. Now, as you know, Councilman, I have a meeting --- not a meeting. I have an engagement that I can't miss, and I have to leave in a couple minutes. But if you don't have the votes and you need my vote, I will leave my cell phone on, and I know that it's legal for you to call me and I will cast my vote yes. And I've added myself as co-sponsor, and I support this. Thank you.

PRESIDENT FITZGERALD: Thank you, Councilman Ellenbogen. Councilman Drozd.

MR. DROZD: Thank you, Mr. President Fitzgerald. First and foremost, I always support the plight of individuals when they're working out there to earn a good wage. But first and foremost, too, I support what's legal. And I believe that Mr. Cambest's advice on this is that it is illegal. And secondly, I think that this Council has violated its own policy and so has the Chairman, who introduced this bill, because he himself introduced an ordinance quite some time ago so that anything that has a fiscal impact upon the County of Allegheny has to have a fiscal note.

So if we're going to, in essence, say that we're going to pay a prevailing wage that increases the cost to the taxpayers, and again, I'm not going to do anything that's at the expense of the taxpayers, increases the cost

of doing business in Allegheny County. And that bodes a fiscal note. Is the fiscal note here with this bill? It's deserving and begging of a fiscal note. Is it here?

Sure you do. This affects County ---. Bring up our County Manager. If you pay a prevailing wage, is that not going to increase the cost of government for Allegheny County?

PRESIDENT FITZGERALD: I'm going to bring up the Manager and let him answer that question. Mr. Drozd, this is economic development. It doesn't impact the county budget in any way.

MR. DROZD: It's going to, in a way. In essence, anybody doing business in Allegheny County is going to have to ---.

PRESIDENT FITZGERALD: No. The fiscal notes deal with the budget. That's what our rules say.

MR. DROZD: Well, I still say it does.

PRESIDENT FITZGERALD: Well, you may say that, but ---. Mr. Flynn?

MR. FLYNN: I think, you know, there's two parts to this bill, as I heard the legislative intent. The first is for any qualifying economic development projects, which we wouldn't be paying that. It would be the contractor or the developer who would be entering into those contractual arrangements. As far as the other qualifying categories, the food service, building maintenance, things like that, it all depends on ---. You know, we go out for an RFP for those services that we would procure directly. It all depends on what the market would bear, whether the costs would go up or go down with this prevailing wage.

MR. DROZD: It would eliminate, though, anybody that may, in essence --- now has to go under the prevailing wage; is that correct?

MR. FLYNN: I can't speak ---.

MR. DROZD: It would be eliminating any bidding that doesn't pay the prevailing wage; is that correct?

MR. FLYNN: It depends on what the market's going to be. People are going to make their own decisions whether they want to bid or not.

MR. DROZD: Right. But they can't get it if they don't pay the prevailing wage. Mr. President, we're discussing this. Now I'm putting you in a spot. Okay. Let me go on. Thanks, Mr. Flynn. Thank you very much.

MR. GASTGEB: Point of order, Mr. Fitzgerald.

PRESIDENT FITZGERALD: Yes, point of order?

MR. GASTGEB: People are talking above Mr. Drozd. If he could have the floor.

PRESIDENT FITZGERALD: Sure. Mr. Drozd, please, you have the floor.

MR. GASTGEB: I mean, the 14 of us ---.

PRESIDENT FITZGERALD: Yes. Mr. Drozd, you have the floor.

MR. DROZD: Thank you. In any event, the way I see it, that somebody is --- in essence, it's going to eliminate some people that may, in essence, be able to present a lower cost, and a lower cost to the taxpayer indirectly through the county. The county's not going to have to pay as much for those services, maybe, in essence. And the taxpayers are going to benefit from people that pay taxes in this county. And that's the way I see it. I don't think we can say that it's not going to --- you know, in essence, not eliminate those people. It's going to eliminate small business people, those small business people that might have a chance --- that I heard from some people that talked up here about small business. There's a gentleman that emphasized that we have to help small business. And if they can't afford to pay it, then they aren't going to be able to compete, and then it's going to cost the taxpayers.

PRESIDENT FITZGERALD: Mr. Flynn?

MR. FLYNN: If I could just address one thing, Mr. President. You know, the county enters into ---. I can't think of very many contracts that we've directly procured food service or building maintenance contracts. Typically we have those employees on our staff to do that, and I think we've had a very decent wage with very good benefits. So I don't think this will have a negative impact, which I think goes to Mr. Drozd's point, on the county's finances or funds received from the taxpayers.

MR. DROZD: Can I go on?

PRESIDENT FITZGERALD: Okay.

MR. DROZD: As I heard from Councilman Finnerty's committee, we heard from different people, from Allegheny Conference or whatever it may be. I have an input from the Master Builders Association of Western Pennsylvania. Quote/unquote, let's not drive business away from our county. That's their quote. Now, let me point out one other thing. First of all, and foremost, I'm tired of going into courtrooms on something that we

enact that's illegal, and not only --- the people that seem to benefit most from this is the attorneys, in all due respect, and the fees that they're paid. And it's also --- always at the expense of the taxpayers of Allegheny County.

Secondly, I believe it is illegal, and in essence --- let me just say this, goes before the Chief Executive. And I think the Chief Executive has already spoken on his own behalf. And I'd like to quote in The Pittsburgh Post-Gazette from October 19th of 2003 when the Chief Executive met before some people. I believe it was in Ross Township. Quote/unquote, he says he's against the living wage, saying it is anti-business. Right from the words of the Chief Executive. And there was a friend of his who said that the Chief Executive, back at the University of Pittsburgh Law School where he began thinking about running for public office, his basic positions were the same. What happens in the change? Is this Council going to put the Chief Executive in a position of two things, voting for an illegal ordinance and second, going back on his word which he presented --- his word, in his own words quoted here in a Post-Gazette article? He gave his word that he was against it. So are we going to put him in that position? I would say that if he votes for this or signs this bill into law, he's going back on his word to the people that he presented this.

So I don't think this is good, and I don't think the Council should be doing this and putting the taxpayers in a position that could be increased, enhanced costs. It's always at the expense of the taxpayers. We make our county, you know, uncompetitive. Philadelphia is the only one, I think, that has this in the entire state, and it's a watered-down solution of even this. Why do we do this always at the expense of the taxpayers? In any event, I'm going to stand by, and I expect the Chief Executive not to sign this and not to go back on his word, and to stand by his word that he gave here, right here in The Pittsburgh Post-Gazette dated October 19th, 2003. That's his word. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you. Mr. DeFazio.

MR. DEFAZIO: I think this is the same type of bill that was passed by the city. Is that correct, Mr. Chair?

PRESIDENT FITZGERALD: That is correct.

MR. DEFAZIO: Okay. As far as labor negotiations go, we've always --- we worked. And that's dealing with, like, the SEIU versus the administration, the steelworkers and labor unions. We don't get into that. This is different. This is altogether different. Now there's no attorneys --- or our Solicitor came to us and said hey, this is definitely illegal. That's not the case. There's a lot of gray area here. So if you're really worried --- or if you really want to help people, take your vote whatever way you want to do it. At the end of the day, if it's illegal, we'll go --- we're going to live up to that. What's the big deal in voting the way you want to vote? And then if it is illegal because of the gray area ---. If there's something out there, we'll take it. But to me --- I'm going to look at my crystal ball here --- this looks like one party saying one thing. I'm going to say the other party is going to say another thing. So you've got two different opinions. So it looks like, to me, there's politics in this. Let's be honest about it. But I think it's a good thing, and I vote for it. If it was 100 percent illegal, they tested it and the city got shut down, okay. That's a different story. That didn't happen. You all have a right to vote the way you want. But I think I know what the vote is already, the way I hear people talk. Thank you.

PRESIDENT FITZGERALD: Councilwoman Cleary.

MS. CLEARY: Yes. I just wanted to make a clarification. I've heard that prevailing wage and living wage were the same thing here, and that is absolutely incorrect. Prevailing wage is what we're discussing here. We are not talking about living wage at all. And the comment that Mr. Onorato made about living wage does stand. We're talking about prevailing wage here. Thank you.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Thank you, Mr. President. Briefly, a couple of our colleagues --- I've heard a lot about the Chief Executive and what he may or may not do, assuming we pass this tonight. I think the Chief Executive, for those of us who know him, can speak for himself. I think he'll make a decision after using due diligence and taking a close look at this, considering the legality of it, considering the opinions that exist with respect to it, and he'll either sign it or not sign it accordingly.

But as far as putting the variable into the equation with the Chief Executive of statewide office or candidate for statewide office, I think that injects politics. I think he'll make a decision based on what's in the best interest of the residents of Allegheny County, who he represents. If he were to sign this into law for Allegheny County, I think such a move would be far less outrageous than current statewide elected officials, including our current Attorney General, who filed a lawsuit based on the commerce clause, challenging the legality of the National Healthcare Bill. The commerce clause --- when the Federal authority of the Congress' ability to sign that bill into law is well established, anybody that would try to file that type of lawsuit in Constitutional Law 101 would probably get an F. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd.

MR. DROZD: Yeah. I want to clarify on the living wage and prevailing wage. Yeah, there's a slight difference. I know that. The living wage is less than the prevailing wage. So if the Chief Executive said, quote/unquote, he's against the living wage because it's anti-business, he's against the prevailing wage, too, because it's less than the prevailing wage. And if he goes back, he goes back on his word. At least, I'll take it that way. That's my position. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb and then Ms. Cleary.

MR. GASTGEB: I just want to read into the record a Legal Opinion we got today, although it's dated March 24th. Many of us are just seeing it today. I'll let Mr. Cambest explain what I'm saying. This is preliminary. And I'm hung up on the preempt provision more than some of the other things that have been set up here. The two most important legal issues --- and that is the preemptive and the Home Rule Charter and Optional Plans Law. But on the preemptive side, the two most legal issues are preempted by the Pennsylvania Minimum Wage Act and the regulation of business pursuant to the Home Rule Charter and Optional Plans Law. In regard to the preemptive issues, the Pennsylvania Minimum Wage Act would seem to preempt and supersede any local ordinances or rules concerning the subject matter of Pennsylvania Minimum Wage Act. The Pennsylvania Minimum Wage Act currently establishes a lower limit for all wages for all

employees for all hours worked, per this ordinance. Now, that's our Solicitor giving us the preliminary opinion. It's in writing. It's in the record. And it should be part of a good, healthy debate.

But politics --- it was a Democrat who brought Mr. Onorato's name into this, not a Republican. But it's no big deal for us to vote on this. I agree. But I think it's a huge deal to sign it. I think it's a huge deal to sign something where you have a Solicitor, at least preliminarily, saying that there's some severe legal problems with it. I think it's a severe problem if you have to be the one that's going to sign this bill, especially if Mr. Drozd is correct; he has a history of not supporting this.

So I just think that it's somewhat haphazard. He's not on record. I don't know what Mr. Onorato's position is. He knew this bill was going to be coming up tonight. He didn't say, bring it to my desk. I'll sign it tomorrow. He has ten days. I'm not sure. And if Mr. Burn wants to throw puns around with Mr. Corbett, there's 22 other states, almost half the nation, that did what Mr. Corbett did. And I'm glad he did. There's a lot of people in this state that feel that the federal government is overreaching, and right now County Council's overreaching. Thank you.

PRESIDENT FITZGERALD: Councilwoman Cleary.

MS. CLEARY: I just believe I need to restate that the prevailing wage and living wage are two separate issues. I believe our Solicitor would agree with me.

PRESIDENT FITZGERALD: We're going to have Mr. Martoni, then Ms. Green Hawkins and then Ms. Rea.

MR. MARTONI: I'm trying to listen real attentively to everybody. Okay. And I'm not sure if I'm hearing people correct or not, because some of the things I'm hearing, I can't believe some of us are saying it. Okay. First of all, I don't believe this is negotiating wages at all. This is simply putting a minimum on wages when we use public money within our own county. Am I correct on that?

MR. FINNERTY: Yes.

MR. MARTONI: Okay. So that negates a lot of what was going on here tonight. And it reminds me of --- and I mentioned this one time before. When Franklin Roosevelt was getting sworn in as president, Will Rogers was there and he said, if Franklin Roosevelt burned

Washington down, at least he got a fire started. I think it's about time we got a fire started. I think our workers in America have been getting raped for the last five or six years, and I think it's time we turn this around. This is just a small way of doing that. Okay. Let's not forget what we're all about. We're talking about a minimal thing here. We're not talking about a major increase in wages. And we're only talking very specific about people who work for Allegheny County in specific areas. Am I correct on that?

MR. FINNERTY: That's right.

MR. MARTONI: Okay.

PRESIDENT FITZGERALD: Councilwoman Green Hawkins.

MS. GREEN HAWKINS: Thank you, Mr. President. I just want to give an example to people who may be a little concerned or confused about whether or not this is concerning wages or what's going on. And the federal government, which we've been talking about a little bit here, uses this a lot when they want the states to do something. We call it a carrot or stick. A stick would be if we were telling employers, you must pay this wage. A carrot is, hey, if you want this from me, then do this thing. And one of the first examples I remember in my lifetime, maybe I'm dating myself here, was when the legal age to drink alcohol increased to 21 in most states. That was because states wanted federal dollars. They had all kinds of random drinking ages from border to border. But now it's generally 21 everywhere here in this country, because the states want federal dollars. Thank you.

PRESIDENT FITZGERALD: Mr. DeFazio? I'm sorry. I skipped Ms. Rea. You're right. Ms. Rea then Mr. DeFazio. I'm sorry. Ms. Rea.

MS. REA: Okay. Just in interest of the debate, I mean, I do think what I cited, the articles in the Charter, prevent us from doing this. I think there is a lot of gray area --- there are a lot of gray areas from our Solicitor. We are changing something. I do believe it's illegal. I do believe it's irresponsible to enact legislation which we believe can be illegal. I said to everyone, why don't we make a policy change that if you want money from this county to do business for economic development, it's our policy that we are saying to you, we want you to pay prevailing wage? That wasn't good enough, which is really interesting for me tonight --- and I

rarely say anything about my colleagues. I can't tell you how many of my colleagues have said to me, this is illegal but I'm doing it because ---. Thank you.

PRESIDENT FITZGERALD: Mr. DeFazio --- Mr. McCullough, did you have your hand up? And then Mr. McCullough. Mr. DeFazio?

MR. DEFAZIO: Let me say one thing, which bothers me a lot on this issue. Everything we talk about, Onorato's name gets involved. We have 15 people up here. We're supposed to make a decision. I mean, I know there were times when someone would bring up the County Executive and then say, wait a minute. This is our decision. Why are you bringing him up? Now all of a sudden, it's reversed. What about this, Dan? What about ---? Look, this is our decision to make. We should vote and vote your conscience. I don't blame anybody. Vote the way you think it's the right thing to do. You have that right. But don't be bringing Dan --- I mean, it's political time. I guess we're going to keep talking ---. Every little thing that comes up now, he has to be tied into it. It's our decision. Let's make it. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough, then Mr. Burn and then Mr. Drozd.

MR. MCCULLOUGH: Thank you. I've got to tell you how enlightening I'm finding this discussion tonight. Let me seize on a couple of points, because I'm beginning to think I agree with just about everybody on the points they're making, except the conclusions they lead to. John, I absolutely agree with you. We should be voting independent of the Chief Executive. And if anybody's voting here in the last couple of years independent of the Chief Executive, it's been me. And frankly, I don't care whether he thinks it's legal or not. I'm going to vote the way I think so, based on what I believe. And this happens to be a time where I agree that this is illegal.

The other thing I'd point out is --- and I don't want to hang everything around Jack because I've disagreed with him. When I disagree with him, I vote the way I do. And I'm not going to suggest to anybody that you have to vote just because the Solicitor said it, although I've heard that invoked time after time after time when I've tried to get something through, that if our Solicitor says it's legal, we must do it; if he says it's not legal, we shouldn't. You never heard that from me. Now, let me say this. His opinion was preliminary, so I don't understand

why, if we've got gray areas, we've got a preliminary read, that we may have a problem with this, we've got the City of Pittsburgh doing this ---. Why don't we just sort of take our time to see if we can address these issues? Why do we have to be the stalking horse, some sort of test case for somebody out there that's going to want to make an issue out of this? Why don't we step back, work on this some more, try to address Jack's concerns, see if he has some suggestions, see what happens to the City of Pittsburgh and see if we can bring something forth that everybody can buy into?

The other thing I'm hearing is --- you know, Matt brought up this point about the fiscal note. I looked at the fiscal note regulations of Council. We don't need a fiscal note for this. But in hearing the County Manager's comments, are we really going to affect anybody with this? I mean, as I understand this, we're talking about county contracts, county service contracts. How many vendors are we talking about that don't already pay a prevailing wage? Are there any of them? Has anybody done any study of that? Has anybody done anything on the impact on how many dollars we're talking about, how many jobs we're talking about affecting, how many vendors we're talking about affecting? Because if we're really doing next to nothing, why do we want to go through this and risk getting our heads sued off when we're really not having an impact at all?

And let me make two more points. Number one, why stop at county service contracts? I mean, usually these kind of vendor contracts, my experience has been they're small businesses. They are oftentimes minority-owned. We had a guy coming here tonight talk on the one hand about the need to have a living wage, and next, on the need to develop small businesses here. I'd be concerned we're unnecessarily targeting small businesses. Why don't we take this a step further? Why don't we just not say, anybody that gets a county service contract? How about any entity that gets any bond money, or bond money through any of our authorities? Now, they can afford to pay a prevailing wage. Why don't we take it there?

And another point I'll make is this. Councilwoman Rea makes an excellent observation about policy. I know when I was County Solicitor, we were confronted with the need to have an affirmative action program. We knew what the law was, but you can't

legislate quotas. We developed a policy, and that policy has withstood the test of time for years. Why don't we develop a policy basically taking back on what we've done in the equal rights area and try to get that through and see where that takes us, assess what's going on with the City of Pittsburgh or whatever else, and if we want it firmer down the line, let's do it. But why stick our neck out in a situation, number one, of it's really not going to benefit anybody? It's going to give people a false sense of hope, because I don't think there's anybody out here whose wages are going to go up because of this. And we're basically going to wind up wasting the time and wind up getting sued again in court. Thank you.

PRESIDENT FITZGERALD: Mr. Burn?

MR. BURN: No.

PRESIDENT FITZGERALD: I'm sorry. Mr. Drozd?

MR. DROZD: I think, in essence, I just don't want to put the Council or the county in any more competitive situations and to be voting for an ordinance that would be illegal. I think we can look at ways that we can help those that are on these contracts, the labor, working with business. I think that, in essence, you know, I believe that we all work together. I don't care whether it's two separate bodies. We affect one another. And the day that someone tells me that what the Chief Executive does and this County Council does doesn't affect one another, is the day --- then why do we have it? Why don't we go back to the three commissioner rule then?

We do affect each other. That's the way it's set up. He can veto us. We can veto him. We can override him. That's the way it works. So he's part of this, and he's very much --- very part of this. So how he votes on this and how he writes on this affects this ordinance, affects this body and vice versa. So I don't want to ever hear that he's excluded or he's precluded or he's whatever. He's not isolated. He's part of this. We're part of this, too, and we all have our responsibilities and are accountable for those responsibilities.

So I'll be voting no. Not because of the --- mainly because of the illegalities. And also, I'm not going to do this at the expense, obviously, of the taxpayers. It seems like it's always at the expense of the taxpayers. They have to ante up the difference in

what they have to pay. Thank you, Mr. President. And I'd like to introduce my amendment when you so wish.

PRESIDENT FITZGERALD: Well, I'll hear Mr. Futules, and then if you have your amendment, we'll do it after that. Mr. Futules?

MR. FUTULES: Thank you. I actually thought I was done, but in light of everybody's conversations --- Gabe Morgan did tell us at a committee meeting that this will represent about ten percent of the workforce, if I'm not mistaken, because you're right, most of the people do get the prevailing wage. But we're talking about ten percent, and the bill is one percent. And we're still worried about those people as well.

Vince brought up the suggestion of a resolution. Jan, you talked about policy. We talked about it before, about policy. But tonight I want to vote on this particular ordinance. And if by chance something goes wrong or haywire, we do have alternatives, which is a great thing. So even if everybody feels that this might be wrong, down the road we might come up with something that's right. But tonight I want to do the right thing for the people that care about this ordinance and myself and vote for it. That's exactly what I'm going to do. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd, your amendment. Do you want to introduce your amendment?

MR. DROZD: Yes, sir. I would like to do that.

PRESIDENT FITZGERALD: Mr. Barker, if you would hand that out. Councilman Drozd, go ahead.

MR. DROZD: Thank you, sir. What this basically is, and what concerned me in this ordinance, too, in addition to the fact that it is illegal, as pointed out, is the fact that there's nothing to provide and exclude small business. I heard time and time again that we want to nurture small business. We want to develop small business. I've heard it from every elected official's mouth across this land. But when it comes down to help them, they look for ways to hurt them. This hurts them. These are not excluded from this, and they need to be excluded. So my ordinance calls to exclude small business, which includes minorities, women, disadvantaged, and it goes by the size of the business, the number of employees. So we have to do this. We have to give them an opportunity. Give them an opportunity. And by the way, the living wage is basic human requirements of food,

shelter and clothing, which is far below low prevailing wage.

AUDIENCE MEMBER: That's not true, Matt.

MR. DROZD: Yes, it is. It says it. The definition was just given to me by Mr. Barker and Ms. Liptak. So anyhow, I think that we have to exclude small business. We have to give them a chance. If we don't, we're just going to shove them across the border doing business in other counties and other localities, and we shouldn't do that.

PRESIDENT FITZGERALD: Okay. Mr. Drozd, do you wish to make a motion to amend?

MR. DROZD: Yes, sir. I'd like to make a motion to amend to exclude the small businesses and those that are minority, women, disadvantaged businesses ---.

AUDIENCE MEMBER: What about the minorities ---?

PRESIDENT FITZGERALD: No. We're going to keep quiet. We're going to have order here. Mr. Drozd?

MR. DROZD: And I believe it's also, we said, less than 15 employees.

PRESIDENT FITZGERALD: Okay. That's a motion?

MR. DROZD: I make that motion, Mr. President.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: We have a second.

Discussion? Mr. Burn?

MR. BURN: Mr. President, yes. So if I understand this amendment, my colleague and my friend, Matt, who thinks the original bill is illegal and is going to vote no for it, is offering an amendment to a bill that he thinks is illegal, that he's going to vote no on, which in my thinking, wouldn't that make this amendment illegal as well? Maybe Matt can reconcile that for me.

PRESIDENT FITZGERALD: Mr. Drozd, would you answer that question?

MR. DROZD: You know, I believe, and I always support --- I fought for small business, Mr. Burn. Yes, I'm going to vote no, because that will nullify and bring it out, in essence, that I'm going to vote against an illegal bill. But if anything, if I sense in what Mr. DeFazio said, he counted votes. He knows where the votes are. And I'm going to at least stand up for small business and women and minorities and disadvantaged businesses. I'm going to stand up for them.

MR. BURN: But again ---.

MR. DROZD: I hope you do, too.

Mr. BURN: I still have the floor.

PRESIDENT FITZGERALD: Yes.

MR. BURN: With all due respect, I just don't think that introducing an illegal amendment to a bill --- an illegal amendment, to use your words, to a bill that you think is illegal, is doing anything but making a misrepresentation to people that you want to help them when you know that this bill isn't going to do anything to help them. I don't question your intent to do the right thing, Matt, but if you want to help these people, do something legal. This is not legal, by using your own words.

PRESIDENT FITZGERALD: I'll let you respond, Mr. Drozd, and then we'll move on.

MR. DROZD: In a sense then, you're saying that you agree with me that it's illegal? And I guess you're going to vote against it, Mr. Burn; is that correct? I'm going to pull my amendment off the table, in essence, if you're going to vote no against this ordinance.

PRESIDENT FITZGERALD: Ms. Green Hawkins? Ms. Green Hawkins, you're next. Then Mr. Finnerty.

MR. FINNERTY: I think the ordinance itself takes care of this problem. It's talking about \$100,000 worth of --- let me talk; all right? Don't interrupt me. It's talking about \$100,000 of tax TIF/LERTA help. It's also talking about over 100,000 square feet. We're not talking about small businesses here. We're talking about big business here, and that's what this is about. It's about places that have gotten a TIF or a LERTA somehow from us for infrastructure development and have failed to pay the prevailing wage. That's what we're talking about. So let's set the record straight here about this thing. And I also just want to mention to you just out of the bottom of my heart, that a living wage is more than a prevailing wage. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you. I'm going to be consistent with my comments and say that I still have preemptive issues with this amendment. So I would agree with Mr. Burn that those of us who feel that legality is very much challenged by the preemption, then what have we got? One amendment that adds to the bill or ten more, it's not going to change that. For those of you who feel that the bill is legal, then you can vote for it. I certainly won't. Again, I apologize for missing some of

the meetings, but I'm not sure if the prevailing wage has been established. Officially I know I've seen some estimates. So to say one's higher than the other, I don't even know what one is right now. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Jim, to follow up on your comments, maybe we're debating the various degrees of legal hell we're going to get ourselves into if we take this amendment. But perhaps it has some merit if it's only to reduce the potential pool of plaintiffs. But I agree with you that illegal is illegal, and I don't see this as curing the fundamental issues that I've got with this. The other thing I must say is if a prevailing wage is not a living wage, then why in the heck are we talking about prevailing wage, because what good is it if it isn't a living wage?

And I'm also making a mental catalog of everything I'm hearing here. And presuming this bill passes tonight in some shape or form, I guarantee you I'm going to be back at the next session with the essential services fee. And I'm expecting everybody is going to just reaffirm the same comments that they make tonight regarding that, and hopefully we'll get an essential services fee, which really will help the people in Allegheny County. Thank you.

PRESIDENT FITZGERALD: Let's vote on the Drozd amendment. Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: No.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: No.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: No.

MR. CATANESE: Mr. Futules?

MR. FUTULES: No.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: No.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Nay.

MR. CATANESE: Mr. Macey?

MR. MACEY: No.

MR. CATANESE: Mr. Martoni?
MR. MARTONI: No.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Nay.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Nay.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Ayes 1, nays 13. The bill fails.
PRESIDENT FITZGERALD: Okay. Now on the bill
itself, unamended, please call the roll. 5506-10.
MR. CATANESE: Mr. Burn?
MR. BURN: Yes.
MR. CATANESE: Ms. Cleary?
MS. CLEARY: Aye.
MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Nay.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: No.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Aye.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Nay.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 10, noes 4. The bill
passes.
(Applause.)

PRESIDENT FITZGERALD: Committee on Parks, second reading. 5547-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting New Sun Rising to use county-owned property. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Futules?

MR. FUTULES: I'm sorry. I forgot where we were after all that. April 6th, the Parks Committee had a meeting regarding the Round Hill Farm Park outside of Elizabeth Township. And New Sun Rising is asking for a two-year lease on a property, a farm. It has left the committee with an affirmative recommendation, with a unanimous vote. I'd like to vote this.

MS. CLEARY: Second.

PRESIDENT FITZGERALD: Moved, second. Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

(No response.)

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

MR. CATANESE: Mr. Macey?

(No response.)

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes 13, noes 0. The bill passes.

PRESIDENT FITZGERALD: 5548-10.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, encouraging the establishment of "Gardens for Seniors" programs throughout Allegheny County. Sponsored by Council Members Futules, Fitzgerald, Gastgeb, Finnerty, Macey, Burn, Robinson, Rea, Cleary, Drozd, DeFazio, Martoni and Ellenbogen.

PRESIDENT FITZGERALD: Chair Futules?

MR. FUTULES: Also, on the April 6 committee meeting, we discussed the concept of having gardens at senior living centers and recreation facilities, also --- I'm reading this down here --- at the Kanes facilities, on county-owned property. We're going to promote the gardens at other locations. And we've talked to Darla Cravotta from the Executive Office, and we're going to look into things with Penn State. Also, there is other groups out there, such as the Boy Scouts and also the Department of Aging, which will assist anyone that is interested in having gardens.

In fact, I got a phone call today from a Plum Borough senior center. It was asking me about it, and they're very interested in it and actually told me how they want one done. They said they would like a raised garden that they want in strips narrow enough so that their senior citizens don't have to bend over. And they're very excited about it, and they want this to pass this evening, and I want to thank them, too. So with that, I'd like to make a motion to pass this.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second.
Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Aye.
MR. CATANESE: Mr. Macey?
(No response.)
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 13, noes 0. The bill

passes.

PRESIDENT FITZGERALD: Liaison reports. Do we have any liaison reports this evening? Seeing none, new business. Ordinances and resolutions. 5599-10.

MR. CATANESE: Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 307, entitled "Operations of County Council," 307.08, entitled "Conduct of Business," in order to provide for regular status updates by the County Manager at regular County Council meetings not attended by the Chief Executive. Sponsored by Councilman Drozd.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform. Councilman Drozd.

MR. DROZD: Thank you, Mr. President. This came out of an alum meeting, when we were at alum and I heard the Chief Executive present the alum. And there were a lot of subject matters that he presented that I wasn't aware of. And I think that, you know, if we're going to do the people's business and we're making decisions that involve multimillions of dollars, we need to know better what's going on within the county. I try to make it firsthand to get in my parks, when Mr. Futules was talking about parks. I snow ski. I cross country. I bike. I hike. I run in our parks. So I know a lot about them, but there are a lot of areas that I don't know about. And

I think we have to get those briefings and updates. I know the County Manager is very busy, and he's good in many ways in what he does. But he comes to committee meetings and he only comes up, you know, when he's called upon. I'd like to get a briefing, just a general briefing, of what's going on within the county that affects our districts and affects our county as a whole. I think we really need to do that.

And an example of this is passing of communication and information. I was really dismayed to see this ruling or this opinion by Mr. Cambest, which was dated March 24th. I only saw this today. It was only put in my mailbox either yesterday or today, no fault of our staff. I don't know what happened here. But we need this information well in advance. It should be passed. It should be given. The day that it's given to anyone on this Council, it should be given to each and every one of these Council members. It's very important and very imperative. This involved a very major ordinance tonight. Do you realize that we only had this in hand today and it was dated March 24th? And I would venture to say it was the same at Mr. Olczak's. His was dated --- you know, I know it was given to the Economic Development Committee, which I'm no longer on. And Councilman Finnerty was pretty, you know, astute in giving that out as soon as he got it, I'm sure.

But in any event, we need to pass this information. We need to get updates. We need to get briefings. We need to know more about our county and how we're affecting our people in what we do and what we say when we're sitting in these seats. And that would help with the briefing, not just when the Chief Executive comes and briefs on general data. I'd appreciate it, and I look forward to discussing this in committee on how it's going to enhance our ability to better serve the people of Allegheny County. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Just a point of privilege on a comment Mr. Drozd made, if that's okay.

PRESIDENT FITZGERALD: We'll be lenient.

MR. GASTGEB: Thank you. You know, Matt brought up with regard to the timing of letters, and I'm not sure what or why, but if I could make a general request to the administration. If in fact any legal opinion changes between what was given to us dated March 24th and over the

next ten days, what the Chief Executive may or may not sign, that Council see if that particular opinion changes. Because right now what the opinion looks like is lukewarm at best. If it gets any stronger, I'd sure like to see it. Thank you.

PRESIDENT FITZGERALD: 5600-10.

MR. FINNERTY: Excuse me.

PRESIDENT FITZGERALD: I'm sorry. Mr. Finnerty?

MR. FINNERTY: Since I'm the person that's getting kicked around ---.

PRESIDENT FITZGERALD: We'll give you privilege also.

MR. FINNERTY: I would appreciate that. I think that you will notice that at the bottom of the sheets that were given out, and they were given out at the committee meetings, and you, as Council members, are privileged to have the minutes on your computer, that it stated --- and I'll read the last two lines. As a result, a summary has been provided to the Chair. That's me. And any member who wishes to receive a copy are encouraged to request one from the Chair. There were no requests made. It's amazing to me that some people up here want to drag people around when they don't read --- they don't read what they get. Now, if you wanted it, you could have requested it, and I'd gladly have given it to you. Thank you.

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

MR. GASTGEB: Give me privilege, please. I just want to make sure that Mr. Finnerty understands, my question had nothing to do with that. My question was, if the opinion would change by the County Solicitor over the next ten days. That's what I asked.

MR. FINNERTY: I was not responding to you.

MR. GASTGEB: And secondly, just a practice of being here over ten years, I respect the chairman of every committee. I don't think anybody can say up here that I don't. But I will always get my opinions directly and I will speak directly to any solicitor I want as an elected official. Thank you.

MR. FINNERTY: And you should.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Mr. Finnerty, you jumped the gun. I wasn't referring to you.

MR. FINNERTY: I don't know who you were referring to holding it up.

MR. DROZD: No, no, you don't understand. You didn't have the opinion of Mr. Cambest yet. It wasn't your ---.

MR. FINNERTY: The inference.

PRESIDENT FITZGERALD: Go ahead.

MR. DROZD: It wasn't ---. The one that you had was from Mr. Olczak, and I know you made it available and I appreciate that. You made more efforts to do that, and I really appreciate your doing that. That's what I said.

PRESIDENT FITZGERALD: Thank you.

MR. DROZD: So you're jumping the gun a little.

PRESIDENT FITZGERALD: 5600-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing rental rates, fees and restrictions for independent living apartments at the Kane Regional Center-Glen Hazel. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Health and Human Services. 5601-10.

MR. CATANESE: An ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Health and Human Services. 5602-10.

MR. CATANESE: An ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Health and Human Services. 5603-10.

MR. CATANESE: A resolution ratifying certain year-end transfers pursuant to Section 805.03 of the Administrative Code. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. 5604-10.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2010, Submission 05-10. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. New business, motions? None? Notification of contracts. 5606-10.

MR. CATANESE: Communication from County Manager Jim Flynn, submitting a summary of executive actions relating to contracts for the month of March 2010. Sponsored by the County Manager.

PRESIDENT FITZGERALD: Motion to receive the file?

MR. MARTONI: So moved.

PRESIDENT FITZGERALD: Moved. Do I have a second?

MR. DEFAZIO: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Responding no? The ayes have it. The vote to receive the file is carried. Public comment on general items. We have one speaker this evening, Mr. Lester Ludwig. I see Mr. Ludwig sitting there patiently waiting. Mr. Ludwig, if you'd state your name and address for the record, please.

MR. LUDWIG: My name is Les Ludwig. I live at 6589 Rosemoor Street in Squirrel Hill. And I want to thank you, Mr. President. I handed you a piece of paper, and I understand it has been distributed to all the Council members. Now, we spoke at great length, and you spoke at great length about the good of the people and how we're trying to have an effect. It's beneficial at all times for a voting-elect group. So therefore, I ended up writing something because I thought I saw something that dealt directly with this question, and that is, what's better than wealth? Well, for a guy, 78, who's been through open heart and a pacemaker, it's health. I got to be here. Being wealthy is, unfortunately, secondary.

So now Jamie Oliver's Food Revolution Friday evening was brought through my attention, and has the ability to reduce our country's health care costs. As a food chemist by degree, I suggest that everyone should read and understand food nutritional labeling. I didn't, and it didn't exist. Therefore, open-heart surgery, and the major causes of poor health in our city and county, these are caused by over-consumption of total fats, saturated fats, trans fat, cholesterol and salt. Research from the supermarket shelves were revealed to each educated consumer. Educated. Educated to know what? What's going to damage my health? That probably 75 percent of the items that were checked are too high in not

just one, but multiple levels of disease precursors and posed a threat to the consumer. I was aghast as I did the study.

I ask that a motion be passed to pursue Jamie Oliver's services for here in the county on TV, whether it be Channel 4 or any other, and elsewhere in Pittsburgh so that the Food Revolution pictured on Channel 4 would become a reality for the improved health of our citizenry. Why should we be anything other than second? The fattest community in the country is where he has been. I'm not interested in him going anywhere else. I want him to come here. We've got UPMC. We've got so many of these health issues. And we've got so many diabetics and we've got so many obese people who are suffering from joint problems, et cetera. So therefore, I ask you to make an action and to face the issue of health. Health is better than wealth.

PRESIDENT FITZGERALD: Thank you, Mr. Ludwig.
Do I have a motion to adjourn?

(Chorus of motions.)

(Chorus of seconds.)

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 7:14 P.M.

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability

Beth A. Ludwig