

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

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BEFORE:

Charles J. Martoni	-	President District 8
Nick Futules	-	Vice President District 7
John P. DeFazio	-	Council-At-Large
Heather S. Heidelbaugh	-	Council-At-Large
Matt Drozd	-	District 1
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
John F. Palmiere	-	District 6
Robert J. Macey	-	District 9
William Russell Robinson	-	District 10
Barbara Daly Danko	-	District 11
James Ellenbogen	-	District 12
Amanda Green Hawkins	-	District 13

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

Tuesday, January 10, 2012 - 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
John H. Rushford, Jr. - Counsel for County Council
Jared Barker - Director of Legislative Services

PRESIDENT MARTONI: The January 10th, 2012 County Council meeting will come to order. Please rise for the Pledge of Allegiance read by Upper St. Clair High School students Trey Phillips and Hannah Wilhelm. Please remain standing following that for a moment of silent reflection. Come up to the front, guys.

MR. FUTULES: Come up to the podium, wherever you are.

(Pledge of Allegiance.)

(Moment of silent prayer or reflection.)

PRESIDENT MARTONI: Thank you. Roll call.

MR. CATANESE: Mr. Burn?

(No response.)

MR. CATANESE: Ms. Danko?

MS. DANKO: Here.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Present.

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: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Present.

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Here.

MR. CATANESE: Ms. Rea?

(No response.)

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Here.

MR. CATANESE: Thirteen (13) members present.

PRESIDENT MARTONI: Proclamations and certificates. 6683-12.

MR. CATANESE: Proclamation congratulating the University of Pittsburgh upon its 225th anniversary. Sponsored by Councilman Gastgeb.

MR. GASTGEB: Thank you, President Martoni and members of Council. If I could have Renny Clark and Jimmy Williams come up and stand next to me, from the University of Pittsburgh. And when we do proclamations, I really feel that we seek out the best that Allegheny County has to offer. We have some youngsters here tonight that I think epitomizes and attests to that. And whether as Council people --- we're looking for the best to portray, or oftentimes our constituents will come to any one of us 15, it makes you feel good. And oftentimes you'll hear from a lot of us that when you watch the news or read the newspaper or listen to the radio, sometimes when we hear about young adults, it's not quite the positive manner and you kind of scratch your heads.

I think the University of Pittsburgh and really, all the universities and colleges in Allegheny County, but especially the University of Pittsburgh --- why? That's where I went, so that's why I can say especially the University of Pittsburgh, takes so much in our region, not just the county, and makes it good. I can go on and on. And when Stephanie was looking at writing the whereases for our proclamation, she probably could have made 50 whereases because there's just so much to talk about the university. It can be some of the young men and women I alluded to earlier and how the university makes them better in what they do, whether their academics or maybe academic athletes, research, you name it.

But beyond what it does for the education purposes of a young mind, what they do for the community is just outstanding. I wouldn't even know where to begin. Economic development, working with the Allegheny Conference, working with city, county, state, federal. It goes on and on and on. And with a major university, I guess you expect it, but I'm not sure if people realize how Pitt has --- I won't say evolved because they've always been in one of the higher echelons, but really, a world-class university we have here. Rhodes scholars. I mean, when you watch the football or basketball game, the commercial, you know, it just --- it makes you in awe, some the greatness that we have here.

So one of the things I'm mentioning is because we've given out a lot of proclamations for anniversaries,

but I'm not sure if we ever got to 225 years. Think about that, 225 years we've had with an institution here in Allegheny County, Pittsburgh, western Pennsylvania, the United States and over the world, with their study abroad and some of the partnerships that we have. 225 years. To me, that's outstanding. Tonight, I believe, we have the first step of many in 2012 that we'll bring to the university. So starting here in January, I'd like to read a proclamation that kind of kicks off the University of Pittsburgh's 225th anniversary, if you can bear with me. And while I was a student there, I didn't need these, but now I do.

So whereas, founded in 1787 and established by the General Assembly of that year, the University of Pittsburgh, also known as Pitt, has evolved from humble origins in a log cabin into an internationally recognized center of learning and research.

And whereas, Pitt has uniquely enriched higher education in the Commonwealth as a state-related university since 1966.

Whereas, in annual regional economics, Pitt contributes exceeding \$2 billion to the local economy, and Pitt is really a powerful contributor to the regional economy in general.

Whereas, Pitt employs more than 12,600 residents at its Pittsburgh Main Campus, along with Bradford, Greensburg, Johnstown and Titusville. Pitt currently enrolls more than 26,000 Pennsylvanians as resident students and is reported to have around 270,000 alumni now residing in the Commonwealth.

Whereas, Pitt has earned further recognition for its Pitt Panther athletic teams and its broad array of educational and cultural programs, including health initiatives.

Whereas, Pitt ranks fifth among all universities nationwide in competitive grants awarded by the National Institute of Health, supporting 28,000 local jobs and providing a great return on the Commonwealth's investment.

Whereas, Pitt has also been ranked in the very top cluster of national public research universities for the fifth consecutive year, and also, the Princeton Review has ranked Pitt as one of the best values in public higher education.

Now, therefore, be it resolved that Allegheny County Council does hereby congratulate the University of

Pittsburgh upon the momentous occasion of its 225th anniversary. Furthermore, we acknowledge that Pitt has a rich tradition of innovation and excellence and a long, proud history, and we hope it continues to flourish in the future. Sponsored by me, Councilman Gastgeb, on behalf of Allegheny County. Renny and James, congratulations.

(Applause.)

MR. CLARK: Councilman Gastgeb, President Martoni and members of Council, thank you very much. On behalf of Chancellor Nordenberg, it's my honor to be here to represent the university. When our founder, Hugh Henry Brackenridge, stressed in the 1780s the importance of education, at that time it was the edge of the western frontier. This is what this was called. He said that an institution of higher learning will have a major impact on this community for many, many, many years to come. He was a very wise man. In 1787, what was known as the Pittsburgh Academy was founded. It actually sat down at the corner of Smithfield and the Boulevard of the Allies. On the corner of the parking garage there, there's a large plaque recognizing the first site.

In 1819, the name was changed to Western University of Pennsylvania, and it moved across --- over into Allegheny City on the North --- what we call the North Side today. And it was there --- sat there until 1908, when it moved to Oakland, where it is today, and became known as the University of Pittsburgh. It has a long, proud tradition of serving this region and serving the Commonwealth and serving our nation and indeed the world today.

On February 24th at our Honors Convocation, we will kick off our nine-month-long celebration celebrating 225 years. We are one of the few organizations in Allegheny County that can claim that tenure, and we're delighted to do so. We will celebrate at the Honors Convocation up through Homecoming in the fall with a number of activities. You'll be seeing a lot of information about that. But again, on behalf of the faculty, the staff, the students and the administration of the University of Pittsburgh, we are truly honored to be recognized by County Council tonight on this important event in the life of the university. Thank you very much.

(Applause.)

MR. ELLENBOGEN: Mr. President?

PRESIDENT MARTONI: Yes?

MR. ELLENBOGEN: Point of personal privilege?

PRESIDENT MARTONI: Yes, please.

MR. ELLENBOGEN: I just wanted to say I'm one of those Pitt grads, and I want to congratulate you on your success before you hit 200 ---.

MR. DROZD: Mr. President, I'd also like to maybe add all of us who would like to be included on this as a co-sponsor. You know, I taught at the University of Pittsburgh on a part-time basis, anyhow. It means so much to us, this university, education-wise.

PRESIDENT MARTONI: Joe, we're putting everybody as a co-sponsor.

MR. CATANESE: Who would like to all be a co-sponsor?

MS. DANKO: Dr. Martoni, could I ---?

PRESIDENT MARTONI: I'm sorry. Wait.

MS. DANKO: Dr. Martoni, I just wanted to note that my daughter, who was here last week, graduated from Pitt about two weeks ago with a degree in engineering, so we're happy about that, too.

(Applause.)

(Pictures taken.)

PRESIDENT MARTONI: 6684-12.

MR. CATANESE: Proclamation honoring the 14th Annual Summit Against Racism hosted by the Black and White Reunion. Sponsored by Council Members Robinson and Martoni.

MR. ROBINSON: Thank you, Mr. President and members of Council. Oftentimes you see Doc Martoni and I here on behalf of other entities. We are no less enthusiastic today in our commitment to creating a community in which people can work together, whether it's based on color or race or anything else that divides us. Doc and I are committed and united that we create a county in which people's skills and talents can be recognized and people can rise and fall based on their ability. We are unashamedly committed to people cooperating and working together. We're unashamedly committed to people competing with themselves to be better, because it makes our county better.

So it's with great pride and honor that again we offer this proclamation to recognize the Black and White Reunion after 14 years. There's some folks here we'll allow to identify themselves who will surely want to share with us what they've been doing, something about their

longevity and how they believe and Doc and I believe that they improve our county.

Whereas, organizations in Allegheny County are dedicated to achieving peace and equality in today's world.

And whereas, the Black and White Reunion, which was formed in 1996 to renew a collaborative spirit in addressing inequality and division in society, hosts the 14th Annual Summit Against Racism on January 21st, 2012.

Whereas, the summit is a celebration of the life of Dr. Martin Luther King, Jr. and is an opportunity for citizens to recommit to the struggle for civil rights, economic justice and peace for which Dr. King and many others have given their lives.

And whereas, during the summit, speakers will address attendees regarding anti-racism, activism, a workshop to be offered to enhance activism awareness, and the film What Does Trouble Mean?, Nate Smith's Revolution, which chronicles the life of an important labor figure, Nate Smith, which will be shown.

And whereas, the summit builds off the techniques of Dr. King and exhibits one of his essential teachings, social justice requires sacrifice, struggle and the tireless passion of dedicated individuals.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, honors the Black and White Reunion for hosting the 14th Annual Summit Against Racism and for raising awareness of the need to recommit ourselves to rights, economic justice and peace. We commend the volunteers and organizers of the summit, and we hope it succeeds in bringing positive change to our region.

Even though Doc Martoni and I are the major sponsors, I believe all members of this Council are committed to what we are committed to and that is to create a county in which everybody can feel comfortable in their skin and can contribute to the greatness of this county. We rise together, we fall together. And Doc and I want to thank each and every one of you for supporting us over the years as we have offered this proclamation. I'm going to now turn the program over to Dr. Martoni, and he'll make the arrangements for introducing our guests. And I thank each and every one of you for being so attentive.

(Applause.)

PRESIDENT MARTONI: I just want to thank our guests, and I want to thank this particular organization who's brought a lot of wonderful things to Allegheny County. We are basically light years ahead of the rest of the country and the rest of the world, and we're going to stay that way. Okay? And we're staying that way because of people like this, so I want to thank them for all the good works they do. And I want to thank God that they do those good works.

(Applause.)

MR. MILLER: Thank you. My name's Kenneth Miller and I'm so proud to be here tonight with this group of people. Fourteen (14) years is a long time, and every year we really try to focus hard on what Martin Luther King would think of the state of the world and to implement the kind of strategies that he would bring forward. So participating in the Summit Against Racism is one of the most refreshing experiences I had every year, and I hope that many members of Council will do some outreach to their constituency and invite them to participate with us again this year.

One of the great successes of this year, of the Summit Against Racism and every year, is our access to students and our ability to share the message of Martin Luther King in an intergenerational environment. One of the great opportunities that we have to do that this year is we're going to be doing outreach and invitations to students at the Community College of Allegheny County, all four campuses, next week. And we could not be more excited to do that.

You know, the CCAC, you know, helps people become good employees and teaches them, you know, how to --- the skill set that they need to deal with their boss. But they also need to know what their rights are as well. There needs to be labor education at CCAC. There needs to be an emphasis on labor union rights and civil rights under the law, and we're really glad to be able to be doing that and the folks in CCAC for our invitation to the Summit Against Racism this week. And unwavering support that we've received from this Council over the years and from Dr. Martoni and Dr. Robinson in particular has been a tremendous foundation on which the Summit Against Racism rests. We're all pleased to be here tonight. Let me introduce another member of the Black and White Reunion's coordinating council.

MS. TAYLOR: Thank you. My name is Celeste Taylor, and I really did want to just say something briefly to really express my appreciation and for the young people today --- well, for everyone to let you know that I've been a part of Occupy Pittsburgh. Recently I have been involved with the Black Political Empowerment Project. And groups work together in this city and in this county just so that we can all exercise our rights, but with that comes responsibilities. And if I don't get to see the young people accept their proclamations or their awards, just know that I congratulate you and we'll make sure you get all the information about the Summit Against Racism. And we encourage you all to come. And I really do hope my brother in the civil rights movement says something. Tim Stevens is the founder. And if he could just come up and say something briefly. I know he's been working hard, but thank you all for this opportunity once again to be here.

(Applause.)

MR. STEVENS: Pardon my attire. I've been going straight through today and thought I would get back for a suit, but I thought my presence was more important than the suit, so ---. Thank you so much for this opportunity to acknowledge our work. And I want to congratulate the new president.

One thing I want all of us to know, the Black and White Reunion was formed in response to a tragedy of October 12th, 1995, when Jonny E. Gammage, a cousin of Steeler --- Pittsburgh Steeler Ray Seals, died from positional asphyxiation or asphyxia inside the city limits at the hands of suburban police officers. It was a moment that the city could have exploded. A lot of emotion. Became a national story for some time. And what happened in Pittsburgh, black and white people formed a bridge of communication, and we came together to find solutions in the midst of tragedies.

And out of that death came the first consent decree in the nation, federal oversight of the Pittsburgh Police Department for five years. It ended September 13, 2002, Friday. Out of that came the creation of the Black and White Reunion. Out of that came the Citizen Police Review Board. Out of that came the PLEAC, Pennsylvania Law Enforcement Accreditation Commission, initiated by the Republican Governor, Tom Ridge. I say all that to say sometimes in the midst of tragedy can be borne

opportunity, could be borne a new moment of bridging our gaps. I thank you for acknowledging that.

(Applause.)

UNIDENTIFIED SPEAKER: Well, I only have one thing to say. It's either united we all stand or divided we all fall.

(Applause.)

UNIDENTIFIED SPEAKER: I just want to say one thing. Saturday, the 21st of January, East Liberty Presbyterian Church --- if you're in East Liberty Campus, it's the biggest building there, 8:30 until about 3:00 in the afternoon. You all come. We're headed to our meeting now, so we have to leave.

(Applause.)

(Pictures taken.)

MR. FINNERTY: Mr. Robinson?

MR. ROBINSON: Yes, sir.

MR. FINNERTY: Can I be added to that?

MR. ROBINSON: Yes, sir.

MR. PALMIERE: I'd like to be added.

MR. MACEY: All of us.

PRESIDENT MARTONI: 6686-12.

MR. CATANESE: Let the record show that Councilman Burn is present. Proclamation honoring Charles V. "Chuck" Wagner, Jr. upon his retirement after 50 years of coaching football. Sponsored by Councilman Futules.

MR. FUTULES: Today I want to talk about my personal experiences with Chuck Wagner. And I also want to talk about the proclamation. I'd like to read the proclamation because I've known Chuck for such a long time. Actually, I knew your dad before you. As a little boy, his father owned Wagner's Beer Distributor. And as I'm standing here right now, I can see your dad's face, that smiling face, always with my father. And you've certainly taken after him in life. And later on in my life, I got re-introduced to Mr. Wagner when my brother, Tony, actually played football for Verona High School, and he had to play against Chuck Wagner and John Kratz, as we called him. I know him very well. They made a big deal out of the game, but Verona had a habit of losing, though, on a regular basis. As a matter of fact, you can probably tell me better than I can. Maybe once out of ten years, we were lucky.

COACH WAGNER: That's about it.

MR. FUTULES: That's about it. He knows. Well, the first time I met you, Chuck, was in 1968. When I was in the tenth grade, I had the honor --- I shouldn't say --- maybe, not an honor --- but I had to play you six times in three years. In the regular season, three times. Of course, in AIC championship, we always lost because Chuck Wagner's team was a great team and he was a great coach. But it was my junior year Verona happened to play the most perfect game at that time. And it was a 6-0 game. It was probably the first time we ever shut Oakmont out. Maybe it was. It was the first time. And it was one of the highlights of my football days, the fact that we actually beat you. And that evening, we had our homecoming dance, and I told you before, you know, every girl in the school came up and kissed every football player in the place. And that was just --- that was peaches for all of us. And that was a great year.

COACH WAGNER: That was probably the only time he got kissed.

MR. FINNERTY: In high school, for sure.

MR. FUTULES: Well, Coach, I have something here with me today also besides my proclamation for you. This is a picture of you. It's Chuck, Mr. Kappa, the football team. This represented the last rivalry game between Oakmont and Verona in history and it hangs in my office, and I get to see that all the time. I look at it. It was the biggest thing about how Oakmont and Verona --- of course, we lost that game. I'm pretty good at --- used to that. But to be honest with you, Chuck, I really miss those days.

And now as a council member of this Council, I see students out here like you kids here in this audience. And I always tell everybody that high school is the best time in your life. It really is. And it's people like him that made my memories great. Chuck Wagner even exemplifies a person that we all wish we were like, a man who molded thousands of students, taught them the fundamentals of life through teaching in your classroom and coaching football. If we try to put every kid you put through school in this courthouse --- and I don't think we can fit them --- literally, thousands after 50 years.

You're a loving father, grandfather and a loving husband to Dee and of course, your daughter, Beth, here today. Your players still call you Coach, and they all say, hang in there or hang tough, because that's the

phrase that Mr. Wagner invented; isn't that correct? He said, hang in there tough. That's Chuck Wagner. Chuck, you're a living legend in the AK Valley. Chuck Wagner, the coach, will go down in history as one of the best coaches in the AK Valley.

Now, on the lighter side, back in September during the September season for the --- what was it, Dynamos --- Dynamos, yes. We held our 50th party --- anniversary for Chuck Wagner at Futules' Harmar House.

MR. ELLENBOGEN: How did we know you were going to say that?

MR. FUTULES: It's at 1321 Freeport Road, 724-274-4822. But thank you for that, though. You gave me that opening, and I knew you were going to.

MR. ELLENBOGEN: That's why you pay me, Nick.

MR. FUTULES: We honored the coach for his 50th year of coaching that night. We didn't know that it was his last year. Really, we didn't know. The speeches went on for at least two hours. Several hundred of his players and family showed up. And I recall when you came to the banquet hall that he was surrounded by people and the handshakes and congratulations. Then they rushed him up to the stage to have the presentations. It went on for two hours.

Well, about an hour into it, Coach Wagner gets up and grabs the microphone and I swore it was the Forrest Gump movie. He just wanted to thank everybody for coming. And all I have to say is, I've got to pee. The poor guy came from a restaurant not knowing he was having a party. He had to go. So we took a break, about ten minutes' worth, and we continued on with the program for another hour. That was pretty ripe.

So tonight we honor your 50th year in football and your retirement. Of course, I'm not really sure you're retired. I'm not sure because I'm waiting to see if Pitt or Penn State wants to pick you up. I hear Penn State's looking for an elderly coach, so I think you might fit the bill.

So the proclamation states that you were at Bucknell for three years, of course. With 25 years at Oakmont and Riverview, everyone thought he retired, and they had a big party for him. Well, that wasn't so. He then decided to go to Fox Chapel, and he coached for three more years. And then again they had another party, thought he retired; am I right?

COACH WAGNER: I don't know about these parties.

MR. FUTULES: Yeah, I'm telling you. He then goes to Springdale for 19 years, turned the program around that actually wasn't doing that well. But somehow the entire community rallied around Chuck Wagner and became a great football team. They remodeled the field. They planted new grass. It was a beautiful stadium and everything seemed to revolve around him for 19 years. And they still have that pride today in Springdale because of Chuck Wagner, the 19 years that he spent there.

So I'm not real sure if you're really retired, Chuck, but maybe time will tell. But I'd like to read the bottom half of this proclamation for you now that I touched on. It says, now, therefore, be it resolved that Allegheny County Council hereby congratulates Chuck V. "Charles", Coach Wagner, Jr. upon his well-deserved retirement after 50 years of coaching football. Furthermore, we recommend his professional excellence, and we offer the best of wishes to him in the years to come. Thank you, Chuck. Congratulations.

(Applause.)

COACH WAGNER: Just a few words. I would like to take this opportunity to congratulate everyone else here this evening to receive awards. I think to be able to receive an award here is certainly a great honor. Also, I do want to thank my wife for her hanging in there with me. It's not easy to be a football coach's wife, as the coach there will probably attest to also, and one of our six children.

And these 50 years, without a doubt, have gone by awful quick, and I kind of split them up this way: 13 at Oakmont, 15 at Riverview, 3 at Fox Chapel and 19 at Springdale. I was blessed to have a lot of success, as Mr. Futules or Councilman Futules indicated, but I was also blessed to have a lot of fine football players and a lot of fine assistant coaches. You don't do it on your own. You do it with that mold. And fortunately, year in and year out, I was very fortunate to have that situation.

And if I had to do it all again, I must say there's no question in my mind, they were a lot of just great years, period, in every regards, and I would do it again over, okay, the total time. But I can tell Nick that I have retired for good, and that's a fact and that will not change. Thank you all very much.

(Applause.)

(Pictures taken.)

COACH WAGNER: Can I say one more thing? P.S., we could have done a whole heck of a lot better if it wasn't for a team where the head coach was there in the back waiting to come up here, and that's Clairton High School. Congratulations.

PRESIDENT MARTONI: 6687-12.

MR. CATANESE: Certificate of Achievement honoring Clairton High School football team for winning the 2011 WPIAL and PIAA Class A Championships. Sponsored by Councilman Palmiere.

MR. PALMIERE: Good evening, everyone, Mr. President and members of Council. It's a real pleasure for me to stand up here tonight to honor the Clairton football team and Coach Nola, who was gracious enough to come down tonight. Coach Nola, do you want to come up? We were here a few months ago. We honored the Braddock team for having a wonderful record that lasted for years and years and years. And Coach Nola's team eclipsed that record this year. Amongst the fact that they did, they were in their fourth state championship game this year. They lost the first one, but they won the next three. It's an accomplishment that's just unbelievable, and like I said earlier, it's an honor to be here to honor Coach Nola and his team and their achievements. Coach Nola, I want to read this, and then I'll let you have a word here, please. Is that all right? Thank you.

Whereas, Allegheny County serves as the home of legendary sports teams that have contributed to this region's history of competition and achievement.

And whereas, on December 16th, 2011, Clairton High School's football team, the Bears, became the first WPIAL team in history to win three consecutive Class A state titles, and the team joins elite company since it is the only one of four schools in Pennsylvania to ever win three consecutive state championships.

And whereas, the Bears concluded their season 16-0, extending their winning streak to 47 games and broke the 46-game unbeaten record previously set by the Braddock football teams from 1955 to 1960.

And whereas, the Bears now hold the longest current winning streak in the country for high school, college and pro football, exceeded by one game, New Jersey's Don Bosco Prep, whose season ended with a 46-game winning streak.

Whereas, over the last four years, Clairton's record has gone 62-2, with its only losses coming to Steelton-Highspire in a 2008 state championship game and to Laurel in the 2009 season opener.

And whereas, the unprecedented dominance of this team is attributed to the outstanding guidance and direction from the coaches and to the athletic supremacy of teamwork of the athletes.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, hereby honors the Clairton High School football team for their outstanding success as a high school sports team. The team has set a positive example of excellence for all of Allegheny County, continuing evidence that this is the county of champions. And this is Coach Nola. Congratulations.

(Applause.)

COACH NOLA: I'd like to thank the County Council and Mr. Palmiere for having me down here. It's been quite a whirlwind since we won our last state championship here and a lot of proclamations and a lot of congratulations and everything. We really appreciate it. And like I said --- like Coach Wagner just said --- I said we three times now. It's we, definitely. You can't do this by yourself. I've got great assistant coaches. But most of all, I have great players, and everybody knows that. Coach Wagner knows that; right? And we pass against Coach Cerro, and he knows we've got good athletes, too, so it's not me. It's the players and all the people around us. But I really appreciate and thank everybody for this honor and everything. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT MARTONI: 6688-12.

MR. CATANESE: Certificate of Achievement honoring the Montour High School football team, for winning the 2011 WPIAL Class AAA Championship. Sponsored by Councilman Finnerty.

MR. FINNERTY: Thank you, Mr. President. Coach, would you bring your team up, please? It's quite an honor, Lou, just having you up here, the WPIAL AAA Coach of the Year. I remember going back when, I guess, you came over with Seton-La Salle ---

COACH CERRO: Yes, sir.

MR. FINNERTY: --- and we're at Montour, and I coached myself at Char Valley, by the way. I coached football, basketball and track and taught there, also, for 30 years. And I remember that --- I don't know if it was your first year or second year, when you had to endure --- was it the first year? Oh, my God, I didn't know that --- when you had to endure Mike Ditka as --- no, it was Dick Butkus. And they were filming this, and it was unbelievable, the distraction. And I remember you guys played up at Char Valley that year. I don't know how you got through it, but you did. And out of adversity comes a lot of strength, endurance and a desire, and I think that's important.

And I think if we look at sports and what sports does for someone, sports gives you the idea of cooperation, discipline. It's an all for one and one for all, especially in team sports. When you get that together, you learn life lessons through your sports. And I think that's something that you'll always get. If you look at a sports team, an athlete, you get tested every day. And then you have your final test every week when you get on the field. And you're not taking a test by yourself. You have 300, 400, 500 people watching you take that test. You have people screaming at you, applauding you, et cetera. And it makes you a better person in the end run and it makes you a better person in the classroom and it makes you a better person in life. You know what it is to meet adversity, to succeed, to fail and to get up and go at it again every time.

And I think that's the importance of athletics in school or athletics in any given time, on the playground, even. I think that's very important. I just wanted to make those comments because sometimes I get carried away. And I really feel honored to be presenting this because you gentlemen crunched my Char Valley team this year. Twice? I don't know about a second time, but it was the first game of the year, I think. You didn't have to do it the second time.

I'd like to read this ---. I'd like to actually read two proclamations. The first one is to Lou, who is the Coach of the Year in AAA, WPIAL AAA Coach of the Year. Allegheny Council is proud to present this Certificate of Recognition in honor of your beneficial guidance and influence upon young men, urging them to prevail in academics as well as athletics, and leading them through

an excellent season. We congratulate you on earning the well-deserved distinction as being named the WPIAL Coach of the Year. Your 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 you and your team in celebrating your distinctive achievements. And this is sponsored by myself, Council Member Mike Finnerty, the 10th day of January, 2012. Congratulations.

(Applause.)

MR. FINNERTY: I would like also to read the team proclamation before I turn the microphone over to Coach. This Certificate of Achievement is awarded to the 2010-2011 Montour High School football team in recognition of earning the WPIAL Class AAA Championship. We commend and recognize each player and coach whose determination and resolve led to this achievement. The team has set a positive example of excellence for all of Allegheny County, continuing evidence that this is the county of champions. This achievement has conferred honor on this county and is an accomplishment in which the entire community can be proud. This is sponsored by myself the 10th day of January, 2012. We have certificates for each person, also. Coach, do you want to take the microphone and introduce people and ---?

COACH CERRO: Absolutely. A few words. I want to thank Mr. Finnerty and the rest of the Allegheny County Council for having myself and my team here today. We had a great accomplishment this year, making it to the WPIAL final, winning it against a great Knoch team and making it all the way to the state semi-finals where we, unfortunately, lost to Bishop McDevitt out of Harrisburg. This team, while our seniors who --- and some of them are here tonight, I'm going to introduce them, guys that went 29-9 in the last three years, played in the WPIAL final last year and unfortunately lost to Central Valley. But we got up over the hump this year and beat Knoch for the WPIAL final.

We have some seniors here, a nice group of kids here today. First we've got offensive lineman Joe Victorelli, offensive/defensive lineman Christian Balaski, one of our captains, linebacker and fullback Anthony Rippole, another one of our captains. Matt Christiansen plays defensive end and center, offensive tackle/defensive tackle Dom Martinelli, also a senior and one of our

captains, who's committed to go to the College of William and Mary, sophomore Anthony Brandy. Who are we hiding over there? Patrick Kennedy, wide receiver and great baseball player, Darren Massey, our wide receiver and defensive back, senior Matt Barone, one of our offensive guards and defensive tackles. Who am I missing? Anthony Bombassaro, defensive back and wide receiver. Who am I missing? Who's that over there. I can't even see. Oh, we call him Mud, Mr. Matarazzo, who's one of our young sophomores, who's a center and offensive guard who does some things for us. Sherrod Naylor, one of our defensive backs and wide receivers, and Julian Durden, top five rusher of all time with WPIAL, who's committed to Kent State.

Once again, I want to thank the Allegheny County Council for having us here this evening. Congratulations to everybody in this room. Coach Nola, he's an unbelievable coach. I wish I was in his shoes. He hasn't lost a game, like, in 17 years, so I don't know what's going on over there. Unbelievable program. And Coach Wagner, a great career at Springdale and the other schools he was at. The crazy thing about Coach Wagner, he went to school with my father, which was --- you know, my father has passed away now, but God bless Coach Wagner. He's still coaching football. I wish at his age I'm still coaching. So thank you once again, and I appreciate all the support. Thank you very much.

(Applause.)

(Pictures taken.)

PRESIDENT MARTONI: 6689-12.

MR. CATANESE: Certificate of Achievement honoring the Upper St. Clair High School boys' golf team for winning the WPIAL Division I Championship. Sponsored by Councilman Gastgeb.

MR. GASTGEB: Thank you, President Martoni and members of Council. I'd like to have the Upper St. Clair High School boys' golf team, led by Coach Flynn, come up behind me. Any other representatives for the team from the school district can come up. And I also want to thank and also make mention that all the young adults here that have been recognized for outstanding achievements as well as coaches, one of the things I think unique to the whole process of these student athletes is the hard work they put in. And as the Upper St. Clair golf team is coming up here, I have the distinct pleasure of staying

here for three proclamations. Now, most of my colleagues don't want to hear any more from me than they have to, but see, now they have to since I'm here. I also don't know what to do with all these proclamations. I've never been in a position like this, so it's a good thing we have cubicles down here, I guess.

So now, why would I bring that up? Well, I bring that up because not only are all these teams worthy champions that have been here tonight and many others, too, that we've recognized over the last couple weeks or so, but having a community --- one community having the first of three teams coming up and that being the boys' golf team, I think speaks to that community.

Before I talk about this team and their deserving accomplishments, I just want to speak to what I believe the culture is of Upper St. Clair. And I know it's somewhat close, I guess, since I'm from Bethel Park and my daughter is actually on the Bethel Park girls' team, so I know the type of dedication and commitment you have to do. I mean, for me, golf is one of the only sports where I've never seen my child play. I'm not allowed to go to the matches because I make her nervous. So I have four kids. And Kelly will have a golf match, and I won't even know it. She'll just come back and tell me. So hopefully --- she'll be a senior next year --- I'll be allowed to watch her. I don't make anybody nervous but her. I can't figure that out.

But it goes back to the community of what Upper St. Clair does. And believe me, they don't do it at the expense of education. Their academics are consistently ranked at the top statewide and certainly in the region here. So I think the common thread is just the dedication and the interest of you student athletes and the willingness of your parents to do what it takes so that you're well rounded. I mean, if you're like my house, I can't remember how many times we actually have a dinner together because either you or your brothers or sisters are going somewhere, whether it be a practice or driving somewhere for a meeting. And that's something you have to put up with being a student athlete, but somehow you make it work and you make it work to your betterment. And I think Upper St. Clair has, obviously, a tremendous track record of doing that. So it's academics. It's athletics. It's just community involvement. So as I thank all the

teams, I also want to thank all the parents, administrators, school districts, whatever.

You know, when you go to Upper St. Clair, the community is there. They tell you when you have Community Day. I recognize all you guys because you want candy and we throw them out, even though you're older. I mean, you're there. For some reason, you have a Community Day of high school students. You don't always see that at Community Day. Sometimes it's for the younger students. So I applaud you for that.

So I do want to recognize the Upper St. Clair boys' golf team now for winning the --- I'll call it WPIAL golf championship here. I'll read the proclamation and also have Coach say a few words on behalf of this outstanding season.

So this is a Certificate of Achievement made to the Upper St. Clair High School boys' golf team in recognition of earning the WPIAL McDonald's Division I boys' team golf championship. We commend and recognize each player and coach whose determination and resolve led to this achievement. The team has set a positive example of excellence for all of Allegheny County, continued evidence that this is a county of champions. This achievement has conferred honor on this county and is an accomplishment to the entire community that we can be proud of. Sponsored by me, Council Member Gastgeb. Coach, congratulations.

COACH FLYNN: Thank you.

(Applause.)

COACH FLYNN: I'd like to thank Council for inviting us here tonight, Mr. Gastgeb, certainly, for sponsoring us. Any of you or all of us that have stood at the first tee with a lot of people behind watching as we stood there over the ball and thought, dear Lord, let me get off the first tee, I can attest to you that these young men do it consistently. I can also guarantee as their family, as their coach, as representatives of Upper St. Clair School District, they are truly gentlemen. They would not be part of the team without being it.

Golf, as I try to tell the young men, it's just a stepping stone for something bigger in life. But it's the only sport left with any, to me, true integrity. It's the only sport where you call a penalty on yourself, and they do, which is certainly something to be said in this day and age.

I'd like to introduce the players we have with us right now. We also have a Matt Barone. Montour had a football player. We have Matt Barone, Jr. We have Grant Engel, Nelson Zacur, Jr., Patrick McDonnell, sophomore, Tim Novic, who was our senior captain, who also participated not only in the state individual championship, but we were fortunate enough to make it to the state championship as a team, so he was doing double duty that day and did very well and brought great honor to the school. Lastly at the end, Trey Phillips, Jr. So you can see we have a young team, only one senior. And in Upper St. Clair tradition, we do expect the best. Thank you very much for having us tonight and thank you for sponsoring us.

(Applause.)

(Pictures taken.)

PRESIDENT MARTONI: 6690-12.

MR. CATANESE: Certificates of Achievement honoring the Upper St. Clair High School boys' soccer team for winning the WPIAL Class AAA Championship. Sponsored by Councilman Gastgeb.

MR. GASTGEB: Thank you, and I'd like to bring up the boys' soccer team. I was just thinking of something when the golf team was up. You know, it's a privilege just to be on St. Clair Country Club, which is the course they get for the kids to play on. But I've gotten over there. I'm eating there more than I'm playing golf. I'm not sure what that means. If you look at me, you can tell. But anyhow, if I could have the boys' soccer team come up.

It's going to be a continuing theme, as far as the dedication and commitment goes, again, from the community. And one of the things I've noticed --- and of course, I have the opportunity to be around the community and talk to the school directors --- the nice field that was developed on the Boyce Middle School property. Hopefully that would aid and abet the soccer program for the boys and the girls. It just allows, maybe, another avenue of --- certainly a safer place but maybe even a better place, so to speak, so you're on the turf with the weather and things like that, so ---. And again, it's just the community somehow rallying around what it takes so that the Upper St. Clair sports teams continue some of the great accomplishments they've been able to do.

Now, if you're in the South Hills --- and I'm sure Heather will back me up on this --- the Almanac is a South Hills paper, and there's certain teams that are always in there. And Upper St. Clair soccer teams are there a lot. I mean, it's almost like I see the black and white uniforms every time I'm opening up that section, which is good. But it also means they have a long and rich tradition of soccer excellence. And somehow I think it's akin to the South Hills. I mean, even in Washington County, it just seems like soccer is a sport that has been very well received and somewhat dominated by South Hills High School. And certainly Upper St. Clair is at the top of the heap for that.

And as Council Member Finnerty said, soccer, football may be more of a sport than golf, so to speak, with the team concepts and passing and things like that. And Upper St. Clair consistently does it year after year, both boys and girls. And the result of that is a WPIAL championship. So I would like to read the proclamation into the record.

This Certificate of Achievement is being brought forth for the boys' soccer team from Upper St. Clair. This Certificate of Achievement is awarded to the 2010-2011 Upper St. Clair High School boys' soccer team in recognition of earning the WPIAL Class AAA boys' soccer championship. We commend and recognize each player and coach whose determination and resolve has led to this outstanding achievement. The team has set a positive example of excellence for all of Allegheny County, continuing evidence that this is the county of champions. This achievement has conferred honor on the county. It is an accomplishment for which the entire community can be proud. Sponsored by me, Councilman Gastgeb. So I would ask Coach Schneider, do you want to say a few words? Also, congratulations on your season.

COACH SCHNEIDER: Thank you.

(Applause.)

COACH SCHNEIDER: I did not know I was supposed to give a speech, but I want to thank the County Council for inviting us down here and honoring us and Council Member Gastgeb for his nice speech. And I just want to tell you real quick about the team. We had a nice mix of seniors, juniors, sophomores and even some freshmen playing on this team. It was also a total team effort this year. We didn't have any superstars, and so

everybody really came together as a group and they all showed that they were true champions on and off the field, which makes me as a coach even more proud. We had a record of 22 wins, 2 losses and 2 ties. And we only lost one game here in the area. We lost to Bethel Park.

MR. GASTBEB: I didn't want to say that.

COACH SCHNEIDER: I want to be honest about that. And then we lost the second game in the state finals and --- but still, you know, just getting there was a tremendous achievement for our team. So I just want to briefly introduce the members that could make it tonight, senior captain Jesse Poljak, who really --- with our captain really kept the team together this year. Then there's Kevin Muck, Jon Erdman, Joe Conlon, our goalkeeper, who did a tremendous job, and Ethan Dysert.

(Applause.)

(Pictures taken.)

PRESIDENT MARTONI: 6691-12.

MR. CATANESE: Certificates of Achievement honoring the Upper St. Clair High School girls' soccer team for winning the WPIAL Class AAA Championship. Sponsored by Councilman Gastgeb.

MR. GASTGEB: Thank you, President Martoni and members of Council. If I could have the girls' team come up now with Coach Gray. And I certainly don't mean to sound like a broken record, but certainly the ladies deserve the same accolades and ---. How did you guys get to go first? Isn't it ladies first? I should have changed the order there, so ---. But actually, though, it's good to go last because I really think, as I mentioned, the boys' --- the soccer in the South Hills is really on a plateau. The girls may even be on a higher plateau. Some of the teams that have come out of the area that I represent and the South Hills in general have been outstanding. Throw Mt. Lebanon in there. Again, when you read the Almanac or the P.G. South in the sports section, it's a consistent realm of teams that come up with excellence, and Upper St. Clair is certainly always there. And this year they should be rewarded for their excellence in the WPIAL championship game.

And again, I mentioned the Boyce field practicing on different levels. I remember when my daughters played soccer, at least in my area, it wasn't the best of fields. I always felt like because the boys got this time or the boys got this field and, you know,

why aren't the girls? Well, I think you're making a mistake in the program that you're getting everything you need, and hopefully you are if not more, with Upper St. Clair's involvement. And I think that's the big difference in how you carry yourself as young female athletes. I have two daughters that are basically your age, so that's why I see it. So I compliment you. And they work ever so hard. And sometimes when I speak of the dinners not being together and getting rides and all that, sometimes it's actually harder when you're a female athlete because you have so much going on, but that makes it all the more sweeter. So you guys are champions, and we want to respect you certainly honor you as such. So I'd like to read the proclamation to you and your coaches.

This is a Certificate of Achievement, once again, rewarding and recognizing the 2010-2011 Upper St. Clair High School girls' soccer team in recognition of their WPIAL Class AAA girls' soccer championship. Again, we commend as a Council and a county and recognize each of you as players and coaches whose determination and resolve led yourselves to this achievement. The team has set a positive example for excellence within all of us in Allegheny County. And you are also continuing evidence that this is the county of champions. This achievement has conferred honor upon us as a county and is an accomplishment the whole community can be proud of. Sponsored by myself, Vince Gastgeb. Coach, congratulations. Congratulations on just a great season.

(Applause.)

COACH GRAY: We want to thank the Allegheny County Council for having us today. We are very honored to be here, and we want to thank Councilman Gastgeb for sponsoring us today. We had an outstanding season this year. We were a team that was kind of dominated by seniors. But on the way, I think we found out a bunch of things about ourselves. And I think that we found out that more often than not with this group, as skilled as we were and as well as we could play the game, it was really their bond together and their belief that they were a family that let them do as well as they could.

You know, every once in a while as a coach, you get the opportunity to be around a group of kids that are inspiring. For everything we do as coaches, it's all up to them and what they do out on the field. Not only did they play well every night they were out, but they

conducted themselves at such a high level on and off the field that as a community of Upper St. Clair, we are very proud to have kids like this within our community. So the tribute is to them, and we're very proud of what they've accomplished this year.

We'll just announce a couple players. Freshmen forward Brianna Erdman, junior goalkeeper Jocelyn Alfera, who was named to the All WPIAL Team this year and All Conference Team, senior center back Kelsey Rogers, who was also an All Conference player, senior wide mid-fielder Hannah Zangara, who was an All Conference, All WPIAL and an All State player as well as a regional All American candidate and senior captain as well. Zangara was a captain as well. Senior captain Hannah Wilhelm played wide mid-fielder, who was also an All Section and an All WPIAL player. Thank you very much.

(Applause.)

(Pictures taken.)

PRESIDENT MARTONI: 6692-12.

MR. CATANESE: The remainder will be read into the record. Certificate of Achievement awarded to North Allegheny Senior High School football team for winning the WPIAL AAAA Championship. Sponsored by Councilwoman Rea.

6693-12. Proclamation congratulating The University School upon its 100th anniversary. Sponsored by Councilwoman Danko.

6694-12. Proclamation honoring Dr. Edna Beatrice Chappell McKenzie and Monsignor Charles Owen Rice for their lifelong contributions to our region and for posthumously receiving the 2012 Spirit of King Awards. Sponsored by Council Members Robinson and Green Hawkins.

6695-12. Certificate of Achievement honoring Timothy Joseph Peck of Boy Scout Troop 180 for earning his Eagle Scout ranking. Sponsored by Councilman Burn.

6696-12. Certificate of Achievement honoring Eric Michael Horn of Boy Scout Troop 4 for earning his Eagle Scout ranking. Sponsored by Councilman Gastgeb.

6697-12. Certificate of Recognition honoring the 100th birthday of Ms. Mary Snyder. Sponsored by Councilman Finnerty.

PRESIDENT MARTONI: Public comment on agenda items.

MR. CATANESE: We have six.

PRESIDENT MARTONI: Ronald Stone? Is Ronald Stone here? Ronald Stone? Judy Wojanis? Judy, please come to the mic.

MS. WOJANIS: Hello, everyone. Thank you very much, President Martoni and Board members, for having me here to speak. I'm here to speak on behalf of the Pittsburgh Botanic Garden. Greg Nace, who's the president of our staff, will be up, I guess, in a little bit to address the agenda item that we're hoping that you approve.

I'm a businessperson in the community. I have a hydraulic and pneumatic distribution business that's located in Allegheny County. Because of my business, I guess I get an opportunity to be involved with a lot of things that can benefit our community. And while I sit here, the only thing that I could do is look up at this plaque that you have that's behind all of you. If you take a look at it, you'll see there that there's water, there's earth and there are plants.

I'm here to support the Pittsburgh Botanic Garden and its ability to keep us connected to the Earth. Water is very important to our region. And our project is a reclamation project that will help to improve the drinking water that we get from the Ohio River. Our connection with the Earth and the environment is so important in our community that I hope once the other members that are here from the Pittsburgh Botanic Garden get to talk, they help you to be clear on your decision to support our project. Thank you for letting me speak.

(Applause.)

PRESIDENT MARTONI: Greg Nace? Greg, your name and address, please.

MR. NACE: Yes. I'm Greg Nace, President of the Pittsburgh Botanic Garden, 629 Crystal Drive, Pittsburgh, Mt. Lebanon. Thank you, Chair Martoni --- President Martoni and Council members. Thank you for allowing us to come and address you about this proposition about leasing the extra land. This will mean a great deal to the Botanic Garden. Namely, it will allow us to open. Our projection is the spring of next year, opening the Botanic Garden, a section of it, about 60 acres, where we're developing woodland gardens at present. This will also allow us to begin education programs, renovating the barn for our welcome center. It will give us some space to have wedding receptions. The plan is to put a wedding

garden on the property and also move our administrative offices out to the property as well in the old farmhouse. There's an abandoned farmhouse that's been abandoned since the mid-'80s that's falling down. And our plan is to renovate that farmhouse and to make that into offices. So all together the plan is to put about \$3 million in the phase one Botanic Garden development into improving county property.

So I would urge that you vote positive on this lease amendment and give us the opportunity, which --- the Botanic Garden Board and everyone --- it is a team effort here. And just a side note, too, if I might build on the University of Pittsburgh. They were mentioning Hugh H. Brackenridge. Well, we did some investigation into the history of the property and found that he was actually the first landholder. He got the deed for that land in 1784, the land we're developing for the Botanic Garden, so a lot of ties to Pittsburgh here. So thank you.

PRESIDENT MARTONI: Thank you. Bill Worms? Your name and address, please.

MR. WORMS: Yes. My name is Bill Worms, 405 Fairborough Court, Coraopolis, PA. And again, thank you to the Council for the opportunity to speak this evening. I am the Chairman of the Pittsburgh Botanic Garden. That's my evening job. During the day I work for Bayer Material Science, which is a neighbor of the Pittsburgh Botanic Garden properties in Robinson Township. And I, too, am a graduate of Pitt --- University of Pittsburgh and the Montour School District. So tonight was a good night for all of us.

But again, on behalf of the Pittsburgh Botanic Garden, I wanted to ask for your support, as you have done in the past, for our project. As my previous co-workers and colleagues have discussed, this is a project that we feel is going to be a destination spot for Pittsburgh in keeping with our green culture, in keeping with our LEED certification and in keeping with the whole green environment as part of our program here.

Bayer Material Science which, again, is a neighbor, has financially supported this project. All of us on the Board are donating a lot of time to this project. And we look forward to support of the Council. And we also look forward to having all of you participate in our event, if you can, sometime in April.

In closing, the one thing I did want to mention, that Pittsburgh is the only major city that doesn't have an outdoor botanic garden. And I think that's something we should, you know, not make light of. And as Councilman Gastgeb said earlier --- I wrote this down in reference to the University of Pittsburgh --- they take things in our region and makes it good. That's our intention also. So again, I hope you'll support us. And also, in closing, I'd like to say even Cleveland has a botanic garden.

PRESIDENT MARTONI: Thank you. Kathy Testoni?

MS. TESTONI: I will be very brief. Thank you, County Council, for allowing us to speak on behalf of Pittsburgh Botanic Garden.

PRESIDENT MARTONI: Kathy, your name ---.

MS. TESTONI: My name is Kathy Testoni, and I live at 117 Woodland Road, in Squirrel Hill or Shadyside. I have been a volunteer for this organization for the past 11 years, and I am a community volunteer. I'm on five other boards besides this board. For the past 11 years, this goal that we have had to build a botanic garden has been real in our eyes. This has been an 18-year project. I go out and talk to anybody who will listen to me about this organization, about what our project is. What I have seen happen in the past few years has been exemplary of --- an example of what we are able to do and what we're capable of doing and what we would very much like to be able to continue doing if we had your blessing to get this extra land.

We have been very grateful that we have had the opportunity to have this property through the county for very cheap rent and for a very long-term lease. We would not be able to build a botanic garden on the size of property that we would like to build this on if it wasn't for the fact that we are taking this land, which, for the most part, will not be able to be used for anything else. But the plan we have for the botanic garden is incredible. I would like to just say thank you very much for your recognition for the prospect of having this botanic garden. Thank you.

PRESIDENT MARTONI: Daniel Eichenlaub?

MR. EICHENLAUB: Good evening, Council President and Council. I'm Dan Eichenlaub. I live on Shannon Drive in Fox Chapel. And I am here to ask your support for the Botanic Garden request tonight. The request that the Botanic Garden is making for the additional property and

buildings helps progress the mission at a faster pace. One of the items of the mission --- of the garden is job creation and thereby revenue growth for small businesses in the region. Jobs are just not at the garden but in the industries that are about what the garden is about, which includes the local garden centers, home improvement centers, landscape contractors like myself, and the growers in the region

Philadelphia supports 30 public gardens, so we know what the tangible benefits can be of having a garden like this for our region. You may have heard of some of those significant gardens, Morris Arboretum or Longwood Gardens, as they're internationally known and bring great recognition and rewards to that region. And so we would like our garden to do the same for this area.

The garden is an economic engine for the green industry businesses, about 3,000 in this region, and part of a \$5.6 billion industry in Pennsylvania. The garden is the R&D for these green industries. They develop plant cultivars and license their production, in many cases, to the local growers, to be exported from the region, bringing money here. The Pittsburgh Botanic Garden already has one plant introduction that is a perennial that has been licensed and is in production currently. The garden provides training to the industry and to the public, and the garden provides demonstration and examples.

The public buy what they can appreciate and understand, and this garden will do that. The garden provides demonstration and examples of what we are selling and our services that employ people right in this region, not for something that's manufactured from somewhere else. And the garden is showing the public the value of plants to our environment, to our health and to the aesthetics. So when you vote for the Botanical Garden request tonight is a vote for small business and jobs for this region. Thank you.

PRESIDENT MARTONI: Thank you. 6698-12.

MR. CATANESE: Motion to approve the minutes of the December 19, 2011 regular meeting of Council.

MR. FUTULES: So moved.

PRESIDENT MARTONI: Moved.

MR. ROBINSON: Second.

PRESIDENT MARTONI: All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered.
Presentation of Appointments. 6682-12.

MR. CATANESE: Approving the reappointment of Timothy J. Moury to serve as a member of the Accountability, Conduct and Ethics Commission for a term to expire on January 10th, 2017. Sponsored by Councilman Gastgeb.

PRESIDENT MARTONI: Councilman Gastgeb?

MR. GASTGEB: Thank you, President Martoni. This is just a reappointment to Mr. Moury. His term came --- and it wasn't for a full term, so this would be for a full term. And I'd ask for consideration of appointment for Mr. Moury.

(Chorus of seconds.)

PRESIDENT MARTONI: Moved and second.
Questions? All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered.
Unfinished business. 6671-12.

MR. CATANESE: Special Committee on Parks and Public Works. An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting the Pittsburgh Botanical Gardens, formerly the Horticultural Society of Western Pennsylvania, to use county-owned real property located within Settlers Cabin Park. Sponsored by the Chief Executive and Councilman Martoni.

PRESIDENT MARTONI: I make a motion.

MR. GASTGEB: Second.

PRESIDENT MARTONI: Moved and second.
Questions? Yes, please.

MR. ELLENBOGEN: I have some questions for the County Manager, Mr. President.

PRESIDENT MARTONI: Yeah, please.

MR. ELLENBOGEN: Would you ask him to approach the podium?

PRESIDENT MARTONI: Would you please come up, Jim?

MR. FLYNN: Certainly.

MR. ELLENBOGEN: Thank you, Mr. Flynn. I have some questions regarding this. Number one, I am very sensitive to land that has been donated to Allegheny County because it's people's land. And an 85-year lease, to me, is actually giving the land away. But I can assure you that Councilman DeFazio, Councilman Finnerty and

Futules' Harmar House will be there at the end of that lease to ensure that what I'm saying comes true.

MR. FINNERTY: You're right. I'll never die.

MR. ELLENBOGEN: That being said, it was my understanding that the original proposal on this was that the public maintenance facility would be replaced. And I'd like to know what contingent has been put in its place before I vote on this, because that will be the beginning of the maintenance season and taking care of the parks.

MR. FLYNN: As far as what, the provision for a new maintenance facility?

MR. ELLENBOGEN: Yeah. It was my understanding that initially the building was going to be replaced, and then that went by the wayside. And then the property was going to be taken earlier than originally planned, which would leave the maintenance department with nowhere to go.

MR. FLYNN: Well, that's not going to happen, you know, because the provision in this agreement to --- for the Botanical Gardens to pay the county \$225,000, which was a negotiated price to replace the existing building. The capital budget for 2012 had about a \$450,000 project, half of which would be funded by the Botanical Gardens, the other half to be funded by the county, for improvements that we wanted to make, maybe expansion, some additional office buildings, things like that.

MR. ELLENBOGEN: Well, let me ask, while this is going on, where is Mr. Olczak, who --- actually, I'm disappointed he's not here. Where's he going to house his people that are doing the work in the park?

MR. FLYNN: He's going to stay right where he is.

MR. ELLENBOGEN: But the building will be gone; isn't that true?

MR. FLYNN: No. We're not going to move --- we're not going to turn over the building until we have a new building completed.

MR. ELLENBOGEN: Okay. The only other question I have is, it's my understanding that there's a contingent for a \$225,000 amount to replace that building?

MR. FLYNN: Uh-huh (yes).

MR. ELLENBOGEN: Is that money going to be in escrow? I mean, is that money guaranteed or is this something that was just basically a gentlemen's agreement? Because before I vote on this in terms of this county

being in dire straits with money, I want to make sure we get our money and I want to make sure that that money is guaranteed in this bill.

MR. FLYNN: Well, first of all, in order to execute the lease, they have to pay us \$225,000.

MR. ELLENBOGEN: Okay. So in other words, it is guaranteed that we'll have the money before we give the lease?

MR. FLYNN: That's correct.

MR. ELLENBOGEN: There's no wiggle room out of this to ---

MR. FLYNN: No.

MR. ELLENBOGEN: --- well, we'll pay you later ---?

MR. FLYNN: It's a typical lease transaction. We'll get the money when the lease is executed. That will go against the capital project that's been established for the new maintenance facility.

MR. ELLENBOGEN: Okay. But in the meantime, where will the maintenance --- you're saying they'll still be in the building?

MR. FLYNN: They're still going to be there.

MR. ELLENBOGEN: Okay. Well, I thank you for coming to the podium.

MR. FLYNN: It's my pleasure.

MR. ELLENBOGEN: Thank you. It's always good to see you.

MR. FLYNN: It's always great to be here.

PRESIDENT MARTONI: Matt?

MR. DROZD: I don't have any questions of Mr. Flynn. I just have a comment. This is an outstanding project. We have to look at innovative ways to bring people to our parks. You know, I mentioned to the group that was here at the meeting that I visited Biltmore. And Biltmore was a massive undertaking by a gentleman back in the 1800s and 1900s. And part of the draw is not just that home that he built up on the top of a mountain, but it's the surrounding land itself. It draws people. And they have some neat things and ideas about holding weddings in that park.

We've got to draw people to the park, and this will be an attraction that looks outside the box, and it's a group that's willing to take that effort. It's a non-profit group. And I commend them for it. And I think this is something that --- ideas like this, we have to

support to look at the ways --- innovative ways to better utilize our parks.

Lastly, I'll say this. One of the concerns I have, though was not brought upon by the group, but it was brought out at the meeting was there was no understanding of --- and it has nothing to do with them leasing the lands. They're going to do the surface rights. But no concrete evidence that we own those mineral rights under that park. And this goes back to my prodding Council and prodding us that we have to take inventory of those assets.

MR. FUTULES: You're wrong.

MR. DROZD: That's what I understood at the meeting. Is that not ---?

MR. FUTULES: You're totally wrong.

MR. DROZD: Wait, wait. I have it. And maybe Mr. Futules --- I thought we didn't have that. But anyhow, that has nothing to do with this. And this is a very good project, and I urge Council --- my Council members to support it. Thank you.

PRESIDENT MARTONI: Mr. Futules?

MR. FUTULES: Well, before everybody gets into questions, we should go to the Parks Chair for comment on the meeting. So let me just say ---.

PRESIDENT MARTONI: I apologize for that.

MR. FUTULES: That's okay. Let me get to a couple things first. The meeting was held last Thursday, and it did leave --- was recommended for accommodation --- or affirmative recommendation. I'll spit that out. We did have some issues that we talked about. Of course, the lease was one of them. And Jim, we did talk about the September 15th date, which talks about --- at that point, we would be probably ready to leave. But if we weren't, there was a provision in the lease agreement that said that we would come to Botanical Garden if some complication would come up, that we would not be leaving at that time.

MR. FLYNN: That's correct. If the new facility is not ready by September 15th at 12:00, then we will notify Botanical Gardens in writing that we're not ready to vacate.

MR. FUTULES: Okay. And also, at this time, I have an amendment that I'd like to introduce to the ordinance.

MR. CATANESE: A motion?

MR. FUTULES: Yeah. I make a motion to put ---.

MR. DEFAZIO: Point of order. You can't make a motion. There's already a motion on it.

MR. FUTULES: I have a new one.

MR. FINNERTY: You can't make a motion on a motion.

MR. DEFAZIO: You make an amendment.

MR. FUTULES: I have something to bring up. How do I do that?

MR. DEFAZIO: You offer an amendment.

MR. BARKER: You offer an amendment.

MR. FUTULES: Offering an amendment. Okay.

Sorry.

MR. FINNERTY: I'm not in charge. It's not my fault.

PRESIDENT MARTONI: It was my fault.

MR. FUTULES: Sorry. Okay. When you get your amendment here, go to Section Three. We discussed this at the committee meeting. We were unable to put the amendment up. Maybe the Manager would like to see it. Section Three, effective date. We had discussed the fact that we would like to see a County Council representative on the Board of Directors of the Botanic Gardens. The fact that we are giving a gift of county land, we feel that we should be involved in the process, and so we can have a liaison that would obviously be able to report back to us. And this person will be appointed by the President of County Council and will take effect, this lease, upon the appointment of that particular person. And that would take --- the remainder of Botanic Gardens, the director to be able to continue on ---. So may I make a motion to accept this?

MR. DEFAZIO: No. Amendment. I second it.

MR. FINNERTY: An amendment. You have an amendment. You're making the motion to amend. Johnny seconds it.

MR. DEFAZIO: I second your amendment.

MR. FUTULES: Okay.

MR. DEFAZIO: Then ask if there's any questions.

MR. FUTULES: Any questions?

PRESIDENT MARTONI: Any questions on the amendment, only on the amendment? Jim?

MR. ELLENBOGEN: I'm just saying it would probably make more sense, if it does pass, for the Council

person who actually lives in that district to probably be the most sensible appointment to it. I'm just saying.

MR. FUTULES: That would be a consideration for the President, I'm sure.

MR. FINNERTY: Okay. Are we voting on the amendment?

PRESIDENT MARTONI: We're going to vote on the amendment. All in favor of the amendment?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered. Thank you. Now we have to vote on ---.

MR. FINNERTY: Question.

PRESIDENT MARTONI: Sorry about that.

MR. FINNERTY: I just want to straighten some items out. It aggravates me when misinformation is put out in public. Number one, the mineral rights were donated to the Botanical Garden by a gentleman in Ohio. I can't remember his name. And that's been said so many times, and it really aggravates me when somebody says something that's totally false. I've been involved with Botanical Garden. Really, it's something that shouldn't be said.

One of the things that really is so important with the Botanical Garden is the elimination of mine acid drainage in the area, Chartiers Creek area. It's a real big problem. And by taking the --- it isn't surface coal, actually. It's probably about 30 feet down or better that was mined, and going down there and taking that coal out, and then capping it, backfilling it. You get rid of the acid mine drainage. That's one of the only ways that it's possible to do that completely, unless you're going to treat it somehow, and then it's going to cost you a fortune to treat it.

So I just wanted to say that that's one of the big environmental issues that Botanical Garden will solve for that area of Chartiers Creek. And Chartiers Creek has a lot of acid mine drainage. When I was young, one part of Chartiers Creek was called the White Chartiers Creek. The other was the Orange Chartiers Creek. One's alkaline and one's acid. All right. I was raised in the orange.

MS. HEIDELBAUGH: I usually don't like to say too much about my personal view of things, but I did want to share this, that I'm very much in favor of this. Originally, I was born and bred in St. Louis, Missouri, and have lived here for the last 30 years. And in St.

Louis we have Shaw's Botanical Garden, which is where I got engaged. And Shaw's Botanical Garden is a jewel of St. Louis, and I would assume that Pittsburgh Botanical Garden will become a jewel of Pittsburgh. And it is a destination, just like the zoo. And although we have wonderful Phipps here, it's just not the same as a botanical garden. So I really commend you all for the work that you've done, and I'm sure that this will be such a jewel for our children and our grandchildren.

Also, one last thing. I went to Longwood for the first time this summer, and there were guests there --- most of the people that I passed in the 115-degree heat were folks from outside the country. So I'm sure that will also be a huge draw, like, sort of a global draw for us.

PRESIDENT MARTONI: Thank you. Matt?

MR. DROZD: Just a quick point and correction. It was just pointed out by my --- confirmed what I said by one of my fellow Council members who said there was misinformation. You just said those mineral rights were donated to the Botanical Garden people from someone in Ohio, and we're not sure of that. One of the questions or one of the points by one of the members at the meeting was we aren't sure what those mineral rights --- who owns those mineral rights and where they are. I think this is what we said. That's what I understood. But by saying it was donated, how can it be donated to the people of Botanical Gardens when the land belongs to the people of Allegheny County? So I don't know who owns those mineral ---. I don't think anyone for sure can say --- anyone here can say who owns those mineral rights. Can someone say that for sure without ---?

MR. FINNERTY: Sure. I can say it.

MR. DROZD: I'd like to know. I mean, if you can and you go on record, that's fine with me. I don't know. I just want to know who owns the mineral rights.

MR. FINNERTY: I just told you.

MR. DROZD: These are two confusing issues.

MR. FINNERTY: I just told you the mineral rights were donated. We don't own any of the mineral rights at Settlers Cabin. That land was given to us. The mineral rights weren't. And the mineral rights were given to us --- I have family from out that way, the Tidball Farm, et cetera, out there. And that was donated by a guy

in Ohio that mines coal, like the Ellows, et cetera, mine coal out that way.

MS. HEIDELBAUGH: Councilman Drozd, I wouldn't know the specifics because I'm a new member of Council, Councilman Drozd, but I do know the law in this area because I represent gas drillers. So the owner of mineral rights is the dominant estate. They have more rights than the surface rights owner. All right? So the owner of the mineral, everything below, all the way to 70 feet down, is a separate owner and has a separate right. So they can deed that to someone.

MR. DROZD: I understand. I just don't know who they deed it to. Thank you.

MR. ELLENBOGEN: I just have a question and maybe Councilwoman Heidelbaugh can answer this for me. I know, like, when I look at my deed, it says, you know, you don't own the mineral rights to this or that. So if I sold my house to Mike and I said, well, Mike, I'm selling you the mineral rights, you know, I don't have the ability to do that. And that's where I'm lost here. How does somebody have the right to sell mineral rights in our county, particularly in a park that is owned by the people? That's where I'm lost.

MS. HEIDELBAUGH: Well, what Mr. Finnerty is --- Councilman Finnerty is saying is that someone owned the mineral rights by deed, and that they then deeded it for a dollar or something like that to the Botanical Garden. And perhaps one of the --- do you know, Mr. Flynn?

MR. FLYNN: No, I don't.

MS. HEIDELBAUGH: The president knows?

MR. NACE: Yes. There's a ---.

PRESIDENT MARTONI: Come up to the mic and tell us.

MR. CATANESE: And state your name for the record.

MR. NACE: Yeah. There is a man by the name of Ray Bologna who was the owner of the mineral rights. Before that, it goes back to when it was Consolidated Coal that owned the mineral rights under that property. They deep mined that property in the 1920s and then strip mined it in the 1940s. So it was deeded to Botanical Garden, and the proceeds from the coal sales, the coal that's left in the ground, the pillars and the stumps --- when that coal is sold, the proceeds from that are paying for the reclamation work to be done on the property.

MS. HEIDELBAUGH: Have you ever done a geological survey? Do you know if there's gas under there, shallow or deep?

MR. NACE: The property has also been used for mine --- wells, oil and gas wells. So there's pipes that crisscross the property now, and I believe there's three active oil wells on the property right now that we don't own.

PRESIDENT MARTONI: Thank you.

MR. NACE: Thank you.

PRESIDENT MARTONI: Okay. One more question.

MR. GASTGEB: I didn't have a question, but now I do, Mr. Flynn, just so I understand. I'm certainly in support of this project. The first contract that we --- lease that we exercised with Botanical Gardens was in 1998?

MR. FLYNN: That's my understanding, yes.

MR. GASTGEB: So prior to 1998, did Allegheny County owned the mineral rights, and then in 1998, the mineral rights went over? So it always went directly ---?

MR. FLYNN: It was always separate. From my understanding of what Mr. Nace just said, they were deeded separately.

MR. GASTGEB: Thank you for the clarification.

PRESIDENT MARTONI: Thank you. Now we're ready for a motion.

MR. BARKER: No. There's a motion already on this floor.

PRESIDENT MARTONI: Let's vote on a motion and second; okay? All in favor?

MR. DEFAZIO: No, no. Point of order. We need a roll call.

PRESIDENT MARTONI: A roll call. That's right. You're right. Thank you. It's nice to be working with experts here. No, it is. It really is.

MR. CATANESE: And this will be the bill as amended. Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Yes.

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: Ms. Heidelbaugh?
MS. HEIDELBAUGH: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Thirteen (13) yeases and no noes.

The bill passes.

(Applause.)

PRESIDENT MARTONI: Thank you. Liaison reports.

MR. ROBINSON: Mr. President, if I might.

PRESIDENT MARTONI: Sorry, Bill.

MR. ROBINSON: That's quite all right. I have a matter that I believe is appropriate to raise at this time, and that relates to putting the item on the agenda.

PRESIDENT MARTONI: Please raise it.

MR. ROBINSON: Mr. Barker has the legislation. And while he's passing it out, just let me very quickly indicate that the motion relates to putting an item on the agenda that, if accepted, will give us an opportunity to consider a \$175 million bond issue, which would allow us to pay our bills until such time --- the bills of the county until such time that we receive tax revenues sometime in the future, the near future, probably within the next two months. And the motion is to put this item on the agenda, and then hopefully Council to take action on it.

PRESIDENT MARTONI: We have a motion. Do we have a second?

(Chorus of seconds.)

PRESIDENT MARTONI: All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: So ordered. Okay. Bill?
It's on the agenda.

MR. ROBINSON: Thank you, Mr. President and members of Council. This issue came up last year under the previous administration, euphemistically known as TRAN. We have done this periodically in this county to make sure that we don't run out of money and that we have money to pay our employees, to pay our vendors, et cetera. The amount of this TRAN is unusual because of its size, \$175 million. Its purpose is the same as previous TRANs, to allow us to sell bonds, use the proceeds to pay our bills until such time that our tax revenues are sufficient.

The details of this process are pretty much standard, but I will not presume that everyone here knows or cares about the process. But in the interest of transparency and to make sure that everyone is fully informed before they vote, Mr. Barker and I and our former Budget Director, Ms. Liptak, and I spent a great deal of time with Ms. Griser, who was then and is now our Budget Director, in putting this together. And I thank the Administration, both the previous administration and this administration, for their cooperation in making sure we can pay our employees and that we can meet our obligations.

Last year we were unable to get this process concluded in a more timely fashion than presenting it to you this evening. There were some adjustments, some necessary adjustments we had to make, including addressing the issue of creating opportunities for minorities and women and also some of the details of who were the people we would be doing business with. The legislation for this year was approved by the Budget and Finance Committee a couple hours ago, which does include consideration of those two issues. And the bill as amended was passed out of committee. What you have in front of you is the bill as amended. Some of you might not be familiar at all with the bill or the amendment. It's now available to you.

And the Chair certainly recognizes that there might be a number of questions, some of which were not raised in committee. Mr. Barker has indicated that as far as the technical and routine questions that you might have as to how we arrived at this point and why we use the process, he believes he can handle. Because there are some financial issues far more complicated than either Mr. Barker and I feel sufficient to explain to you, we have asked Ms. Griser, our Budget Director, to be present and

also Mr. Rayl. Mr. Rail represents bond counsel on this issue. He's expert in this area. And in the past we've had Ms. Buss, who works with Mr. Rayl, share with us her expertise. So they are here to give you any of the financial details and answer any financial questions as to why one thing was done and maybe not another.

And while I recognize that we need to pay our employees and pay our vendors, I think transparency, fully informing you, answering every one of your questions, hopefully, to your satisfaction is far more important than simply passing or rejecting this bill. In that regard, Mr. President, if you will, let me ask Mr. Barker to give his understanding of this bill, and if there are any other questions concerning it, giving he and I the opportunity to bring Ms. Griser and Mr. Rayl to the podium. If it's appropriate for me to make a motion to approve, then I make a motion to approve.

(Chorus of seconds.)

PRESIDENT MARTONI: Before we pass the motion, I think we're required to have public comments. Okay? So at this point in time, I'll open up the opportunity for public comment. Okay? I think it's required that we do that. So whatever public we have, it's open. If anyone wants to speak, come and give us your name and address. Without any indication, Mr. Barker.

MR. BARKER: The bill on its face is a relatively straightforward tax revenue anticipation note. These are done relatively routinely by municipalities, and they are expressly authorized by state law. The issuance in question would be not to exceed \$175 million total. The timing for the bill, as Mr. Robinson alluded to, is a little out of the ordinary. That stems from --- the bill was originally introduced back in December --- or a bill on the same topic was originally introduced back in December. Practical considerations relating to the transaction made it impossible to approve that bill prior to its expiration at the end of 2011. The bill had to be reintroduced in 2012, which it was on the 3rd. A committee meeting was held on it just so that everybody had an opportunity to revisit it if they desired to do so. And that has led us to the point that we are at today. Ms. Griser has expressed some concerns with regard to having the bill approved prior to mid-January, and here we are on the 10th to potentially accomplish that.

PRESIDENT MARTONI: Any more ---? Mr. DeFazio?

MR. DEFAZIO: This is a fantastic deal. They did a good job. It would be nice if we get another \$170 million. Seriously. The rate is half of one percent. You're only allowed so much, but if you can get it, it'd be nice. I'd borrow some myself at that rate.

PRESIDENT MARTONI: Mr. Finnerty?

MR. FINNERTY: Thank you very much, Mr. President. In regard to transparency, I think it's extremely important that the public knows exactly what we're doing and why we're doing it. TRAN is something that we do every year, and it's ---. And I don't know if you said this or not, and I apologize if you did, but it is to get us over financially until we start receiving tax revenue. And it's done not only by Allegheny County, it's done by school districts, it's done by municipalities. This year it's \$175 million, which is probably --- and don't quote me because I'm not exactly sure about this. I can't remember the figures, but I think it's \$100 million more than it was the previous year.

And there's a reason for that. It's because --- and I think everybody up here knows this --- that we've been having cash flow problems. That's one of the reasons why we had to do what we had to do with the millage. We had to get ourselves on financially sound ground. And that's also one of the reasons why our rating has gone up and it costs less for us to borrow money right now. And like Councilman DeFazio said, we got super rates on this. And Amy and her crew and Sarah and --- I can't remember your name --- Chris? He said Chris; didn't he? You said Chris? Okay. But anyhow, they did a good job in getting this. It was divided into different clumps of money, like \$25,000 at a time and ---.

MR. BARKER: Million.

MR. FINNERTY: Million, yeah. Sorry. I'm not used to doing millions. But we got a real good premium on this and we saved ourselves probably about \$120,000 over what it was projected to cost three weeks ago. And I think it's a fantastic number and it's going to allow us to pay our bills on time for a change. In case you don't know it, we've been paying our bills not on time, probably 30, 60, 90 days. And there's a reason for that, too, because the state doesn't pay us on time. And sometimes we have to wait six months to get our money from the state. So we have to move money all over the place to pay our bills. So I think it's a fantastic number. I'm

really thankful that we got it and I think it will ensure that we, as Allegheny County, are on sound financial ground for this year and into the future. Thank you, Mr. President.

PRESIDENT MARTONI: Thank you. Anyone else? Okay. Now we're coming to the vote. Let's vote; okay? I think that should be a roll call vote.

MR. CATANESE: Right.

PRESIDENT MARTONI: Roll call.

MR. CATANESE: For Bill 6672-12, Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: 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: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Yes.

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

PRESIDENT MARTONI: Thank you. And thank you, Mr. Robinson.

MR. ROBINSON: Thank you, Mr. President.

PRESIDENT MARTONI: Any liaison reports?

MR. FINNERTY: Yeah, I do. I'd just like to mention that the Roofers, Waterproofers and Allied Workers are opening up their joint apprentice journeyman training program, and they're located at 230 Lincoln Avenue,

Bellevue, PA, 15205. The phone number is 412-732-9720. And these are union jobs and they pay a tremendous wage.

I'd also like to mention a few others that I mentioned last meeting because the time period is in January and February. The Carpenters Joint Apprenticeship and Training Committee is also opening up, and you have to apply by going there from 8:30 to 3:30, and it's at the Carpenters Training Center. It's 652 Bridge Road, Pittsburgh, PA, 15205. And a number you can call is 412-262-1830, extension 5, and you can schedule an appointment there.

The International Brotherhood of Boilermakers Local 154, which is located on Banksville Road --- 1221 Banksville Road, Pittsburgh, PA, 15216. The telephone number is 412-343-5662. That's the apprentice office. And one more. The Western PA Operating Engineers is opening up their apprentice and training program. Bear with me while I find the address on it. The address is 111 Zeta Drive, Pittsburgh, PA, 15238. And the number to call is 724-668-2244. Thank you, Mr. President.

PRESIDENT MARTONI: Thank you. Barbara?

MS. DANKO: Yes. I wanted to give a report on the Allegheny County Human Relations Commission. I believe all of the Council members received a summary report which I had asked the outgoing Chairman to prepare about the activities of the commission that was passed by ordinance in July 2009 up until the end of December. He did a great job summarizing it. As some of you probably know, the Chairman recently stepped down as chairman because he was elected as a magisterial district judge. He will be staying on the commission, but we elected a new chairman, Stephan Broadus, who is the assistant to the publisher of the New Pittsburgh Courier.

But the report really does a good job about learning the activities of the commission, getting up and running over the last two years. One of the activities going forward, we believe that this could be a fine opportunity for a consolidation of activities with the city because the city has the Human Relations Commission and the county has one. We basically have parallel ordinances and parallel administrative rules, and we've been going forward in that fashion. We've been staffed over these two years by people with other responsibilities in the Law and the Human Resources Department. They've done a very good job.

I also wanted to mention that one of the focuses --- foci of the commission was in response to former County Executive Dan Onorato's request early on to provide domestic partner benefits. And the commission supported that. And as a commission member, I'm happy to report that our new County Executive attended our meeting on January 5th, last week, and said that he will be implementing this by Executive Order as soon as possible with four county employees over the next two weeks. Thank you.

PRESIDENT MARTONI: Thank you.

MR. FUTULES: I have one.

PRESIDENT MARTONI: Go ahead.

MR. FUTULES: Real quick. Panera Bread is thanking the firefighters, police and EMTs. They call it Community Hero Day. It's on Wednesday, January 11th, Thursday, January 12th. It says wear your uniform, show your badge and your service ID and receive a complimentary --- you pick two. You get basically two for one. But they sell doughnuts there. Get a lot of police in there, probably.

PRESIDENT MARTONI: Thank you. Anyone else? Any other liaison reports? New business.

MR. CATANESE: 6699-12. A resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the Pennsylvania General Assembly and the Governor of the Commonwealth of Pennsylvania to enact a statewide property tax reassessment moratorium with all due speed, and in the process, to safeguard the economic stability and prosperity of the residents of the Commonwealth by providing the predictability and equity that exist with regard to property ownership in every other state. Sponsored by Councilman Futules.

PRESIDENT MARTONI: Mr. Futules?

MR. FUTULES: Thank you. I believe this resolution speaks for itself. We've seen what happened with the city reassessment and the complete mess it was causing. And Allegheny County as a whole is heading in the same direction. And this resolution is affirming the fact that we'd like the Governor, the General Assembly, themselves, too, to put this moratorium on the reassessment until a better way can be handled. And I would ask the members to support this because I believe this represents all of us, especially after watching the news and seeing the hundreds of thousands of people that

are totally in disarray. I believe that this is not good for our county, and I'd like to have some support. And I make a motion to waive the second reading ---

MR. ROBINSON: Second.

MR. FUTULES: --- so we can ---.

MR. FINNERTY: Wait. We've got to go through it first.

MR. FUTULES: Well, whatever.

MR. FINNERTY: I'll second.

MR. FUTULES: Yeah. Okay.

MR. FINNERTY: Second. Now you can try to waive the second ---.

MR. FUTULES: Okay. Now I'd like to waive the second reading so that we may continue this conversation.

MR. DEFAZIO: So moved.

MR. ROBINSON: Second.

PRESIDENT MARTONI: Moved and second to waive the second reading to continue the conversation. Now we're ready to vote on the resolution.

MR. DEFAZIO: No. Vote on the waiver of the second reading.

PRESIDENT MARTONI: We'll vote on the waiver.

MR. DEFAZIO: Yeah. You can do a voice ---.

PRESIDENT MARTONI: Yeah, voice vote. All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered. Now we can talk.

MS. HEIDELBAUGH: Opposed.

PRESIDENT MARTONI: Wait.

MR. CATANESE: We had one opposed --- two opposed.

PRESIDENT MARTONI: Two opposed?

MR. FINNERTY: I was going to say something.

PRESIDENT MARTONI: Why didn't you say it?

MR. FINNERTY: I was waiting to be recognized.

PRESIDENT MARTONI: I wasn't really sure.

Somebody opposed it, and I wasn't sure who it was. I wanted to make sure we get it.

MR. FINNERTY: I just wanted to say that I think this is great that you're doing this, but I also want to remind everybody that I think this has been done before.

MR. FUTULES: That's true.

MR. FINNERTY: And this might be our third time, in fact, you know. So it would be nice to show

solidarity. We're talking about something that --- my own personal feelings are that it should be illegal for Allegheny County to be forced to do this when no other county is being forced to do this. There are 67 counties in the State of Pennsylvania, and there's one county, Allegheny, that's being singled out. And of the 67, 66 are out of line. There's only one that is in line, and it's a rural county somewhere. I can't remember the name. But it doesn't seem right for us to be picked out of all the counties and it doesn't seem right for them to go after Washington County next without some kind of state law or state assessment process.

This is something that really aggravates me when I start talking about it because it's never going to happen in the State of Pennsylvania the way I look at it, and that's my opinion. And it's my opinion because what's happening in the State of Pennsylvania is that the state senators and state representatives from the rural areas do not want reassessment to take place, and they outnumber the state representatives and the state senators that are from the remainder of the state. So that's where we sit in this state. There's only two states in the Union where this is like this. This is Pennsylvania, is one. Delaware is the other. Delaware has three counties, so it's not a big deal in Delaware. And we're across the Allegheny Mountains. And I don't know why they're always picking on us, you know. So thank you very much for putting up with me, Mr. President.

PRESIDENT MARTONI: Thank you, sir. Heather?

MS. HEIDELBAUGH: Yes. When I took this office, I swore to uphold the Constitution of the Commonwealth of Pennsylvania. And as this resolution is currently stated, it says to enact a statewide property tax reassessment moratorium. I believe it to be unconstitutional to enact a reassessment moratorium. Now, what my colleague, Mr. Finnerty, was suggesting was that the Legislature needs to change the Pennsylvania law so that all counties are reassessed. That I'm in favor of. But the way that this is worded is that we're suggesting --- and actually, which I believe to be constitutionally invalid.

Further, the problem with that is that when we do something like that, what we're saying to the poor in our community is that we don't want your taxes to go down, and that's how this whole case started. The case started by lawyers from Neighborhood Legal Services representing

the poor in our community who were paying a greater burden of the taxes in this county than they were supposed to. Nobody wants to pay taxes, but morally and legally the poor cannot pay more than their fair share. So I don't think we as a County Council want to be on record saying that it's our position that we think the poor should pay more taxes than they're supposed to constitutionally. So I'm totally against the resolution, not only from a moral and legal prospective, but I believe it to be asking us to do something unconstitutional. Thank you.

PRESIDENT MARTONI: Thank you. Amanda?

MS. GREEN HAWKINS: Thank you. I think that this whole issue has really, really gotten to a lot of us and to a lot --- to all of our constituents, particularly mine. I represent everyone --- not everyone within the city, but my district is the only one that's totally within the city. And I have people who are very upset about this whole thing. And I do agree with Councilman Finnerty. And Councilwoman Heidelbaugh makes a good point about members of our constituencies within poor communities where property values have decreased. And there at least we have the Homestead rebate, which does help them avoid increased costs in property tax. But something does need to be done about this whole situation in all of our communities. So I support this resolution, and I'm in favor of the Legislature taking some effort, some action to correct this inequity across our state. Thank you.

PRESIDENT MARTONI: Thank you. Vince?

MR. GASTGEB: Thank you, President Martoni. I do think there's a difference between a statewide solution, which is what I think some of my colleagues were talking about with regard to the state reps and the state senators, trying to find a statewide solution like the other states seem to in the United States, and a statewide moratorium. A statewide moratorium would have to counteract with the Supreme Court mandated that the county court follow, I guess. So it's two different things. If the Supreme Court in any state, or the United States, for that matter, issues a ruling, can a legislative body issue a ruling that is the opposite after the fact? So that's kind of how this is. Believe me, I'm one person that doesn't believe that the assessment should go forward, but maybe my reason is different. I have no confidence in the numbers.

And even some of the homeowners that are, quote, in poorer areas, are we really helping them if their number isn't right? Are we really helping anybody where we create a new class of people where we shift the burden from numbers being bad and wrong in one section of the county and put them in another? The methodology and different things along the way are coming into question, but even --- I won't call it a plaintiff, but several of the city school districts all of a sudden asking for a reprieve for the calendar year 2012. When the whole thing is done, in order for them to get numbers early, speaks volumes that they're not happy with the final product.

So to me, and it might be simplistic, but if one of my children are doing a term paper or a research paper, and it's about 50 percent done and 50 percent complete, would I still want them to turn that in and get an F? I'd rather the paper be done right. So I'm not sure if people are against reassessments in general or just against reassessments being done wrong. So that's kind of where I'm at. If Heather brings up a point about the constitutionality of this and Mike brings up the point, this is the third time we're doing it, I'm not so sure it shouldn't go into committee to see if this is the way we really want it to look? So again, a solution on the state level is different than a moratorium on the state level. Thank you.

PRESIDENT MARTONI: Thank you. Nick?

MR. FUTULES: You know, that might be a good suggestion.

MS. HEIDELBAUGH: Mr. President?

PRESIDENT MARTONI: I might be out of order. You guys are --- go ahead.

MR. FUTULES: That might be a good suggestion, to send it to committee so we can discuss the contents of it. But I would like to just quickly mention to Heather that you said that the poor people are paying too much taxes, and we all know for a fact that every year you have a right to appeal your taxes, even if the assessments are frozen. We all know that.

MS. HEIDELBAUGH: May I respond to that?

MR. FUTULES: Sure.

MS. HEIDELBAUGH: The reason why the individual plaintiffs did not just appeal their own is because you have to take the whole millage into account. The reason why there was a class action --- and I'm not saying that I

was in favor of this class action. I'm just talking about what has already happened, what we have to deal with. What they were alleging in their lawsuit, which is what Judge Wettick agreed with and which is what the State Supreme Court agreed with and now Judge Wettick is having to implement is that when you take the whole county and you look at all of the assessed valuation, it then has to equal with the millage. So it was never going to solve the constitutional problem of equalization of taxes if just individuals --- people with their own individual assessments, because as a whole, the poor people were paying too much. And that's the whole gist of the whole case, is that the poor were paying too much taxes.

And I do find it a little odd that I, the Republican at large, am arguing on behalf of the poor people. But I want to say one more thing, that constantly what we have heard is that there's only one county that's going to go through this reassessment. But data from the State Tax Equalization Board shows that five counties, Adams, Perry, Bedford, Clinton and Luzerne have done a countywide assessment since 2009. So when we keep saying we're the only one, that's just factually incorrect.

MR. FINNERTY: That isn't what I said. I said we are the only one that's being singled out when you have ---. And if they did it in '09, they're still out of alignment according to what Judge Baer is --- according to Judge Baer, they are.

MS. HEIDELBAUGH: Judge Baer is one Justice in dissent and that's worth ---.

MR. FINNERTY: That's fine.

MR. DEFAZIO: Point of order.

PRESIDENT MARTONI: We can't have this back and forth. Go ahead, Jim.

MR. ELLENBOGEN: Thank you, Mr. President. It's a rare occasion that I agree with everybody. I mean, it is true that we've done this for the third time, and it's a feel-good piece. I mean, I believe --- I share Councilman Finnerty's frustration. I get my chops busted every hour from somebody. I mean, I went to the doctor's today, and before he put my blood pressure cuff on, he showed me his assessment. And that's the honest to God truth. But I also agree with Councilwoman Heidelbaugh because I do believe that the way it is structured that it is unconstitutional.

But Councilman Gastgeb brought up a point that kind of sparked something in my head. I mean, I try to deal in reality, and the reality is you're asking Legislature and you're a senate who primarily lives in other counties across the state to sacrifice their own jobs for us, because that's the reality of it. If I live in Luzerne County and I vote for this and Luzerne County gets reassessed, I'm gone. I mean, that's what's real. So in trying to take everything that my fellow Council members have said and trying to make it real, I think if we do a resolution, the resolution should go to the Supreme Court asking them to do a King's Bench and asking them to rule because they don't run every couple years. They run every ten years. And I think that the proper place for this resolution is Chief Justice Castille's chamber. I mean, that's my opinion and, you know, thank you for listening.

PRESIDENT MARTONI: Okay. John?

MR. FINNERTY: Then me?

MR. DEFAZIO: Okay. Let me say this. Jimmy Ellenbogen hit the nail on the head. It's not going to really --- look, this is the third time we're doing this. It's not going to have --- these legislators in other areas are not going to vote the way we want them to vote. We could correct this real quick. Take the word moratorium out and put in an active solution for the state property tax. But if Nick says he's willing to let it go into committee, that's fine. There's things out there --- and I think the Judge may hopefully come to his senses on Thursday and extend this another year. At that time, someone like Senator Fontana --- he's introducing something like footage, square footage on land and different things. That there's a lot more to it.

But they know we can't get this passed because you're not going to get everybody to agree with Allegheny County on this. So there is different ideas on this, and I do believe it should go into committee. And I do believe we should --- we are going to be talking to people like Fontana and that. He has some ideas, and there may be better ideas, and that's what we have to work on.

PRESIDENT MARTONI: Okay. Wait. First Amanda, then you.

MS. GREEN HAWKINS: Thank you. If this is going to committee, I'll just save my comments for the committee process. Thank you.

PRESIDENT MARTONI: I'm losing track of who has their hand up.

MR. FINNERTY: This is unbelievable. You know, I've had my hand up here, and you told me after John, ---

PRESIDENT MARTONI: Okay. I apologize.

MR. FINNERTY: --- and now it never goes. You've got to write the names down.

MR. DEFAZIO: That's the first I spoke.

MR. FINNERTY: Yeah. Well, I didn't say anything about your speech.

MR. DEFAZIO: No. I had one time.

MR. FINNERTY: Well, I didn't say anything about it. I don't know what the heck we're talking about. But anyhow, first of all, I agree with Heather. Number one, this is unconstitutional. There's no doubt about that. Second point is that this was done and this is being forced on us because our people with lower income houses and neighborhoods were over-assessed. There's no doubt about that. The people in the higher class neighborhoods like Fox Chapel, I guess part of Scott, Mt. Lebanon, you know, Shadyside, et cetera, were under-assessed. That's a fact. That's why it started, because of that fact.

And one of the arguments always has been that --- and it always seemed like it was always Wilkinsburg or Homestead, people said that, you know, if we do a reassessment and that person's house was valued at \$60,000 but was really only worth \$25,000, that means their taxes are going to go down. And if their taxes go down, that means that Wilkinsburg or Homestead or whichever is going to have to raise their millage because they still need that amount of money. That was one of the arguments put forth for many years in regard to this.

And it is unfair. And any system like this, if you don't reassess, then the affluent area, house values go up more, especially if they're in a very good school district, and the lower income usually go down. So they tremendously are purporting --- it's totally backwards. It's upside down. That's not the way this property tax is supposed to work. It was supposed to be the person that has the most money paid the most money percentage-wise. Thank you.

PRESIDENT MARTONI: Being that it's upside down and we can't come to a decision, after hearing, I'd like to send it to committee, to Government Reform. Okay.

MS. HEIDELBAUGH: So I've been thinking about this for a while. And what everybody in the community keeps saying is, how do we solve this problem? Well, there's a legislative solution, but we can't get the Legislature to do it because the people in the smaller counties are never going to vote to reassess themselves; all right? And the Supreme Court --- Judge Wettick said this has to go for every county. And it went up to the Supreme Court, and the Supreme Court said no, Judge Wettick, you are in Allegheny County. Only you can do it.

So I've been thinking, what is the solution to this? Well, here is what I think the solution is, and I don't know if anybody will take it up because I believe that as one of two states --- Delaware doesn't count because it only has three counties, okay, so it's really the outlier of every state in the union. Here's what I think the solution is. Neighborhood Legal Services ought to file suit on the same day in half the counties. The case will be filed. It'll be consolidated, and it can go to the Supreme Court. And the Supreme Court will say, this is not uniform. The way that Pennsylvania does it doesn't work. So we have half the counties here. What we're going to say is all the counties have to change. That is what I think is the solution of this. Now, the practical legalities of that are that that would be a massive legal undertaking, but that's the only way I think that this actually could ever come out of the box.

PRESIDENT MARTONI: Okay. Let's send it to the Committee on Government Reform. We have 13 members here and we have 26 solutions to this thing. We'll send it to the Committee on Government Reform. I hope that's okay with you. I don't mean to shut it down, but we're not ---.

MR. FUTULES: No. You're sending it to committee.

PRESIDENT MARTONI: When you have opinions, please come to the Government Reform Committee meeting and express them. Okay? We had enough of that; right? Okay. Government Reform. 6700-12.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2012, Submission 12-1. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Would someone make a motion to receive in file?

MR. FINNERTY: I'll make that motion.

MR. DEFAZIO: Second.

PRESIDENT MARTONI: On the motion to receive the file, all in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered. New business, motions.

MS. HEIDELBAUGH: I have two items of new business.

MR. CATANESE: Mr. President, if I may, that's a resolution that has to go to committee.

PRESIDENT MARTONI: It has to go to committee?

MR. CATANESE: Yes. It would go to the Budget and Finance Committee.

PRESIDENT MARTONI: Budget and Finance.

MR. CATANESE: Correct, Mr. Robinson?

MR. ROBINSON: Yes, sir.

MR. ELLENBOGEN: Mr. President?

PRESIDENT MARTONI: Yes.

MR. ELLENBOGEN: Points of order. Number one, I just wanted to recognize ---.

MR. CATANESE: Excuse me, Councilman. She has to change her paper. She's out of paper.

MR. ELLENBOGEN: Oh, I'm sorry.

(Brief interruption.)

MR. ELLENBOGEN: I just wanted to say that we lost two key members of our staff, Ms. Sonya Dietz and Jen Liptak, to --- the Chief Executive stole them off us. And I just wanted to recognize the extra hard work that Jared Barker, Mark Pfeifer, Joe Catanese and Stephanie Buka have done to try to fill in without there being a hole, because those two folks did a lot of work. And I just want you to know I know all of us appreciate all the extra work you folks have been doing. I also just wanted to say that I have a newfound respect for the Pittsburgh Botanical group because they're the first group in the four years that I've been here that ever did their business and didn't leave. They sat and listened to the rest of me. So I'd like to thank them for that. Thank you.

PRESIDENT MARTONI: Okay. New business, motions.

MS. HEIDELBAUGH: I have two new items of business, Council President Martoni. I'd like to ask to make a motion to add each one to the agenda. And the first one --- I'm new, so I'm a little nervous.

PRESIDENT MARTONI: That's okay. Take your time.

MS. HEIDELBAUGH: Thank you, sir. Do I refer to it by the number?

MR. BARKER: It will not have a number until after it gets added. Why don't you just describe it?

MS. HEIDELBAUGH: Okay. Thank you. It's an ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing the tax levy upon all real property subject to taxation within the limits of Allegheny County. And I can describe it in a moment.

MR. GASTGEB: Second.

PRESIDENT MARTONI: We have a motion and a second.

MS. HEIDELBAUGH: I'll wait until you allow me to speak.

PRESIDENT MARTONI: You're allowed to speak. We have a hard copy here.

MS. HEIDELBAUGH: Thank you. Basically, what this ordinance is attempting to do --- and I'd ask that it be allowed to go to committee --- is based on what this Council did on December 6th, which was enact a tax increase that increased taxes by 21 percent, for a total of \$50 million. At that point, I was --- it was my first meeting and I introduced a motion to try to delay that vote for two weeks to try to find a way in which we could shave off from the county budget to stay within County Executive Dan Onorato's budget. I felt then and I feel now that the amendment that we passed was violative of the anti-windfall provision.

Now, it's my understanding that the majority of my colleagues who voted in favor of the 21 percent tax increase did so on the belief --- and we did have Executive Session at some point --- but did so on the belief that 2012 would not be reassessed. Now today I went to court and I just --- I was listening with a lawyer's brain but I was just in the back. I went to court and I listened to what Judge Wettick ordered, and I have a copy of the Order here, Order of Court dated January 10th. And in this Order of Court, it states, it is hereby ordered that the County Manager shall fully, efficiently and properly implement existing and future court orders issued by this court regarding the assessment of real properties in Allegheny County. I'm just going to read a little bit, then I'll stop. The current court

order which the county manager shall implement is the document entitled Estimated Completion Date, Attachment One. And if you look at Attachment One, it states that everything regarding the assessment must be completed in '12. Therefore, by this Order of Court, there is no question in my mind, as an attorney and as a member of Allegheny ---.

MR. FINNERTY: Point of order. This is going to committee.

PRESIDENT MARTONI: Budget and Finance Committee.

MR. FINNERTY: So we're not debating it.

MS. HEIDELBAUGH: I just want to finish up. I'll finish quickly, colleague Finnerty.

MR. FINNERTY: Okay.

MS. HEIDELBAUGH: It's my opinion that what we did on December 6th was violative of the law and that we have to repeal that, reopen the budget and take our millage down.

PRESIDENT MARTONI: Thank you. This goes to the Committee on Budget and Finance. John. Then it's going to committee.

MR. DEFAZIO: Yeah. No. It's just her --- your opinion, Heather. I don't want to talk to you. I'm supposed to talk to the chair. But I disagree with Heather's opinion 100 percent. I said that before. Now it's getting later and later. And we'll find out for sure later. My honest opinion is --- in my opinion, you're wrong.

MR. FINNERTY: This is a point of order again. Now we have to do what the right thing is. The point of order is he's sending it to committee. It's done.

MR. DEFAZIO: Hey, Mike, she spoke, I spoke.

MR. FINNERTY: I ask ---.
If she's going to speak, I ---.

MR. FINNERTY: I ask, is that correct?

MR. RUSHFORD: It does go to committee.

MR. FINNERTY: He sent it to committee already.

MR. DEFAZIO: She spoke on it, and I feel I should have a chance to speak.

MR. FINNERTY: Well, no, you don't.

MR. DEFAZIO: If he let her go, I'm going to speak also.

PRESIDENT MARTONI: Point of privilege.

MR. FINNERTY: Well, the parliamentarian could make the decision then.

PRESIDENT MARTONI: Make a decision.

MR. RUSHFORD: Well, at this point now it's going to committee.

MR. DEFAZIO: If I can't speak, neither can she.

MR. FINNERTY: Will you let him talk?

PRESIDENT MARTONI: It's going to committee.

MR. DEFAZIO: Hey, Mike, why don't you shut up?

MR. FINNERTY: Why don't you shut up?

MR. DEFAZIO: Your big mouth goes all the time.

PRESIDENT MARTONI: Wait. It's going to committee. Okay?

MR. FINNERTY: Thank you, Mr. President.

PRESIDENT MARTONI: Do you have a second one? Did you have something else ---?

MR. CATANESE: I can just read the caption into the record.

PRESIDENT MARTONI: Please do.

MR. CATANESE: Okay. It's an ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing the tax levy upon all real property subject to taxation within the limits of Allegheny County. Sponsored by Councilwoman Heidelbaugh.

PRESIDENT MARTONI: Thank you.

MR. DEFAZIO: Point of order, Chuck, and a point of special privilege.

PRESIDENT MARTONI: Go ahead.

MR. DEFAZIO: I will admit I'm wrong, but she was wrong, too. So I ---.

MR. FINNERTY: I guarantee you're right. She was wrong, too.

MR. DEFAZIO: Right. And that's the only reason why I did it. I think I know the rules as much as anybody up here.

MR. FINNERTY: You taught me the rules, John.

MR. DEFAZIO: Okay. I know I was wrong.

MS. HEIDELBAUGH: I apologize.

MR. DEFAZIO: So do I.

MR. FINNERTY: You were.

MR. ELLENBOGEN: Play nice, everybody.

MR. FINNERTY: We've got to make sure it's enforced.

PRESIDENT MARTONI: It's going to committee.

MS. HEIDELBAUGH: I'm on a learning curve. I apologize.

PRESIDENT MARTONI: No, don't be. It's my mistake.

PRESIDENT MARTONI: It's still going to committee. We're all on a learning curve. And we're going to be on a learning curve until the day we die. Okay? You have a second one; right?

MS. HEIDELBAUGH: Thank you, sir. I have a second ordinance. Do I say ordinance? Second resolution. Well, because Mr. Finnerty would like me to be circumspect ---.

MR. FINNERTY: Yes, be brief.

MS. HEIDELBAUGH: Can we all just read this ourselves or do I need to read it into the record?

MR. FINNERTY: Do you want it to go to committee?

MS. HEIDELBAUGH: I would like it to go to committee, please.

PRESIDENT MARTONI: It's going to go to committee.

MR. FINNERTY: Then we can read it.

MR. RUSHFORD: Right to committee.

MS. HEIDELBAUGH: Thank you, sir.

PRESIDENT MARTONI: Thank you. Budget and Finance.

MR. FINNERTY: Say Budget and Finance, going to committee.

PRESIDENT MARTONI: Going to committee, Budget and Finance.

MR. CATANESE: If I may, Mr. President, read the caption.

PRESIDENT MARTONI: Please do.

MR. CATANESE: It's a resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting an Operating Budget pursuant to Article IV, Section 2, and Article VII, Section 4 of the Home Rule Charter by setting forth appropriations to pay the expenses of conducting the public business of Allegheny County and for meeting debt charges for the fiscal year begun January 1st, 2012 and ending December 31st, 2012. Sponsored by Councilwoman Heidelbaugh.

PRESIDENT MARTONI: Go ahead.

MR. DROZD: I have a motion I want to introduce to at least --- to have it put on the agenda. If you would, Mr. Barker ---. Okay.

PRESIDENT MARTONI: Again, Matt, this will go to committee; right?

MR. DROZD: Yeah, after comments.

PRESIDENT MARTONI: Okay. Comments, then ---.

MR. DROZD: Just real quick. When you're ready, Mr. President.

PRESIDENT MARTONI: I'm ready.

MR. DROZD: Okay. What this is is a motion. We don't have oversight directly over the Property Assessment and Bill Review Board, but we do also, along with the Chief Executive, actually appoint and have appointments to that board. And we deal with and talk about assessments on one end, and the state should really do ---. But we do have input on the local. And what people are incurring right now is not just problems with the assessment but the appeal process, because they can't find at times, like for instance, three valuations within their community that were recently sold, and they say, I don't have it. I can't find it. I can find this, I can find this, but I don't have that. They say, too bad, here's what we have.

Well, it should be a clear process on both parties' part because the taxpayer should be able to admit additional evidence of why they feel that their property is not as valued as the Assessment Board. So I want this to go to committee for the reason that we really have to scrub this. It's something we have control over and that we can help the taxpayers and the property owners out there when they do go to that appeal process because you've heard, I've heard, we've all heard when they go into that process, everybody is complaining and saying, you know what? Gee, I don't have a chance when I go down here a lot of times.

PRESIDENT MARTONI: That we'll send to committee.

MR. DROZD: Thank you, sir. That's all I need to comment. Thank you. I want to help the taxpayers.

MR. CATANESE: I want to read the caption if I may.

PRESIDENT MARTONI: Please.

MR. CATANESE: It's a motion of the Council of Allegheny County urging the Allegheny County Property Assessment Appeals and Review, PAAR Board to amend its

rules to clearly establish the appeal procedures to be followed in order to ensure quality --- equity for the taxpayers in the event that the comparable sales data is limited and unavailable, and to provide clear explanations of the methodology employed in setting the assessed value that is subject to an appeal. Sponsored by Councilman Drozd.

PRESIDENT MARTONI: It goes to Committee on Economic Development. Notification of Contracts.

MR. GASTGEB: Point of privilege. Not that I'm weighing in on the fray here, but when I introduce a first reading, I will not ask for it to go to committee, nor will I expect the president to put it into committee until --- as the very last act. By practice, we don't usually speak about first readings, but that certainly doesn't mean we can't. So my practice will be --- and I'll ask the president for --- I believe has been here for a decade. I will bring the first reading up. I will talk as long as I want to. And at the end, we'll decide if it's committee, if it's a waiver, if it's whatever. So that's what I'm going to do. Thank you.

PRESIDENT MARTONI: I guess we're at the end of our agenda.

MR. ELLENBOGEN: Mr. President? Yeah. If everyone remembers, a couple months ago I had put forth a bill to name a bridge after the late Art Rooney, Sr. I know it was sent across the hall, and I would ask, Mr. President, if you would ask your staff to send --- give me an update as to where that would be at this point. Thank you, sir.

PRESIDENT MARTONI: Thank you. Public comment on general items.

MR. CATANESE: We have three.

PRESIDENT MARTONI: Okay. Harry? Harry, before you start, your name and address, please.

MR. LILLER: My name is Harry Liller, 438 Ruxton Street, Pittsburgh, PA. I was reading a Post-Gazette, Friday, November 18th business section. The Public Banking Institute, a non-profit based --- that they want to create a community bank. Well, on the back page it says they're getting --- John DeFazio proposed this idea. So I want on the record, for the past 12 years John DeFazio was insulting me and has the Law Department state that I'm not allowed to have a non-profit community bank

plan with economic funds from the county. Now, are you in the Law Department here, sir?

MR. RUSHFORD: No, I'm not.

MR. LILLER: Who's the Law Department? Nobody here? Well, I would like that report at this meeting, because you all spent money saying that I can't do it, and he's going to sponsor someone else doing the same thing. So I want you all to realize --- here is my outline for a non-profit community bank plan. And I want to hand it to Council to hand it --- you'll all have copies of it next week. This is my time to speak.

MR. DEFAZIO: Don't look at me.

MR. LILLER: So at the next meeting, I want the Law Department's report saying that I'm not allowed to do this, and you'll all get to see my outline on my non-profit community bank plan, and we're going to talk about it then.

There are two proclamations I want to complain about tonight. The first one was Black and White Reunion people. They are racist hypocrites. And at a Civilian Police Review Board meeting in Homewood, the last guy who spoke, Reggie Roberts threatened to sucker-punch me. I wish he would have. When I was in the Marine Corps, a big black Marine sucker-punched me, and I beat the crap out of him.

The other proclamation is about Monsignor Charles Owen Rice. My grandfather, Earl Stevenson, worked for Westinghouse. Westinghouse owned KDKA Radio. KDKA Radio gave Charles Owen Rice a brand new car, a radio show and money. He lied about my grandfather and called him a Communist. The snotty little Post-Gazette reported this. Was he a Communist? No, he was not. My grandfather never took the Fifth Amendment. They took him down to Washington, D.C. and they threatened to throw him in jail and they threatened to take away his children because Earl Stevenson was the first man in Allegheny County to win custody of his children. When I was a little child, Earl Stevenson taught me to work hard, always tell the truth and take care of family. But this Council gives him an award for committing perjury. I believe one of the amendments --- when Moses got the amendments (sic), thou shall not bear false witness.

PRESIDENT MARTONI: Thank you.

MR. LILLER: That's how crap you all are. And I'll see you next month.

PRESIDENT MARTONI: We'll be here. Michael Connors?

MR. DEFAZIO: Chuck?

PRESIDENT MARTONI: Yes, John. Go ahead.

MR. DEFAZIO: Yeah. I have just a little remark here. First of all, I don't know where this guy gets his facts. The day ---.

MR. LILLER: Here's the newspaper.

MR. DEFAZIO: Sit down.

MR. LILLER: It's in the newspaper.

MR. DEFAZIO: Sit down.

PRESIDENT MARTONI: No confrontation. Go ahead, John. Say what you're going to say and that's it.

MR. DEFAZIO: He had a problem about his banking. I met with me, you and him for three hours on a Saturday. I don't make fun of anybody. I don't know where he gets all these ideas. He's always trying to badmouth me. This guy is out of line, way out of line. He's got to learn how to tell the truth.

MR. LILLER: He called me a homosexual behind my back.

MR. DEFAZIO: You're full of it.

MR. LILLER: Yes, he did. That's a lie.

PRESIDENT MARTONI: That's enough.

MR. DEFAZIO: You know what? You ought to go get examined.

MR. LILLER: Yeah, you, too.

PRESIDENT MARTONI: That's enough. We don't want to have that kind of talk.

MR. LILLER: He called me a homosexual behind my back.

MR. DEFAZIO: I don't know what you are. Don't say I did.

PRESIDENT MARTONI: Michael Connors. Is Michael Connors here?

MR. LILLER: He's the one ---.

MR. DEFAZIO: I never said that.

MR. LILLER: I'll see you on Judgment Day.

MR. DEFAZIO: Get out. Go take a walk.

MR. LILLER: Yeah. I got four generations of steel workers, you and a cleaning woman.

PRESIDENT MARTONI: I think Kenneth Miller left already.

MR. DEFAZIO: Go on.

MR. LILLER: I'll see you all on Judgment Day.

MR. DEFAZIO: Yeah, you better walk, idiot.
PRESIDENT MARTONI: Okay. Now for the main
event. Do I have a motion for adjournment?
(Chorus of motions.)
(Chorus of seconds.)

MEETING ADJOURNED AT 8:20 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. Quigley