

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Dr. Charles J. Martoni	-	President, District 8
Nicholas Futules	-	Vice President, District 7
John P. DeFazio	-	Council-At-Large
Heather S. Heidelbaugh	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
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, September 18, 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:

Joseph Catanese - Director of Constituent Services
Jared Barker - Director of Legislative Services
Walter Szymanski - Budget Director
Jack Cambest - County Solicitor

PRESIDENT MARTONI: The Allegheny County Council meeting will come to order. Please rise for the Pledge to the Flag, and remain standing for a moment following that for silent prayer or reflection.

(Pledge of Allegiance.)

(Silent prayer or reflection.)

PRESIDENT MARTONI: Please be seated. Roll call.

MR. CATANESE: Mr. Burn?
MR. BURN: Here.
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: Here.
MR. CATANESE: Mr. Macey?
MR. MACEY: Here.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Here (via telephone).
MR. CATANESE: Ms. Rea?
MS. REA: Here.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Present.
MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Present.

MR. CATANESE: Fifteen (15) members present, one by phone.

PRESIDENT MARTONI: Proclamations/
Certificates. 7152-12.

MR. CATANESE: Proclamation honoring Community College of Allegheny County alumna, Ms. Frances Kelly, for her service to the college and the community. Sponsored

by Council members Martoni, Robinson, Ellenbogen, Futules, Palmiere and Macey.

MR. ROBINSON: Thank you, Mr. President, and members of Council. This Council and our visitors know, from time to time Dr. Martoni and I, in cooperation with the Community College of Allegheny County, identify persons that we feel have served this county well, who are a fine representation of the kinds of students that we have produced at the college. As a sponsor of colleges, the county; in particular, this Council, should be very proud of what we have done relative to our alumni, about 95 percent of whom still reside in this county and, hopefully, are working in our county.

Dr. Martoni and I take serious this effort and our honoree today being another example. Let me suggest that while there are but a few of us who are co-sponsors, I would certainly encourage other members at some point to be sponsors of this resolution and, also, to recognize that they are your constituents who have been recognized, who might be recognized. And this county is just one of many in our community and, certainly, we hope that none of you pass up the opportunity to give her the thanks she so richly deserves and to support the college; if Ms. Kelly will join me, please.

WHEREAS, Frances Kelly, an alumna of the Community College of Allegheny County, CCAC, has exemplified the definition of a dedicated citizen to our great county with her successful career, 30 years in the radiation oncology field as a practitioner, teacher and tutor; and

WHEREAS, Ms. Kelly worked at Allegheny General Hospital investigating the effects of radiation and chemotherapy on animals, until she was approached by the medical director of the Radiation Oncology Department who offered a position to work with patients; and

WHEREAS, in 1968, Ms. Kelly had the distinction of being the only registered radiation therapist in the City of Pittsburgh. Ms. Kelly moved to the Radiation Oncology Department at Mercy Hospital, where she worked throughout the 1970s; and

WHEREAS, Ms. Kelly earned an Associate Degree from CCAC in 1984, then transferred to the University of Pittsburgh, attaining her Bachelor's Degree in 1988. While attending Pitt, Ms. Kelly worked as a clinical instructor in the Radiation Therapy Program at CCAC. In

1988, Ms. Kelly was offered a position at Mercy Hospital as a supervisor in the Radiation Oncology Department, where she worked until she retired in 1996; and

WHEREAS, in 1999, Ms. Kelly accepted the role of clinical coordinator for CCAC's Radiation Therapy Technology Program, and she continued this work for ten years. In March of 2007, Ms. Kelly established the Edward Rogow M.D. Memorial Scholarship in memory of her husband, Dr. Edward Rogow. The scholarship is available for a full-time radiation therapy technology student, and she has been instrumental in awarding the scholarships.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, hereby commends Ms. Frances Kelly for her lifetime of service in the field of radiation oncology. Her impact on this community and her commitment to Allegheny County and its citizens serves as an inspiration to us all. Sponsored by Allegheny County Council President, Charles Martoni, and Council member, William Russell Robinson, and presented this 18th day of September, 2012. Dr. Martoni, do you have any comments you'd like to make before Ms. Kelly has an opportunity to present herself to this county.

PRESIDENT MARTONI: I just want to congratulate her and the great work she has done.

MS. KELLY: Thank you.

PRESIDENT MARTONI: We're so proud of her.

MS. KELLY: Thank you, Dr. Martoni.

MR. ROBINSON: Mr. Ellenbogen?

MR. ELLENBOGEN: I just want to congratulate her also.

MS. KELLY: Thank you.

MR. ROBINSON: Okay. Ms. Kelly, the floor is yours.

MS. KELLY: Thank you. I wanted to thank the Alumni Society of CCAC for putting my name forward to accept this honor. It is a pretty great honor, as far as I'm concerned. I've never been in this room, so that's good. I want to thank Mr. Robinson and Dr. Martoni for their service in helping CCAC continue its work through their ongoing efforts to obtain funding for the college. I have great respect for education, instilled by my parents. And my objective in using my husband's money to set up this scholarship was to guarantee the future students in our program, the Radiation Therapy Technology

Program, love the career as much as I have. And I want to say that being an alumni of the college --- I went through the Radiation Therapy Technology Program there. Two of my friends are here, Elizabeth Harkay --- she's the Program Director --- and Marilyn McKelsey (phonetic), who is our clinical instructor at the college. They also went through the program, so we have a couple representatives here from the program. I'm a little bit nervous here.

MS. DANKO: You're doing fine.

MS. KELLY: Okay. Really, I have a vision problem. Honestly, if I didn't have that vision problem, I would still be working in the field of radiation therapy, teaching students, helping our next generation, which is what the community college does. I think the community college is so important to our community because it gives the young people an alternative to a four-year college to look at when they're undecided as to what they want to do, at an affordable price. And I'm so thankful that we have continued funding from the county. And basically, that's about all I have to say.

(Applause.)

(Pictures taken.)

PRESIDENT MARTONI: 7153-12.

MR. CATANESE: The remainder will be read into the record. 7153-12. Proclamation recognizing September 11th as a Day of Service and Remembrance in Allegheny County. Sponsored by Council members Drozd, Ellenbogen, Futules, Robinson and Macey.

7154-12. Certificate of Recognition honoring the late Marl Harold "Tink" Garlock, Jr., Machinist's Mate Second Class with the U.S. Navy, for his service to our country and declaring September 21st, 2012, Tink Garlock Day in Allegheny County. Sponsored by Council members Drozd, Ellenbogen, Futules, Robinson and Macey.

7155-12. Proclamation recognizing and celebrating the 80th season of the Pittsburgh Steelers. Sponsored by Council members Macey, Ellenbogen, Futules, Robinson and Palmiere.

7156-12. Certificate of Recognition awarded to Mr. Hermon B. Jefferies, upon the occasion of his 100th birthday. Sponsored by Council members Macey, Ellenbogen, Futules and Robinson.

7157-12. Certificate of Recognition awarded to Mr. and Mrs. Charles and Janet Dreer, upon their 50th wedding anniversary. Sponsored by Councilman Macey.

7158-12. Certificate of Recognition thanking Mr. and Mrs. Fred and Faith Baldwin Bray, for their service to the community of McKeesport and Allegheny County. Sponsored by Council members Macey, Ellenbogen, Futules and Robinson.

7159-12. Proclamation designating September 23rd through September 30th, 2012, as the Association for the Study of African American Life and History (ASALH) Week in Allegheny County, in honor of the innumerable contributions of the late Dr. Edna B. McKenzie. Sponsored by Council members Robinson, Ellenbogen, Futules and Palmiere.

7160-12. Proclamation commending the Boy Scouts and Girl Scouts, for hosting the Moon Township Flag Retirement and September 11th Remembrance Ceremony. Sponsored by Council members Drozd, Ellenbogen, Futules, Robinson and Palmiere.

PRESIDENT MARTONI: Thank you. Public Comment on Agenda Items.

MR. CATANESE: We have five.

PRESIDENT MARTONI: Before we have public comment, I'd like to emphasize that we appreciate people coming in for public comment. We want it all to be without name calling. We want it to all be positive. Okay? If not, we're going to have to re-examine how we do this. Okay? Thank you. First speaker, Mike Dawida. Welcome back, Mike.

MR. DAWIDA: Dr. Martoni and members of the Council, it's good to be back. It's been 12 years since I've sat in this room, and I don't miss it. But I'm here for a very important reason. I'm here to ask you to bifurcate one of the issues you'll want to speak of today, and that is the issue dealing with billboards and with towers, cell towers. This is a beautiful place that we're in right now. This is a beautiful community, as we all know. Billboards and --- and in light of Dr. Martoni's admonition, I won't say what I normally say. Billboards are not lovely. They do not create beauty. Billboards cost property taxes. Scenic America --- and I am the Executive Director of Scenic Pittsburgh, also a registered voter in Mr. Ellenbogen's Council district. This will be my 82nd consecutive vote coming up in November, and I'm proud to do so.

Billboards, according to Scenic America, lower property values for a half mile around them, up to 30

percent. So if you continue to build billboards, they do not provide you with money, they actually detract from the money that you can get from homes in the community. The other issue is that Pittsburgh recently passed --- and many suburbs are joining. To name a bunch --- just recently we visited Millvale, Ben Avon, Castle Shannon, Whitehall and many others, for passing much more restrictive ordinances because they recognize that billboards are not helpful to them. They already have them in many other places. I would say to you that towers, while they're controversial in and of themselves, are not a bad thing. They have a positive. I don't think your participation in billboards has any positive. Beauty is eternal, to paraphrase the man who got me into politics; ask not what you can do for your country, ask what you can do for Allegheny County, and that would be to stop the proliferation of billboards, as the municipalities are doing in record numbers. They have spoken, and you really don't want this body to try to compete against the will of the community, which is overwhelmingly against the proliferation of billboards.

I ask that you bifurcate the issue, separate them. We'll discuss our issue of billboards in a separate venue and not confuse them with an important issue, which has to do with public safety. Thank you, and I appreciate the opportunity to speak to this body.

PRESIDENT MARTONI: Thank you. Dave Demko? Dave, are you here --- okay. You're here.

MR. DEMKO: Thank you very much, Dr. Martoni. Hello, County Council. Thank you very much for letting me speak here. And again, I'm here representing Scenic Pittsburgh, and we at Scenic Pittsburgh are opposed to the construction of more billboards in the Pittsburgh region. And we believe it is time for Allegheny County to get out of the billboard business. Billboards are bad for local business, and they're bad for economic growth. There are four states in the Union, Vermont, Maine, Alaska and Hawaii, that have all banned billboards. Houston, Texas, which is famous for not having zoning laws at all, also banned billboards, because they said they're bad for business.

Billboards are inappropriate for a county and a region that cherishes its scenic views and architecture. And once you recognize the smart, sustainable and agreeing growth leader ---. Many of these county-owned billboards

are on Gateway Avenue through our city and scenic routes across the county. The billboard at the County Jail lights the skyline for all branches of the city, from the Parkway East to 376 East and from Second Avenue. Is this the impression that we want to make on visitors entering our city? There are county-owned billboards on Freeport Road, Allegheny River Boulevard, that distract from the river views. There are billboards in Oakland on Forbes Avenue, on 40th Street in Lawrenceville and Penn Avenue in Lawrenceville. Does this seem appropriate for communities concerned about their image and appearance? There's a billboard --- county-owned billboard in Millvale. Millvale is 6/10 of a square mile, and they have 28 billboards. Scenic Pittsburgh has worked with Millvale to reduce the number of billboards in their community.

Most of the billboards --- second point. Most of the billboards owned by the county, especially the ones in Pittsburgh, are non-conforming. It was determined many years ago by the municipalities that no more billboards would be permitted. Thanks to State laws, however, existing billboards were grandfathered, although it is believed that eventually these non-conforming billboards would eventually be removed. Any sunk costs or investments in billboards has long been recovered, and responsible action for the county to take is not to renew these leases and remove these eyesores.

Scenic Pittsburgh is opposed to billboard proliferation and the blight billboards cause. Billboards lower property values, distract drivers and are environmentally wasteful. They blight the natural and architectural beauty of the neighborhood. They provide us a screen of constant persuasive messaging, and the advertisements, adult services and products to our children while contributing almost nothing to the local economies. Billboards protected by the First Amendment are free to post vile or other hateful messages. Unlike other advertising mediums like television, radio and newspapers, which is supported by advertising, the public is captive to billboards. There is no off switch, and the public receives nothing in return for the forced viewing of advertising messages.

The continued leasing of these billboards is an insult to local communities and an inappropriate source of revenue for the county. It is high time that Allegheny County discontinue the practice of selling our skyline and

our visual environment to the highest bidder. Our scenic beauty in the Pittsburgh region is not for sale. Thank you very much.

PRESIDENT MARTONI: Thank you. Nichole Huff?

MS. HUFF: Hello. My name is Nichole Huff, and I'm the Communications Director of Scenic Pittsburgh, so I'll talk a little bit more about the cost that's extracted from the communities when these billboards go up. Instead of taking over just revenue sources, there's a concrete cost to the billboards. So billboards are bad for the residents of Allegheny County. For every billboard that's the ordinance allows the property values, as we mentioned, go down by 30 percent. For every electronic billboard gleaming the night sky, it uses 30 times the amount of electricity of a single home in the county. So even though they are LED, they are not energy efficient.

So in exchange for allowing enormous billboards for things like Keystone Light and McDonalds through the ways of this community, we can watch the communities reduced to, sort of, an insignificant backdrop for the giant television screens hanging over the public's face. So billboards are bad for the natural and cultural environment of Allegheny County. Who could observe a beautiful scenic vista or a pastoral road or a historic building when it's covered up by enormous ad for Mountain Dew? Once a billboard shows up, they're hard to get rid of. Many billboards that already exist are --- they are not conforming in the county, so they're already going against the will of the people that have passed these laws.

So with every new billboard, the region potentially loses a scenic treasure, which may be nearly impossible to recover; so like in many of our natural resources, the short-sighted exploitation of our public space to have ramifications for decades to come. So a billboard --- and finally, you know, billboards are really bad for the image and the brand of Allegheny County. No one comes to Allegheny County to read billboards. No one ever said, my, what an incredible view of that Motorola ad. Billboards just spoil the landscape of this beautiful region and the very qualities that make Allegheny County a wonderful place to live, work and play, to host the nation's most livable city. They are intrusive marketing that cannot be turned off, intended to grab attention at

the cost of scenic environment and the safety of the public, because what is a billboard, if not a deliberately designed distraction to drivers. Billboards never improve a community, and they will not improve Allegheny County. In fact, the message that billboards send to visitors is that the natural environment of Allegheny County is for sale. The billboard does not lift us up but rather holds us back. Billboards extracts steep costs from the health and vitality of this region, and they will never, ever give back to the community equal to what they take. More billboards will make the problem worse and not better.

PRESIDENT MARTONI: Thank you. Deborah Rohe?

MS. ROHE: Good afternoon, Council. Thank you for the opportunity. It's Deborah Rohe, and I live in the downtown area --- and Amanda Hawkins. Nice to meet you. I went online today and found out you are our Council representative. Thank you all for the opportunity to speak. Scenic Pittsburgh did an outstanding job, in terms of communicating the concerns that I have with downtown residents. As a downtown resident, I just want to reiterate a number of issues and concerns that they just did. First and foremost, I do not believe that any new billboards should be allowed in our county. Our scenic, historic and vibrant county is not for sale. Billboards do more harm than good to the local economy. Billboards detract from the cultural character of our neighborhoods. Billboards lower property values. Billboard blight the natural and architectural beauty of our neighborhoods. The historic nature of our downtown neighborhoods do not need more billboards.

One concern that I have regarding this possibility in terms of the ordinance that the county is, as Scenic Pittsburgh mentioned, there are a number of communities that have sign ordinances. And I guess I would question, would you be able to come at a hearing to the communities' sign ordinance, as you put up? I hope that it is not put up these unsightly structures. Thank you.

PRESIDENT MARTONI: Thank you. John Rohe?
John?

MR. ROHE: Thank you, Dr. Martoni. I'm also a resident of Councilwoman Hawkins' district. I'm a resident --- actually, I'm a resident of Debbie, so --- a condo downtown, so we kind of live together, so ---. But we've been here for six years. My wife and I love this

community. This --- it's easy, maybe, because many of you have been here for a bit longer than six years, and you just become accustomed to it. But let me tell you something. The historic splendor of this place is beyond comprehension. This is a magnificent place, and it didn't just happen. There's a tremendous effort. If you look through the architectural history, the monuments, the historic monuments we have here, how they --- it was Churchill, we said; we build the buildings and the buildings then build us. And that's what this is all about. This is --- that's what this experiment in the self-governments is all about. This is about making a place that becomes worthy of our affection, that brings out the best in people. Let's think of just one anecdote, if we could. You know, there's this Don't Trash My Turf campaign going on. It's a wonderful campaign, and every once in a while, you actually do see someone picking up a piece of litter in Pittsburgh.

And maybe it's through this Don't Trash My Turf campaign, but it shows an exemplary sense of pride, a sense of pride of place. It tells us how important this place is to us, what it nurtures in us and maybe the kind of feeling that can instill in our children when they come back from college and come home. And they know they're home, because this is not any town USA. Is that me? Oh, I've got 15 seconds. So here's an anecdote. Where would our children --- where would any of us be more likely to pick up a piece of litter? Would it be in front of these magnificent architectural monuments that we have constructed during the course of history here, or would it be beneath the billboard. One honors us as citizens. One honors us for who we are --- it brings out the best in us --- and the other cheapens us. It reminds us that we're here to be good consumers and not a whole lot more. So let's just bring out the best in Pittsburgh. Just say no. Don't do this; please don't this. Thank you very much.

PRESIDENT MARTONI: Thank you. Motion to approve the minutes from the last regular meeting. 7151-12.

MR. CATANESE: A motion to approve the minutes of the regular meeting of Allegheny County Council, on August 21st, 2012.

PRESIDENT MARTONI: Moved.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved in second. Question?
All in favor?

(Chorus of yes.)

PRESIDENT MARTONI: Opposed? So ordered. The next item is going to be the Budget Committee, Mr. Robinson. 7129-12.

MR. ROBINSON: Thank you, President Martoni, and members of Council. Members should have in front of them with the president's imprimatur, a copy of Bill 7129-12, which does not appear on your printed agenda. The Budget and Finance Committee, in a recessed meeting at three p.m. today, considered Bill 7129-12. What Mr. Barker is passing out to you is the result of our deliberation and our recommendation to approve the bill as amended. What you have in front of you is the amended version of the original 7129-12. The amended portion is found on page three; actually, at page three of the document that Mr. Barker has just passed out.

The figures that are represented are the figures that the Budget and Finance Committee considered and approved. This is the bill. Because of time constraints and some practical consideration, the committee was unable to have this bill printed and provided to you on tonight's agenda, as printed. What the Chair, myself, of the Budget and Finance Committee am going to propose is that, first, we vote, with the assistance of the president, on putting this bill on the agenda. And then if the president allows, I'd like to proceed after that vote is concluded. Prior to the president asking for a motion on the bill, it is my suggestion that the president allow all members to raise and have answered questions that they might have about this bill. I believe that will serve in the best interest of this Council and the interest of all members.

There's no attempt to, in any way, fool or mislead members as to this bill. On behalf of the committee, I apologize that we were not able to have this material to you beforehand. But I wanted to make sure that the committee and the administration had an opportunity to thoroughly review what was being proposed and to make any adjustments. And what you have in front of you, members and Mr. President, is our best work to date on the Bill 7129-12. Having said that, I'd like to make a motion to have 7129-12, the amended bill, placed on the agenda for tonight's meeting.

(Chorus of seconds.)

PRESIDENT MARTONI: We have a motion and a second to put Bill 7129-12 on the agenda. Roll call.

MR. CATANESE: 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. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Yes.

MR. CATANESE: Ayes, 15, noes, 0. The bill is placed on the agenda.

PRESIDENT MARTONI: Mr. Robinson.

MR. ROBINSON: Mr. President, let me reiterate that before you can call for a motion from the Chair, I would encourage you, as well within your prerogative, to allow members to weigh in on this amended bill. The procedure that was used to bring this bill to the agenda is well within the rules, but it is extraordinary for us to use this process. For members who want to be very diligent relative to what they're voting for and have questions, it might be expeditious if the Chair would

allow those members the prerogative of raising their concerns prior to asking for a motion on the bill.

PRESIDENT MARTONI: Okay. First of all, I'd like everybody to read over it, read over the motion, so you know what you are doing. And secondly, I think we have to call for public comment. Mr. Robinson, am I correct to say that?

MR. ROBINSON: No, sir.

PRESIDENT MARTONI: Okay.

MR. DROZD: We haven't even read it. Is Joe going to read it?

PRESIDENT MARTONI: Yeah, read it, Joe.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing and approving a new schedule of fees and charges for services rendered and performed by the County's Department of Real Estate, to be effective January 1st, 2013.

MR. ROBINSON: Mr. President, if I might, as members ponder their vote, please be assured that on page three, there is a representation of what those fees should be, or what the committee feels they should be, beginning January 1, 2013. The numbers here are correct, in terms of what those fees, if any, should be. The committee was well aware of the numbers. There's no question about the numbers, as far as the committee is concerned. What we're presenting to you is what we approved.

PRESIDENT MARTONI: Okay. Any questions yet?

MR. ROBINSON: One other comment, if I might, Mr. President.

PRESIDENT MARTONI: Sure.

MR. ROBINSON: There was a concern raised in committee as to whether or not a public hearing on the proposed fee increases was appropriate. Members should be aware that if you choose to pass this amended bill, it will take ten votes; so eight votes to put it on the agenda. It will take ten votes to pass this bill. Members need to be aware of that. But there is no requirement to have a public hearing, nor is the Chair suggesting a public hearing. But to be fair to those members who might believe that's the most appropriate thing to do, there is no requirement. Obviously, this Council can do as it pleases in that regard. Thank you, Mr. President.

PRESIDENT MARTONI: Thank you. Do we have some comments? I don't know who was first.

MR. FINNERTY: It doesn't matter.

MR. ELLENBOGEN: Thank you, Mr. President. I probably would like to address the Budget Chair, if I could. Chairman Robinson?

MR. ROBINSON: Yes, sir.

MR. ELLENBOGEN: As this signifies a increase, like anything that causes an increase --- tax increases, fee increases --- they generally have a knee jerk reaction to the public. That being said, I would ask you to --- for maybe the media or for the viewers or for the public at large, to just very briefly explain just the nature of these types of fees. I mean, I'm looking at them, but the average person --- there they go again. They're raising this, they're raising that. So what I'm saying is, if you could just basically, you know, give a narrative in terms of the types of fees that are being raised and any projections of the money that ---. I'm sure there has to be projections here, in terms of what we think we could raise from this and how it would affect the budget as a whole.

I think getting out in front of this alleviates a lot of the phone calls and e-mails and the types of abuse, for lack of a better word, that we as Council members get, in terms of trying to do the right thing and trying to avoid more significant increases in other things that the public would just find very distasteful on a higher level. Thank you, Mr. President.

MR. ROBINSON: If I might, Mr. President and members of Council, let me respond in two ways. While there is no public hearing required on the fee increase, it probably is very prudent and appropriate, since this proposal is in the public domain, for the President to follow up on his concern that there will be public input. The Chair will not try to characterize how that should be done; that's one. Two, I do believe that those people most appropriate to explain the kind of details that Councilman Ellenbogen has requested, are representatives of the administration. The committee utilized Mr. McKain, our County manager, and Mrs. Valerie McDonald Roberts, who's head of our real estate department, as our sources of information in understanding what it was that was being presented.

And to my knowledge, they have ownership of this bill as amended. This is the bill as amended. I would defer to them. I wouldn't want to characterize anything

that has been presented by them, nor have they asked me to do so, nor do I feel compelled to do so. So respectfully, Mr. Ellenbogen, if the President and other members of Council need more detail, I would suggest that representatives of the administration are best prepared to do that. And I'm going to presume that there are a number of questions that members have, even if I were to venture into that deep water, which I don't plan to do. Hopefully, I'm clear in that regard, and that your concern will be addressed by the Chair. But that's my suggestion, that Mr. McKain and/or Mrs. Valerie McDonald Roberts be asked to come forward to explain any rationale for these fees, et cetera, and that they, as I understand, will take ownership of this bill. I think it would be appropriate --- or inappropriate not to give them ownership of this bill and be responsible primarily for explaining the wherefores and the how-tos of these proposed fee increases.

Lastly, whether or not that addresses the President's concern and others' concerns about whether or not the public has had an opportunity to weigh in on it, I won't make any comment. Mr. President?

PRESIDENT MARTONI: Well, let's do exactly what you said. First of all, let's start here. Go head.

MR. FINNERTY: Thank you. I appreciate that. Mr. President, we are talking about some fee increases here. And if we could just take, I guess, the first column there, and we're talking about \$150 for document recording fee; \$150 for mortgages and \$150 for miscellaneous mortgages. These are packaged. If you take a look at the second column that we're looking at --- I'll tell you what the fee was and what we're raising it to; and at the same time, tell you that it was benchmarked against other counties in relation to this.

That first fee there is a Notary Public fee. It was \$60; we're going to raise it to \$80. Philadelphia charges \$100.50. The next thing is the Notary Name/Address charge. Its \$30, and it's remaining the same. The District Justice charge is \$50 and was \$25, but it's \$88.50 in Philadelphia, Pennsylvania. The Police Commission fee was \$25; we're talking about \$50. And again, it's \$88.50 in Philadelphia. Order of the Court was \$15 and is going to be \$30. If you go down to Subdivision Plans, the 22 x 17 sheet was \$40. We're going to raise it to \$50, and I believe that sheet costs \$88.50

in Philadelphia. The 24 x 36 is staying the same at \$80. State Highway Plane --- Plan, I'm sorry --- is going from \$20 to \$30. Power of Attorney is going from \$20 to \$50, and then we find that over here. In Philadelphia, it's \$88.50. Financial Statement was \$105; it's going to \$150. Excuse me for one second. I lost my place here on my chart. I believe --- I'm sorry. In Philadelphia, that's \$183.50. So those are the fees in that section they're raising. Everything else is staying the same. I just want to make sure that we understand what it was and what we've benchmarked it against when we're talking about these fees. And I just wanted to mention, also, that some of these fees have not been changed in 16 years. It costs a lot more today to do business than it did 16 years ago. And I think we have to look at that when we're talking about hospitalization costs for our employees and salaries, et cetera, in relation to 16 years ago. Thank you.

PRESIDENT MARTONI: Somebody else? John, you.

MR. DEFAZIO: Yeah, just the issue of one question that other people could answer. The reason why we're trying to do things like this is to avoid any kind of taxes on people; so you know, we're looking for ways to save money by doing this. All these fees haven't been raised for years, and if you do enough of these things, you'll save people from more taxes upon them one way or another, so that's why this is happening.

PRESIDENT MARTONI: Any other comments? Yes?

MS. GREEN HAWKINS: Mr. President, if I may, can I follow up on the Chair's suggestion that we ---

PRESIDENT MARTONI: Yes, you could.

MS. GREEN HAWKINS: --- bring the County Manager and Valerie McDonald Roberts to come up, please, to talk about the benchmarking and, you know ---

PRESIDENT MARTONI: Yes, come up.

MS. GREEN HAWKINS: --- estimates of the revenue that we generated. Thank you.

MR. MCKAIN: Thank you. When we presented this to the committee, we had done a lot of research. And Ms. McDonald Roberts will talk about how this fee, which is currently tier based on the number of names and transactions, is very confusing to the people that we serve. So we're really promoting a flat fee. We did do benchmarking and we'll be still a lot less than Philadelphia and in the range of our surrounding counties.

We are the only second-class county that will be within the ranges of the ones that are of similar population. By taking one fee, it'll be much more user friendly. You'll hear her talk about all those --- you know, the documents and back and forth because --- like the title company comes or when people go to close on their house or refinance it, that there's a lot of confusion. Having a flat fee will be much user friendly to the people that we serve. As far as the dollars and cents, the most material amount of transactions are when a purchase is made or a sale of a house. We have to record the deed or a mortgage at the \$150. Separate from that, with the low interest rates historically that exist today, you can also do refinancing. That will be a \$150 fee. Depending on the activity in a particular year of the range --- so the increase in revenue we estimated between \$8,000,000 to \$11,000,000 a year on an annual basis. That's based on those three categories that I just gave.

The other numbers that were --- that Mr. Finnerty talked about that are part of the amendment, we estimate those changes to be in the neighborhood of about \$160,000 to \$200,000. That's from the financial end, but I'm going to ask Ms. McDonald Roberts to talk a little bit about the people that she serves in the industry that she works with and why they think that this is also positive from that sense.

MS. MCDONALD ROBERTS: Thank you, Council members. One Council member had requested a projected revenue, additional revenue, with the councilmen. And the Council members were approving committee minutes on what you had said, Councilman, the middle, that's UCCs, Power of Attorneys. I want to hand these over to the County Manager, should he want to distribute. And he was right on the money. They've raised between \$150,000 and \$200,000 additional, additionally to what the administration has proposed. Let me just put the fees in context, and I hear you. Councilman, as far as, you know, oh, there they go again. This is absolutely not a tax. Most people only transfer property, either buy or sale, once, twice, maybe three times in your lifetime. We're talking, for fees, in particular, a \$72 or so increase. On a \$100,000 home, that works out to .07 percent of the sale, less than .1 percent.

So we're not talking a huge amount of money, compared to the total consideration price, as well as all

closing costs. You're talking about minor. But because we have approximately 33,000 deed documents recorded, it does give a lot of bang for the buck. Just so that you know --- Councilman, you asked about projections. For the deeds, it is projected to have additionally --- this is on top of what we normally collect --- about \$3.4 million; on mortgages, \$5.9 million; on --- excuse me. This is totaled. I'm sorry. On miscellaneous mortgages, \$8 million. That works out to about almost \$18 million. That would be totaled. We typically collect --- let's see if I can go back here. What we collect right now is about \$6 million; about \$6 million. You're looking at an additional \$11 and a half million to \$12 million, just by raising a recording fee on a deed .07 percent of the consideration price of a \$100,000 home. We have considered flat fees for a long time. Some of the miscellaneous costs involved that all counties do but we just got tired of it --- let me see if I can find that.

Some of the miscellaneous fees that it costs to --- adding to fee costs are extra pages. That means somebody has to count extra pages, extra names in addition to four --- extra parcels, UPI certification fees, which 28 counties out of 67 are charging \$10 every time a document is recorded --- and there is a parcel cited within a content of that document, they're charging \$10 for every one over one. So if you have two parcels on a document, that's going to be an additional \$10. And if you have an assignment where you're having numerous parcels ---.

There were four documents recorded in Westmoreland County. Because of these UPI fees that we don't charge, four documents in two offices of deeds and mortgages, \$300,000, just because of the UPI fees. We don't charge projection fees. It will not include non-conformance fees, the document, marking in locations, postage, return envelopes, special handling, search and retrieval fees. In addition, we simplified our copy fees. So the flat fees that you're seeing reduces the workload, makes things simpler, reduces our return postage because they got the wrong check amount, by 25 percent. About 25 percent of the rejected documents are because they don't have the correct check amount. This will eliminate this. It's \$150. We don't care about how many pages; we're not counting them. It's \$150.

We get a deed. We don't care what it's like; it's \$150; a mortgage, \$150. Miscellaneous work is \$150. So it makes things simpler. And again, it makes things simpler for the consumer. They know exactly what they're paying for. It makes things simpler for the accounting of businesses. They know what they're paying for, a \$150 check. They don't have to worry about a rejection. And it makes things --- again, for title companies and people that are dealing with closings, it is so confusing when they have a deed that is --- that is rejected. Because it's recorded, they think it's part of the county system, and it's never processed for valuation and tax purposes because it's rejected. So it causes a lot of confusion, as well.

PRESIDENT MARTONI: Thank you. Any questions for our guest here, first, and then we'll open it up to Heather? I'm sorry.

MS. HEIDELBAUGH: Oh, that's okay. Ms. Valerie Roberts McDonald ---

MS. MCDONALD ROBERTS: Councilwoman.

MS. HEIDELBAUGH: --- thank you for coming. By way of background, I wanted to just start the question. You very kindly met with me when I came on board, and we had a very good discussion for about a half an hour. And I said to you, in essence, you have run this department beautifully for a number of years. Do you have any ideas about how to improve your department, what we should be doing? And some of the ideas that you gave me back in November are here today. These are some of the things that you wanted to do back then. And so I'm happy that these things that you wanted to do for quite a while are now coming to fruition.

And one of the things I wanted to say to you was that I think that because you know your department so well and you've worked there for so many years, that there may be ideas that you have that maybe didn't get an airing before. And I, as one member of Council, would like to encourage you to --- even if it's just a letter to me. If there's things in your department that you think you --- that we could be better --- be better deliverers of service, or there's additional fees that ought to be lowered, increased, something like that, I think that we ought to think about it. And the reason I say that is because when you came to us through the administration, there was just two requests to raise the fees. And then

Mr. Finnerty looked at everything and he said, well, while we're doing this, we ought to --- we ought to look at all of this. And so as a third leg of that, what I'm saying to you is that if there's additional things in your department --- because we're really starting with your department in this fee review --- I think you ought to bring them to us. The one question I have for you is something that you and I talked about a number of months ago, and that is this issue that has really burdened consumers. And I'd like you to refresh my recollection, because it's not been addressed in this general fee discussion. When a mortgage is sold from one mortgage holder to a next, it's my understanding from my memory of what you told me, that there is a number of national organizations who are not paying the requisite fees; is that right?

MS. MCDONALD ROBERTS: You're talking about MERS, the mortgage --- the county recording system, and that has gone to court. There's been a massive lawsuit filed from states --- Texas, Massachusetts. One recorder in Pennsylvania in Montgomery County enjoined in that lawsuit; because when ---. This was formed some years ago when there was a lot of activity in terms of mortgages being bought and sold, for securities --- you know, mortgage, bank securities, et cetera, et cetera. Banks decided --- they all came together and said instead of us recording each and every assignment from one bank to another bank, et cetera, why not have one company do it for us and internally it will detract who owns, who owns that, instead of having it recorded as a public record.

So they formed this system called MERS, M-E-R-S, and banks actually are part of MERS. They're like a member of it. And every time they buy and sell a mortgage or a lien or whatever, every time it transfers, instead of it being recorded in a recording office, it's just trapped internally. And the lawsuit was at hundreds of millions --- in fact, I have the article here. It was in the Tribune-Review that much money was lost. There's not a recording office in this country that can say, oh, you know, it's really benefited us. It has not benefited counties at all. It benefits business, but it does not benefit counties, so there's a lot of lost money.

MS. HEIDELBAUGH: And this isn't for today's discussion, but because you're here and you're --- and this is all about your office and fees and you can follow

up --- do you have any estimate of how much the county has lost because of that?

MS. MCDONALD ROBERTS: We have not. Some counties have had the time to actually calculate, but you know, we're second to Philadelphia. We have so many documents that we would have --- mortgages --- that we would have to look through throughout the years since MERS has formed, to find out how much money ---. Every time a mortgage is recorded that has MERS as the recording --- excuse me --- as the mortgagee, we would have to count each of those documents, and that would determine how many times we've lost possibly some money in an assignment. But again, MERS is a very legitimate way of businesses to record --- to have recorded documents that's assigned.

And again, we did not enjoin in that lawsuit. We have really not commented except to say, yes, we've lost money. Every recording office has lost money because of that, so ---.

MS. HEIDELBAUGH: It would probably be millions, though, right?

MS. MCDONALD ROBERTS: I don't know. I can't say that. I don't want to give an actual number, even if it's approximate.

MS. HEIDELBAUGH: Okay.

MS. MCDONALD ROBERTS: It's a lot.

PRESIDENT MARTONI: Thank you. Any other questions?

MR. GASTGEB: I have a question ---

PRESIDENT MARTONI: Go ahead.

MR. GASTGEB: --- for the County Manager. Okay?

MR. MCKAIN: Yes, sir.

MR. GASTGEB: Thank you for answering our questions. Currently, right now, prior to passage of this ordinance, the money collected goes into the general fund?

MR. MCKAIN: That's correct.

MR. GASTGEB: And if this should pass, that would continue?

MR. MCKAIN: Yes, sir.

MR. GASTGEB: Thank you.

PRESIDENT MARTONI: Matt?

MR. DROZD: I have two questions. First, your calculations --- a committee could bring new ideas to us where we can shift the burden of the taxes off to the general population, many of them. I want to ask you, were your calculations based on current figures of mortgages,

because you know, there's been an overabundance, you know, of refinancing because of the low interest rates; or did you do the average?

MS. MCDONALD ROBERTS: No, we based our figures on 2011, year end number of documents.

MR. MCKAIN: And the only thing I want to add, my range is a little bit broader, because we looked over three years' worth of transactions. But the calculations that she gave you was 2011 activity where, as you would suspect, a lot of refinances, opposed to ---.

MR. DROZD: That number is going to drop considerably.

MR. MCKAIN: The re-fi portion, yes.

MR. DROZD: Yeah, I would say so.

MR. MCKAIN: We don't know what the housing market would do.

MR. DROZD: Okay. So we haven't looked at those kind of dollars yet?

MS. MCDONALD ROBERTS: 2011 figures are pretty good. They're average.

MR. MCKAIN: They are. We're going to --- to go back three-year.

MR. DROZD: Okay. Now Mr. Manager, I have a question to you. You know, people are kind of --- you know, they're out there very skeptical when we go look at the revenues and we gain some revenues. The factor is, is they're always looking at --- they want a little bit of alleviation on their part. Can you assure that these funds --- additional funds are not going to go for new programs within Allegheny County, to increase new programs, because it always happens; you know, monies come into the government and then they go to this, they spend it. Instead of trying to alleviate some of the tax burden on the people of Allegheny County, can you assure this Council of that?

MR. MCKAIN: I'll respond this way, that we are looking for new revenue strings to maintain primarily the additional cost of doing business over the year, like was alluded to today, the collective bargaining healthcare, retirement, et cetera. However, during the budget process, if we have any new programs, we would introduce them if we think it adds value to the county. But the intent of this particular bill is to go to the general fund, not just to help us balance currently.

MR. DROZD: And you can be sure of that? You can be sure ---?

MR. MCKAIN: We are putting it in the general fund, but I have to leave myself open for new initiatives that I think are relevant to bring accounts, then we will. I'm not saying this is earmarked for that. I answered originally saying coming into the general fund, which we need to balance.

MR. DROZD: Okay. The second question I have is that you had mentioned that, you know, most real estate people out there --- and I don't know if you queried any of the real estate people. Can you give specifics on that or for this --- mortgage papers?

MR. MCKAIN: Yes. Yes, the sheets --- I mean, various memberships that deal with the industry deals with customers, so this was well thought out; if you want to respond to that.

MS. MCDONALD ROBERTS: Yeah. I don't have much more to add. I know that one person who uses our office quite frequently, and she's a title searcher. And she has --- actually, she has her own company, and she said, listen, if you're going to restructure fees, she says, raise them high enough so that she'll pester us every year with increases. They don't want nickel and diming all the time. I said, it's kind of like, say it and try to forget it for a little while.

MR. DROZD: I'd like to get a broader consensus to that, like the Metropolitan --- Pittsburgh Metropolitan Board of Realtors and people like that. Does anybody of those associations?

MS. MCDONALD ROBERTS: Well, again, no, we have not met with them.

MR. DROZD: They represent hundreds of realtors.

MS. MCDONALD ROBERTS: But we have had a working session with members of the Bar and title industry --- with Chicago, American Land and Title --- for our certification process, which was a big deal for them, and got that through negotiation and discussion and just communication. Again, I have not heard from the title industry, banking industry, mortgage industry; I have not heard.

MR. DROZD: Okay. Thank you very much. Thank you, both. Thank you.

PRESIDENT MARTONI: Thank you, both. Any other questions? Go ahead.

MR. ELLENBOGEN: Yeah, just for the sake of argument, I see there's no additional charges for extra pages?

MS. MCDONALD ROBERTS: No.

MR. ELLENBOGEN: Okay. But over here you have a dollar-a-page ---

MS. MCDONALD ROBERTS: Copies.

MR. ELLENBOGEN: --- copy. So in other words, they get the original and you're talking about --- if they want another one other than just that one?

MS. MCDONALD ROBERTS: Most people that come in and they need a copy of a mortgage or something.

MR. ELLENBOGEN: Of any copy?

MS. MCDONALD ROBERTS: Any copy.

MR. ELLENBOGEN: Okay. Separate from this?

MS. MCDONALD ROBERTS: It's not recorded. It's just making a copy.

MR. ELLENBOGEN: Okay. Thank you very much.

MS. MCDONALD ROBERTS: You're welcome.

PRESIDENT MARTONI: Thank you, both. Bill, we're back to you. Okay?

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

PRESIDENT MARTONI: I thank everyone for their patience. Go ahead, Bill.

MR. ROBINSON: Members, the bill as amended, which is in front of you, is now prepared for a vote. Mr. President, I want to reiterate that it will take ten votes to approve this bill. From what I understand, you have requested all the comments, but there may be members who still have questions that they'll raise if and when a motion is made and a second is accepted. The Chair is prepared at this point to move for approval.

MR. ROBINSON: Second.

PRESIDENT MARTONI: We have a motion and a second.

MR. DROZD: And I've got an amendment, Mr. President.

PRESIDENT MARTONI: Do we have it in --- go ahead, Jared.

MR. BARKER: He wants an amendment.

PRESIDENT MARTONI: He wants an amendment. Okay. It's on the floor, right?

MR. DROZD: Okay. I have an amendment to add to this ordinance.

(Off record discussion.)

PRESIDENT MARTONI: Mr. Drozd, would you continue?

MR. DROZD: Yes. Thank you. As I mentioned before, you know, I commend our people within the county that work so hard looking for ways to gain revenues without going into the pockets of the taxpayers. You know, I'm 100 percent for that and --- but at the same time, I want to make sure that it goes somewhat into the pockets of the taxpayers where they don't have to bear any more burden of the cost. Many times, myself included --- and I hear it all the time --- there are many people out there very frustrated when they see governments get additional monies; and instead of alleviating --- for instance, the casino tax.

They were all so --- thought that all that casino money was going to alleviate their tax burden, and they saw very little, if any. And it's the case in this, too. Any monies coming into this county should not be used for new programs and whatever it may be and new --- whatever ideas the people may have. This county has to get more austere because the taxpayers cannot do any more. They just can't do any more. So I want to make sure of that. Before I support any fee increase in this county, I want to make sure that these monies, the additional monies, are going to be used only --- and it was quoted to me just before I came to this meeting by a member of the administration, a staff member, who said to me --- quote, unquote --- these monies will be used to offset existing expenses.

That means that will alleviate us having to go to the taxpayers for any additional increase in costs --- operating costs. And I want to make sure that happens. And this amendment, in so, does that. Without this amendment, I will vote no, because like many people out there, I get very frustrated when I see additional monies come into this county, or any county, and it's not used to offset, as it was quoted to me, the expenses --- existing expenses. So that's where I am, and that's the way I'll stand on this. And I think a lot of constituents out there will stand with me, too, and us. And I know a lot of you share my concerns; whether you support this amendment or not, I don't know. And I know it's in your heart that you support it, but I want it in writing. You know what I'm saying? I want it in writing. I want to

see it in writing. So it lays here and stands here, and that's where I am.

PRESIDENT MARTONI: Okay.

MR. DROZD: Thank you, sir.

MR. MACEY: Thank you, Mr. President, and members of Council. This amendment sounds very nice. It sounds warm and fuzzy. But to make a long story short, what if we have an unfunded mandate? We have that all the time. The FCC is forcing us to do a whole new radio program in Allegheny County. So I can't see where this would be germane to operating a department. I think managers manage. We set the budget. I think that the --- these fees are appropriate. I also believe that our managers are going to manage properly. And therefore, I'm --- I'm against this particular amendment. Thank you.

PRESIDENT MARTONI: Thank you. Mr. Ellenbogen?

MR. ELLENBOGEN: I guess the question I have is, I think I understand both what Councilman Macey is saying and Councilman Drozd. I mean, I can see where Councilman Drozd --- I wouldn't want this money coming in to study the night habits of the Japanese beetle. You know what I mean? The point that I'm saying, in terms of logistics, if all this money goes into the general fund, then how would one even trace it? What tracer would one use just to signify that, well, this money can't ---. Do you see what I'm saying here? Logistically, it doesn't --- I don't see how it would work. Thank you.

PRESIDENT MARTONI: Ms. Danko, and then Mr. Robinson.

MS. DANKO: Yes. I agree with Council member Ellenbogen. I think that legally this opens us up if we adopted this amendment. Considering that all these revenues go into the general fund, any time there might be some change in personnel, for whatever reason, or change in program, for whatever reason --- and Council member Macey brought up a good reason that there might be --- we would open ourselves up to a lawsuit because these funds go into the general fund. I fully appreciate Council member Drozd's intent here, but I don't think that --- and I would like to hear from the solicitor if that's an issue. Thank you.

PRESIDENT MARTONI: Mr. Robinson.

MR. ROBINSON: Thank you, Mr. President, and members of Council. I'm going to agree with Mr. Drozd, and I'm going to support his amendment. I think Mr.

Drozd's amendment is consistent with the way that we are doing business --- the proper way that we are doing business. But revenues that come into the county, unless they're specifically earmarked, go into the general fund. Members might remember some of the information I shared with you on establishing a rainy day fund, to actually designate certain revenues to go into a rainy day fund. While I would prefer that any increase in fees would go into a rainy day fund, there's several reasons why I won't promote that idea at this time.

Conceptually, I believe I'm correct that we need a rainy day fund, but I don't think the support is here on this Council to do that. I think what Mr. Drozd is simply saying is, let's make sure that this money addresses the current fiscal condition of our county, which is significant. And I think it would be appropriate for this Council to vote for this amendment. It doesn't do any harm to our current process. It reiterates, I think, our seriousness about addressing our current fiscal concerns. I'm going to vote for Mr. Drozd's amendment.

PRESIDENT MARTONI: Let me just comment on that, just a comment first. Okay? If I understood our speakers a few moments ago, the money that would be generated from this particular ordinance would be in the general fund; did I understand that? If it's in the general fund, it's not a restricted fund. So how can we do both of those things? In my small mind, it sounds like a contradiction. Forgive me for that. Okay? Go ahead, Amanda.

MS. GREEN HAWKINS: Thank you, Mr. President. I was going to say, then, in that case, we would need to --- we would need to create a fund so that this money can go there but to be restricted, in which case, is this a bill that we can vote on tonight if it's amended, if we still have to create a fund for Mr. Drozd's amendment. This gets a little murky.

PRESIDENT MARTONI: John?

MR. DEFAZIO: Yes.

PRESIDENT MARTONI: I don't know who was next. Forgive me. All the hands were up. We'll start with John.

MR. DEFAZIO: You know, it sounds like a good idea. But you've got to remember, there's no money to play around with for extra things. Health insurance alone costs \$80,000,000. That's not counting possible increases. That's not counting salary. That's not

counting a lot of other things, every year raises. As you know, health insurance might raise eight, ten percent every year. So they have a lot of things that they're going to do with money that we really don't have right now. So there's no extra money there in there, the way I see it.

PRESIDENT MARTONI: Nick, I think you were next.

MR. FUTULES: Yeah. Matt, I understand your concept, but I'm more concerned about the fact that the administration is doing something to keep the wrong things from happening, and I think it's a matter of trust. We shouldn't have to trust our administration to do the right thing, too. And seeing it in writing is great but, you know, keeping track of the money itself would be basically impossible, other than the fact that we're doing the right thing by holding taxes down so people don't have to pay them. I'm having a hard time understanding your amendment. It's something I --- I'll just hold off on my comments.

PRESIDENT MARTONI: Vince?

MR. GASTGEB: Yes. Thank you, President Martoni. If there's no doubt that this is how, I think, we all want the funds to be spent, because nobody wants to see something pop up new, as Mr. Ellenbogen mentioned. However, there's really no way to designate what could be something, quote, new of a capital budget thing. But if you look at the capital budget, there's specific projects we wouldn't be able to see until something came up new. But that can't relate to this because it's not a capital budget project bill. So back to, you know --- and I agree with Ms. Green Hawkins. We're going to need a separate --- you want to call it a rainy day fund, you want to call it whatever, so that money gets housed or captured, which this bill doesn't have.

So to me the effect is, on one hand you can say, okay, this bill's being followed; or okay, this bill is not being followed, because you wouldn't be able to tell. So if you vote for it, I think the effect is, nothing's going to happen after today, because you're not going to be able to tell what the other separate fund --- where the money goes; or the other side, if you don't vote for it, you're not going to be able to follow the money anyhow. So this is like, in my opinion, half written. The other half is where the money is going to be so it gets drawn out. If you can't find an account to draw it from,

separate from the general fund, you won't know if you're succeeding or not succeeding. But that's the quandary here. It's not that it's not --- the idea is well intentioned, and I think it could work. But it's going to take more than just this two-page bill to do it. Thank you.

PRESIDENT MARTONI: Thank you. Heather? I think you were next.

MS. HEIDELBAUGH: Yes. I seconded my colleague's moment, because I enjoyed talking about the issue, so we needed a second to do that. But I'm going to vote against it, Matt, because --- here's the reason. The only reason I will vote for this bill is because I want bipartisanly to try to be creative in government, to get some additional sources of revenue. And I'll ultimately try to reduce the tax burden on the citizens, if we can. So on this bill, I'm going to vote in good faith that we've got a creative way to raise \$12,000,000. I want to work very hard in this budget process to look at all the programs and see if we can do some cutting, as well as creative revenue generation. And I would vote absolutely no if you were going to raise these fees and then put it in a fund we could never touch, because that would be raising fees on people for no good purpose.

So philosophically, I'm going to do it this time, and I hope that we all are going to work towards reducing the tax burden, which will increase business in this county.

PRESIDENT MARTONI: Matt?

MR. DROZD: Yeah. When we say trust in God, we trust. We put our trust in a lot of elected officials, and look what happened. We put our trust in a lot of private for-profit individuals, and look what happened. So I trust in God, and I only trust when it's in writing. Let me point out that this is a fee. That's an indirect tax; because many, many people are refinancing their mortgages right now. You know that and I know that. Probably, one out of two people --- everybody in my neighborhood is refinancing their mortgages when they can, and they're urging you right now to do that.

So they're going to get hit with this increased fee again. Lastly, I'll say this. We talked about funds. Why can't we set aside a separate fund? We have the fund balance that I'll remind you, it's going down. It's \$6,000,000 right now. It's almost depleted. So we're

going to need some additional monies wherever it may be, but it's got to be protected for the people of Allegheny County. I will vote no unless it's protected on this protection. In God I trust, but I want this in writing when it comes to any ordinance that goes out of here. Thank you, Mr. President.

PRESIDENT MARTONI: Thank you. Yes, Mr. Robinson.

MR. ROBINSON: I'd just like to share a couple thoughts, if I might. One, when the administration sent us the original bill, they sent us the original bill with the intent that it would not be amended, that we would accept their due diligence. The Budget and Finance Committee chose not to accept their due diligence and passed a bill as amended. Mr. Drozd is now suggesting another amendment. We're moving further and further away from a wise suggestion that Ms. Danko made a couple months ago, and that was that we do what we could to allow the administration to address the fiscal condition of this county --- the new administration to address the fiscal condition of this county.

The original bill, as I understand it, was an attempt to do that in part. \$11,000,000 or \$11,120,000 does not substantially address the fiscal condition of the county, but it certainly is a start, a worthy start, and one that I think we should support. Secondly, I do not interpret Mr. Drozd's words in Section D of this amendment, to suggest that this money is to be segregated in some special fund. He makes no reference to that. I think he simply reiterates that these funds are spent the way any funds are spent that come into the county. In accordance to our existing law, they go into the general fund unless otherwise specified. He makes no specification. He simply says he wants to make sure that our current expenses are covered by this increase in fee. I think that's reasonable, it's acceptable and I think he is accurate.

That's why I'm willing to support this amendment, even though it moves us away from the original intent that the administration had when they submitted the fee bill. If, indeed, there is an anticipation that other bills will be coming before us that address fees, we're going to have this conversation again and again and again. I think until the Chief Executive makes his presentation as to what he thinks the budget for this county should be

for next year, we ought to be very cautious --- very cautious in our statements, in our approach to approving or rejecting fees or any other revenue generators. I still support the bill. I support the bill as amended. And I support Mr. Drozd's amendment. I think it makes good sense and is consistent with what the administration says it wants to do, pay the bills of this county. I urge my colleagues to support Mr. Drozd's amendment and to support the amended bill. Thank you, Mr. President.

PRESIDENT MARTONI: Go ahead, Vince. Yes.

MR. GASTGEB: Yeah. Thank you, Dr. Martoni. And I appreciate the explanation that Chairman Robinson has given. I guess when I look at this, I asked Jared to come up because I'm not sure, just to my humble opinion, why this is an ordinance, because it's not tangible enough that you could have action on it. And the action that I see is already granted through the powers of this Council; that is, there won't be any new program, I mean, because we set the budget. If we don't want any, then we don't put it in the budget.

If we see it, we have to approve an interdepartmental transfer anyhow. So the protections are there. What we might want to do is make a motion, so that the intent is delivered to the administration. And if it's not, then we have the hammer power, because it's our budget. So I'm just throwing that out there because to me it's hard to make an ordinance when something can't be enforced or followed. So that's just my humble opinion. Thank you, Councilman Martoni.

PRESIDENT MARTONI: Thank you. One more.

MR. FINNERTY: Okay. Thank you. I'd just like to say, I am not going to support this amendment that's been put forth. I think that the money in the general fund is spent in a way that will enable the taxpayers to have the best bang for their buck. Thank you.

MR. DROZD: Point of Order, Mr. President.

PRESIDENT MARTONI: Point of Order. Go ahead.

MR. DROZD: Yeah. I'd like to read my amendment again. I want it clearly understood to the Council and to our viewers that my intent is to protect and alleviate the tax burden --- alleviate the tax burden on the citizens of Allegheny County and protect their monies. I'd like it read, please, for the record, again, clearly.

MR. BARKER: Item D. The approval contained herein is granted ---.

MR. CATANESE: Item D. The approval contained herein is granted only upon the condition that the revenue generated by the increase in fees will be used only to fund existing County expenses, in order to alleviate the tax burden of the citizens of Allegheny County.

MR. DROZD: Thank you.

PRESIDENT MARTONI: Okay. Let's make a motion.

MR. DROZD: I'd like to make a motion to my amendment. I haven't made that ---.

PRESIDENT MARTONI: Wait a second. We're getting distracted. Okay? Let's just vote on the amendment.

MR. BARKER: We have a motion and a second on Mr. Drozd's amendment.

PRESIDENT MARTONI: Right. We had that.

MR. BARKER: We need to vote.

MR. GASTGEB: The floor is still open. I wanted to ask the solicitor a question. I didn't ask it yet.

PRESIDENT MARTONI: Yes, you could. Go ahead.

MR. GASTGEB: I made the comment about this being an ordinance and being somewhat cumbersome. How would you look at this?

MR. CAMBEST: Well, there were a lot of great issues raised, I think, beginning with Ms. Danko, Ms. Green Hawkins, Ms. Heidelbaugh and you, as to procedurally how we're doing this. So what effect is the adoption of the ordinance --- ordinance or a motion have on that? So I don't know if it's illegal, but I think the issue is raised of the money. And if you're going to do something, I think, you're going to have to have the restrictive fund, and that has to be set up by the proper legislation and then through the budget. So to that extent, I don't think the ordinance is in proper form.

PRESIDENT MARTONI: Okay. Let's vote.

MR. GASTGEB: And if I could just comment; my comment was that if you really want to alleviate the tax burden on the citizens of the county, we have that final power which --- we set the budget. We could cut the budget. We could stop an interdepartmental transfer. Even without this, we're doing that now.

PRESIDENT MARTONI: Absolutely.

MR. GASTGEB: Okay. Thank you.

PRESIDENT MARTONI: Okay. We're going to have a roll call vote on the amendment.

MR. CATANESE: On Mr. Drozd's amendment; Mr. Burn?

MR. BURN: No.
MR. CATANESE: Ms. Danko?
MS. DANKO: No.
MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: No.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: No.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: No.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Nay.
MR. CATANESE: Ms. Heidelbaugh?
MS. HEIDELBAUGH: No.
MR. CATANESE: Mr. Macey?
MR. MACEY: No.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: No.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: No.
MR. CATANESE: Ayes, 2, noes, 13. The bill

fails.

PRESIDENT MARTONI: I think we are finally ready to vote. Public Comment. If anybody wants to come and comment on it, you're welcome.

MR. BARR (phonetic): I'd like to just comment on it.

PRESIDENT MARTONI: Please, please. You know, give your name and everything for the record. Okay?

MR. CATANESE: You'll get three minutes.

MR. BARR: Jim Barr. I reside in the Borough of West View. I just want to know, what is the urgency of this ordinance this evening? I was just thinking the Finance Committee, part of it, and I just don't understand

the urgency tonight. I mean, there was some questions about whether the funds will be used to alleviate the burden expected of further programs. I don't think we're clear on that yet.

PRESIDENT MARTONI: I'll try to answer that. The urgency is to get the funds. Okay? Am I correct on that?

MR. ROBINSON: Mr. President, a point of clarification. If this passes tonight, no funds will come in until January 1 of 2013. So these are funds that would not be collected until next year and applied to bills that come in next year.

PRESIDENT MARTONI: That's the earliest.

MR. BARR: If I may, you said there will be a --- would need ten Council members to approve?

MR. ROBINSON: Yes.

PRESIDENT MARTONI: Yes.

MR. BARR: Thank you.

PRESIDENT MARTONI: Well, thank you. Any comment on the bill?

MR. DROZD: Again, I'm going to be voting no, based upon the fact that my amendment is not there to protect; again, to alleviate the tax burden on the citizens of Allegheny County and protect the money for them, any additional monies. And I'll be --- unless that's in there, and it's not in there, I'm going to vote no.

PRESIDENT MARTONI: Thank you. Question? Vince?

MR. GASTGEB: Yeah, I mean --- I think, to answer the constituent's question, I'll tell what Heather said. We have a very --- I'll call it hard budget road ahead. And one of the ways we could try to work together and keep the tax increase off the table, which is what we all want, is to look at creative ways to raise revenue. Besides this bill tonight, we're doing some things with North Park. There's --- in there; again, looking for creative ways to raise revenue. There may be some other members here through the budget process that might look at some other fees. Now historically, those of you who have been on here a long time know, I've always voted no to park fees. I see that more as, you know, the working man's country club, if you will, families, seniors. I've always been resistant to that. This to me is the cost of doing business. It's a professional service. It's a

limited area of where people come from, as far as what they're doing to garner these particular fees, so I think it's different. So there's a definite correlation here in our ability to not pass a tax increase but keep it off the table, and the ability to have this as the first step. If it costs so much we have to bring money in totally on January 1st, it's a springboard to allow this type of thought process to continue.

It's a process we've all said, why weren't we more creative? Why do we always go to the one well? You know, both parties have worked diligently. And the only way we can make ourselves look, I think, even more diligent, is to start looking at these things and voting bipartisanly, so these things make sense. So I just want to offer that as part of what the overall philosophy could be.

PRESIDENT MARTONI: Thank you. Heather and then Bill.

MS. HEIDELBAUGH: I just wanted to make it clear to the citizens of Allegheny County why I'm going to be voting yes for this. And it echoes in large measure what Councilman Gastgeb said. But I want to reiterate a point that is important for me, and that was when I started on this Council in November of last year. We need about \$12,000,000 in order to not raise the millage; at least, that's the way it was certainly packaged. And I repeatedly asked as a new member of Council, aren't there things that we can be looking at? Aren't there ways that we could be raising some additional revenue or cutting programs that are not successful, looking at reducing expenditures? And I was told over and over and over again, there is not an extra \$12,000,000.

And here we come in September, and through the raising of revenue on two recording fees, we found \$12,000,000. I think this is an extremely important learning process, and there are a myriad of ways that if we put our heads together, we can really begin to look at the spending in this county, because that's what's important. And we all know that people move out of Allegheny County into the suburban counties, because the taxes were too high. We have an opportunity with new things that are happening in this county to be the shining city on the hill, and I want to make low taxes a part of that. So I'm asking all Council members to remember this episode as we approach the budget process. There are ways

to raise revenue that will not impinge on all of the senior citizens that we have, the low income individuals that we have. And let's be creative. And last thing, let's look at the process by how we enter into the budget. We sort of get a budget, and then we just sort of yea or nay it. I think we ought to really be looking at each one of these departments, like Roberts McDonald, who has great ideas, and in looking at ways that we can be a better government for our citizens.

PRESIDENT MARTONI: Thank you. Bill?

MR. ROBINSON: Thank you, Mr. President, and members of Council. A word has been thrown around in this chamber tonight. It's like a hand grenade with the pin pulled out. It begins with a T. I haven't sensed that the administration or this Council wants to put the other two letters on that T. I think it borders on not being completely transparent when we suggest that the T word is even under consideration by this Council or the administration.

As Chairman of Budget and Finance, it is not my intent to entertain any bill that starts with a T, because it doesn't appear that my colleagues or the administration want to engage in that conversation as it relates to raising revenue for this county. If I am mistaken, then someone needs to educate me, either tonight or later on. We had a very vigorous discussion last year about the T, and we added two letters. As I see it, that conversation is over and that we won't be having it again. But I don't think we should leave our constituents with the impression that that's one of the alternatives and what we're trying to do is move away from that alternative.

That is not an alternative. It's certainly not an alternative for the Chair of the Budget and Finance Committee. And I'd do anything that I could to keep that kind of proposal from being considered by the committee, unless some member wants to actually introduce a bill to that effect. There is a bill in committee --- Budget and Finance Committee that addresses that issue. If the sponsor of that bill would like that to be put on the agenda, I'm willing to do that, and then we can have a vigorous discussion. If not, as far as I'm concerned, that issue is moot and will be moot during the budget process. Thank you, Mr. President, and members of Council.

PRESIDENT MARTONI: Thank you. Mike and Vince.

MR. FINNERTY: Thank you. I think this was T for terrific effort on the part of Council and the administration to come up with some extra revenue by looking at the fees, and I will be supporting this. I think it's an important thing, not only for us but for the people of Allegheny County, as we look to make sure that we look for other terrific bills that will help them out. Thank you.

PRESIDENT MARTONI: Thank you. Vince?

MR. GASTGEB: Thank you, Dr. Martoni. I guess, respectfully, I disagree with my colleague, Chairman Robinson. I do see a correlation here. I think it's prudent to bring up the T word, which happens to be proactive. I'm not sure whose intent it was. I'm certainly not pointing fingers at anybody. Please don't get me wrong. That intent turned into reality last year. And you don't have to have a hard piece of legislation sitting in every committee in September, August or October in this year, to have your mind wander when you look at a CAFR, if you look at some of the things coming out of the Controller's Office.

So I think it's a working relationship. I would agree with my colleague, Mr. Finnerty, that you know, Council worked on this. So did the administration. It was an open process. And we are looking to be somewhat proactive. We are looking to be somewhat --- be able to project. Thank you.

PRESIDENT MARTONI: Okay. At this point ---.

MR. PALMIERE: Mr. President?

MR. CATANESE: Mr. President, I think Councilman Palmiere, who is on the phone, would like to make a comment.

PRESIDENT MARTONI: John, I'm sorry. Obviously, I couldn't see you. Go ahead.

MR. PALMIERE: Thank you, Mr. President. When I first came on board here as a Council member, I asked --- when our Chief Executive was elected, I asked him to please help make County Council relevant, and I think this --- this bill tonight before us is a good indication that he is helping --- asking us to help him along the way to form new ideas and new legislation. And I commend him for that. And I'm glad to be a part of it. I will support this bill. Thank you.

PRESIDENT MARTONI: Thank you. It's moved in second and it's time --- go ahead, Nick.

MR. FUTULES: I have one specific ---

PRESIDENT MARTONI: Clarify.

MR. FUTULES: Clarify. Mr. Barr, your question --- I don't know if it was answered or not. This is a governmental procedure. You asked what the urgency was. If we don't vote on it, we will leave a \$12,000,000 gap in the county budget, which will create phantom revenues for this county. That's why we're voting on it tonight, so we don't create phantom revenues, and do governmental procedure like we're supposed to do. That's the answer.

PRESIDENT MARTONI: That's the other explanation. Roll call.

MR. CATANESE: This is amendment. The bill is 7129-12. Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Danko?

PRESIDENT MARTONI: We're voting on the bill.

MR. CATANESE: The bill as amended.

MR. FINNERTY: This is a bill as amended.

PRESIDENT MARTONI: Okay. I just misheard you. That's all.

MR. BURN: It's in committee, right?

MR. CATANESE: Correct.

MR. BURN: All right.

MR. CATANESE: 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: Nay.

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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 14, noes, 1. The bill

passes.

PRESIDENT MARTONI: Okay. Unfinished Business.
7030-12.

MR. CATANESE: A resolution of the Council of the County of Allegheny, authorizing the pursuit of a Tax Increment Financing Plan to pay for portions of the Clinton Commercial (sic) Park Phase II, to be located in Findlay Township, Allegheny County, Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Do you want to speak to it now or just ---?

MS. GREEN HAWKINS: Thank you, Mr. President. If I might, I'd like to speak on 7030-12 and 7031-12 and 7032-12, together, but make separate motions.

PRESIDENT MARTONI: Okay.

MS. GREEN HAWKINS: And the reason for that is because each bill relates to projects in Findlay Township out by the airport. And there are --- the Airport Authority came before the Economic Development and Housing Committee requesting permission to participate in the development of a TIF Plan for three projects --- three separate projects outside the airport. 7030 is one of them for the Clinton Commerce Park Phase II, and I make a motion for approval.

(Chorus of seconds.)

MR. ROBINSON: Question.

PRESIDENT MARTONI: Question?

MR. ROBINSON: Mr. President and members of Council, the taxes --- and I recognize that Mrs. Green Hawkins might not have this information at her fingertips --- the tax implication for the county, in terms of what amount of revenue we will forego over what period of time, and then what revenue we can anticipate after that time frame has expired.

MS. GREEN HAWKINS: The answer to that question is that we don't have it yet, because this is just the initial question of whether or not we'll participate in the development of a plan. And then once we have a plan to review, then we'll be able to better anticipate tax revenues and then what we'll get in the future.

MR. ROBINSON: Correct me if I'm wrong, Mr. President. If this Council approves this process, then we're out of the loop. In other words, the question I'm raising, while it might be answered, I'm sure it will be at some point, we will not have a chance to revisit the issue to determine whether or not its --- this TIF is in the best interest of Allegheny County.

MS. GREEN HAWKINS: We will, indeed. A representative will sit on the planning --- on committee in developing the plan. And as required by law, the plan will be reviewed by the committee, the Economic Development Committee, two times before it comes out of committee for an affirmative or negative vote or no recommendation.

MR. ROBINSON: Mr. President, might I suggest to the general laity that my concern would be addressed by whoever represents Council, because it does speak to the issue of future revenues for this county, which we spend a great deal of time just discussing. And it also relates to the issue of assessments. An assessed value of the property and whether or not we might engage in an agreement, does not preclude the owner of the property from appealing any assessment, the result being that the assessment is reduced and the revenue is reduced.

MS. GREEN HAWKINS: I'm going to need some help on that one. I have a little difficulty understanding the question, and Maurice Strul from the Economic Development and Housing Department is here. May I please ask him to come up and assist in answering Mr. Robinson's question?

PRESIDENT MARTONI: Come up.

MS. GREEN HAWKINS: Thank you.

MR. STRUL: I'd like to try to address your question as best I can. At this stage, there is no specific plan in place for any of the three TIF projects that are on your agenda. So there's no way to quantify in any way your request. Let me further say that the property currently is tax exempt. There is no tax generated at all to the county or any of the taxing bodies from the airport property, as it is tax exempt. The plan

as it is developed will identify anticipated future taxes and how those taxes in the future will be divvied up, partly to support any anticipated debt that will be issued for this, and the remainder going to each of the three taxing bodies.

MR. ROBINSON: If I might --- and I'm glad, sir, that you brought up all three TIFs, because my concern is the same. I only raised it one time with the indulgence of my colleagues. I can see a situation where our best intentions in offering a TIF on these three projects, including the fact that there's nothing on the land now --- it's tax exempt --- could result in a substantial shortfall of revenues for the county, unintended, perhaps, or putting us in a position where we do not appropriately protect ourselves. Given some of the controversy that surrounds the assessments --- current controversy that surround the assessments, I don't begrudge anybody who gets involved in these TIFs doing a business deal. But that is not necessarily the same thing as doing what's in the best interest of the county.

I believe it's our responsibility to look out for the county's interest. And I'm simply saying that I think we should be raising these concerns so that we know what kind of business arrangement we're making. And I trust Ms. Green Hawkins when she says that there will be a couple of other opportunities for the Council to address this. My concern would be the same when we get to those other opportunities. It is a good --- not only business deal for the county, but it's a good deal in terms of the future growth of our county, which is directly tied to additional revenues. I think Mr. Gastgeb spoke eloquently to that issue, in terms of how we might work together on a bipartisan basis to find revenue for the county.

As you know, the TIF foregoes legitimate tax revenue to the county and the other two taxing bodies. In anticipation of some things, even before the proposal is submitted to us, I believe that aspects of my question had to be addressed, or we wouldn't be asked to participate in this agreement. And while you might not be prepared today to give me all the specifics, I would hope that my comments will be taken seriously; and that as the negotiations continue, that those concerns will be answered and that this Council will be in a position to determine whether or not these are three arrangements that benefit the county, as well as the potential developers.

MS. HEIDELBAUGH: Philosophically, I'm tough on TIFs, for some of the reasons my colleague just enunciated. I attended the Economic Development Committee meeting in which these were thoroughly vetted. There is about ten questions that should be asked the potential TIF proponent, in regard to whether the balance between revenue generation and development of underutilized ---, and I asked all those questions. Thank you, Ms. Green Hawkins, for allowing me to do that. And all the --- all of the questions came up yes, it was a good deal for the county. So as a tough-on-TIF Council person, I'm satisfied that this is good for the counties.

PRESIDENT MARTONI: Mr. Ellenbogen.

MR. ELLENBOGEN: First of all, thank you, sir, for standing for interrogation. The questions that I have for you is --- these are pretty vague and, unfortunately, for myself, I haven't had a chance or other reasons to really read up on them. What basically is the plan for these? In other words, if this was something --- we're never going to build a manufacturing plant, and I know there was going to be a couple hundred union-paying jobs, I would say this is great. On the other hand, if this is something that's, you know, a retail thing that's going to pay people \$5 an hour, you know, I got to think twice on it.

So I kind of want to know if there is an idea for this or you're aware or --- I would think someone would have some kind of pursuit money.

MR. STRUL: I'd like to answer that question, and if you don't mind, I'd like to address another point Mr. Robinson made.

PRESIDENT MARTONI: No. Thank you.

MR. STRUL: We will, if you agree to allow us to take this step, which essentially says that the three taxing bodies, in conjunction with the Redevelopment Authority of Allegheny County, and the developer will sit down together and develop a plan that makes sense for all parties. It is premature at this stage to begin answering some of the questions that are being posed. If you do have in mind some development ideas for these projects --- and quite frankly, at this stage, these projects are primarily land development projects; preparing the land, inviting development to occur. They are zoned industrial and commercial. There will be no retail. It is a policy of the Airport Authority not to solicit retail, and it's a

policy of this Council to not use TIF on retail, specifically. We follow those policies. We have our own guidelines within the Department of Economic Development. They are clearly stated within those guidelines. So we are not looking for retail TIFs.

MR. ELLENBOGEN: Thank you very much, sir. You answered my question. Thank you.

PRESIDENT MARTONI: Any other questions? Yeah, just a real quick point.

MR. DROZD: Just --- but for; correct? But for, this would not go forward without this TIF? And you've seen in the past where TIFs are developed in creating industrial. This is industrial, which is a higher paying ---. Commercial follows industrial --- I mean, retail follows commercial and industrial; correct? So but for, this wouldn't happen.

MR. STRUL: Well, the terminology that we use for our evaluation internally is something called the but-for test. And normally, what we are evaluating is, could this project happen without the assistance of TIF; but for this TIF and this project occurs. So there are a number of TIF elements that we look at, one of which is, is it a viable project? Is it a valuable project to the county and to the local taxing bodies? And then finally, is it a project that will occur without our assistance? And the answer is, it cannot occur. But if it's viable and it's valuable, then we will support it and we will ask you to support it.

At this stage, it's premature to say whether or not you've got a viable, valuable plan. What we have is the local taxing bodies, the school district, the municipality, have both agreed to participate in this process. They are asking you to do the same thing and allow us to form a plan, which we will then bring back to you. And you'll have, actually, more than a number of chances to take kicks at it, if you like. There will be a first reading at Council. There will be two committee meetings. There will be a public hearing after the full Council takes initiative. There will be a public hearing on which public comment will be taken. There will be at that time to talk about it. And then there will be a final vote. So you'll have many public opportunities to discuss it.

PRESIDENT MARTONI: Amanda, and then we're going to vote.

MS. GREEN HAWKINS: Thank you, Mr. President. I just also wanted to add that in the committee meeting where we discussed these three projects, the developer --- the Airport Authority, excuse me, talked about coming back with a plan that would show some infrastructure improvements, which may also promote and make it --- promote other development and make that very attractive to further development out there. So I'm interested in seeing it, but all we're doing is talking about --- talking about a plan. Thank you.

PRESIDENT MARTONI: Thank you.

MR. FINNERTY: Just one ---.

PRESIDENT MARTONI: Go ahead.

MR. FINNERTY: Thank you. We are just talking about pursuit here?

PRESIDENT MARTONI: Yes, we are.

MR. FINNERTY: I mean, we have --- the facts will be laid out after they develop the plan for it. I'd also like to mention that in a TIF where --- that the ground itself is still paying taxes. It's above ground if the TIF deal is made. Thank you.

PRESIDENT MARTONI: Also keep in mind that this process --- we have been using this process since we started 12 years ago. This isn't the first time. Okay. Roll call.

MR. CATANESE: 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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 15, noes, 0. The bill

passes.

PRESIDENT MARTONI: 7031-12.

MR. CATANESE: A resolution of the Council of Allegheny, authorizing the pursuit of a Tax Increment Financing Plan to pay for a portion of the McClaren Road Project, to be located in Findlay Township, Allegheny County, Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Again, roll call.

MS. GREEN HAWKINS: Move for approval.

PRESIDENT MARTONI: Move for approval, right.

(Chorus of seconds.)

MR. ROBINSON: Question.

PRESIDENT MARTONI: Second. Question?

MR. ROBINSON: Mr. President, is it the Chair's anticipation that the bills that she originally referenced --- I believe there were three of them --- would be moved in simultaneously through some kind of planning process?

PRESIDENT MARTONI: That is my anticipation, yes.

MS. GREEN HAWKINS: Yes.

MR. FINNERTY: Yeah, in pursuit.

MS. GREEN HAWKINS: There will be a plan presented for each.

PRESIDENT MARTONI: And keep in mind, we're one of three taxing bodies that's doing this.

MR. ROBINSON: I understand that. I indicated that the concerns that I raised would be applicable to all three projects.

PRESIDENT MARTONI: Yes.

MR. ROBINSON: I just want to make sure that was true.

PRESIDENT MARTONI: It's true.

MR. ROBINSON: Also, I think, while I have not seen Ms. Heidelbaugh's questions --- I think she said ten questions or ten concerns that should be addressed --- I trust that she's right on target and that it's consistent with my concern that, regardless of how long we've been using this process, that the return to the county should be more evident, and that we should have a way of measuring it beyond what we do now; and that the issue of job generation should be at the top of any agenda. Will it generate any jobs, as well as any revenue? And I just simply don't want to take lightly our best intentions to stimulate development, to work with the developer, to work with other entities and not recognize that the feature of this county probably does require us to be more diligent than we have been in the past.

PRESIDENT MARTONI: Go ahead.

MR. FINNERTY: Thank you. I think Councilman Robinson has hit on a good point there. And I just want to make the point that I was chairman of Economic Development for a number of years. And every year we put a report out that shows what's been done, what's coming in, what's going out, evaluating each one of the TIFs and also the motives. So my point is that I can supply you with those. They're in my files. Or if I can't, I'm sure Jared can find them for you. And I think it's important that people look at that. I mean, this is something --- and Mr. Robinson, I believe you were with me on this.

MR. ROBINSON: Yes, sir.

MR. FINNERTY: And that's how the reporting started. And it was reported every year from the Department of Economic Development, so that I just want to say to the taxpayers that we're on board, and we're looking at these things. And we're doing things for your best interest, and we have been for many years. Thank you.

PRESIDENT MARTONI: Thank you. Amanda?

MS. GREEN HAWKINS: Thank you, Mr. President. And just to show the bridge or the connection between Mr. Finnerty's tenure and mine, there is a TIF report that went out. It will be updated and generated for all Council members. It's done typically at the end of the year. I had scheduled a presentation on TIFs and for last week, I believe it was. But due to a scheduling conflict that I had, I had to cancel the meeting. That meeting will be rescheduled, and all Council members are invited

to attend, to learn about TIFs and where the money goes, where it comes from, that type of thing. Thank you.

PRESIDENT MARTONI: Thank you very much. Can we have a roll call on 7031-12?

MR. CATANESE: 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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 15, noes, 0. The bill

passes.

PRESIDENT MARTONI: 7032-12.

MR. CATANESE: A resolution of the Council of the County of Allegheny, authorizing the pursuit of a Tax Increment Financing Plan to pay for portions of the Route 30 Commerce Park, to be located in Findlay Township, Allegheny County, Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Do we have a motion on the floor?

MS. GREEN HAWKINS: Move for approval.
(Chorus of seconds.)

PRESIDENT MARTONI: Moved in second. Question?
Any question on it? Okay. Vote then.

MR. CATANESE: 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?

(No response.)

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here --- 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. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Yes.

MR. CATANESE: Ayes, 14, noes, 0. The bill
passes.

PRESIDENT MARTONI: 7035-12.

MR. CATANESE: A resolution of the County of Allegheny, adopting the Gardens at Market Square Tax Increment Financing Plan, presented by the Urban Redevelopment Authority of Pittsburgh, and authorizing related agreements. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Is there a motion on the floor?

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved in second. Question?

MS. GREEN HAWKINS: Yes, Mr. President.

PRESIDENT MARTONI: Question? Go on.

MS. GREEN HAWKINS: Thank you. Just for the public's notification here, this bill is regarding the Gardens at Market Square --- TIF for the Gardens at Market Square. And the TIF --- the increments or revenues from the real estate and parking tax increment would be pledged to finance new public infrastructure, to support the redevelopment. The project is planned to include 120,000 square feet of office space, 23,000 square feet of retail space, a 176-room hotel and a 330-space parking garage. Infrastructure improvements for the project include a parking garage, improvements to the entrance of Fourth and Forbes Avenue, including road work for the extension of utility connections and improvements to Wood Street between Third and Fourth Avenues to compliment and enhance the TIF district. As far as projected jobs, we have structure phase estimate of approximately 600 jobs or so. And the final permanent job number is projected about 750 or so.

PRESIDENT MARTONI: Thank you.

MS. GREEN HAWKINS: Thank you.

MR. ROBINSON: Question?

PRESIDENT MARTONI: Question? Yes, Bill.

MR. ROBINSON: Mr. President, I was wondering if the Chair will be entertaining concerns about MBE/WBE/DBE participation as this planning process continues.

MS. GREEN HAWKINS: Yes. And that is something --- well, actually, this is the plan that we're voting to improve the whole TIF, and this is discussion that we had with the developer in committee. And the representations made to the committee was to have people working with the city to develop that plan, and there would, in fact, be participation and goals set and met. The developer is here, Brian Walker from Millcraft Industries, and we could, of course, ask Mr. Strul to step up again, as well, I'm sure.

PRESIDENT MARTONI: Okay.

MS. GREEN HAWKINS: If necessary.

PRESIDENT MARTONI: If necessary, yes. Yes?

MS. HEIDELBAUGH: For me this was a close one, and so I spent a lot of time asking the questions I wanted to key in on, because it looks like, at first blush to the communities, that this might be the County Council trying

to give a tax advantage to a business here, which would be at picking one private enterprise over another. So if my memory serves me correctly, I believe that the reason why I flipped from a no to a yes on this was based on --- that this TIF is principally for the parking garage. Am I correct on that? Could you address that, that this TIF is not for the hotel?

MS. NEMANI-STANGER: Hello. My name is Susheela Nemani-Stanger. I'm from the Urban Redevelopment Authority of Pittsburgh, and we have been working with Millcraft Industries the past year on this structure for this TIF. And you're correct, the TIF proceeds would be used to fund the parking garage and public parking along Forbes Avenue and Wood Street and Fourth Avenue.

MS. HEIDELBAUGH: And can you explain just briefly for my fellow Council members how the parking garage really benefits the community and why you really need the TIF for the parking garage versus the retail and the hotel?

MS. NEMANI-STANGER: Okay. Well, I'll let Brian explain the cost per space for the parking structure. I might have those details in here. But there is a serious lack of parking in the Central Business District, so this parking garage would not only serve this development but the surrounding Central Business District users.

MS. HEIDELBAUGH: And I think that Market Square now, after having been here for almost three decades, is a beautiful success. We finally got it right. It is just --- it's a joyous place to be at noontime. People are flocking down there to restaurants. So speak a little bit to me and my colleagues about how the parking garage is going to benefit that whole area and why, without this, it can't be done.

MR. WALKER: Good evening, folks. My name is Brian Walker, from Millcraft Industries. So the parking garage is a 320 approximate car parking garage, and we're building 120,000-plus retail office space and a little bit of Market Square, which --- primarily because we want to create that atmosphere, which is what we've tried to get into with these projects, which we believe is strongly the reason why Market Square is what we see here today, and we have a hotel. So when we need to start leasing properties out to people, the tenants, we need to have some type of way to park. Part of that is going to benefit the community, because we are bringing new jobs into the city.

Some of the leasing we expect to be brand new jobs from Allegheny County, as well as the city; especially, hotel jobs are 100 percent new.

But when you go down to Pittsburgh and go into Market Square, there's really no place to park, and we believe that on the business that we're bringing into the area, will continue to make that a vibrant area, not just during the business hours of eight to five, but after business hours, as well. And we will always have parking spaces that are going to be available to the public. There will be some dedicated parking spaces to the office tenants when they sign their leases. But there also is going to be parking spaces available to the people coming into the parking --- for the hotel, as well as for day-to-day parking, which we anticipate somewhere in the area between 75 and 100 parking spaces daily that will be available for drive-up customers, which we think is a benefit also to the community and helps solve that problem.

We definitely are using the TIF proceeds for parking garage costs, as well as public infrastructure costs. We are currently designing a top notch DEP public water/public sewer improvements standards. We're putting pumps, generators, underneath our property, so we can be prepared one day that we could have laterals for storm water and laterals for water that we can separate and we'll temporarily pump it out through generators, so that we don't have flooding to the systems. We're paying \$750,000 to the city to help them continue Wood Street improvements of the sidewalks, the curbs, the roadways, extending back from Market Square to Point Park University, trying to connect that whole area to Market Square because a lot of people don't get benefit as much from that area, because it's tougher to get to. So we're also going to open up some courtyards and connections from Fourth Avenue over to Market Square, so that it's easy for parts of the city that have to walk all the way down through and cut through areas of PPG. They can have more of a straight shot into the center. So we're working hard at it. I'd like to address Councilman Robinson's question, too; are we fully aware of ---? The city, too, has got a lot of high standards. And just today I sent a survey out to the governor of our projects in the past two years. We spent about \$170,000,000 in downtown Pittsburgh on projects. And we've been extremely successful making

sure that everyone's happy with that, and this will be different, too

PRESIDENT MARTONI: Thank you very kindly. Yes?

MS. GREEN HAWKINS: Thank you, Mr. President. And if I may, I know there's concern amongst Council members about low wage jobs when we give --- give these TIFs. And the developer has worked with , the airport example of an SEIU, another organization to talk about wages and working conditions and things of that nature. So I don't --- I feel sure that we don't have to be concerned about the low wage jobs that --- Thank you.

PRESIDENT MARTONI: Roll call.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. DeFazio?

(No response.)

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. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Yes.

MR. CATANESE: Ayes, 14, noes, 0. The bill passes.

PRESIDENT MARTONI: Committee on Parks, Second Reading.

MR. CATANESE: One second.

MR. DEFAZIO: Yes.

MR. CATANESE: Do you want to --- 15, no ---.

The bill passes.

PRESIDENT MARTONI: Okay. It's getting late. Let's move along quickly. Committee on Parks, Second Reading. 7054-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing an agreement with the North Hills Eagle Squadron for the operation and management of the Model Aircraft Field, located in the County's North Park. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: On September 13th, the Parks Committee met; Mr. Macey, Mr. Finnerty and Mr. Palmiere present. These next nine ordinances were all met with affirmative recommendation. And the first one here is the Model Aircraft Field, located in the North Park, and I move for approval.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved in second. Question? Roll call.

MR. CATANESE: 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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
(No response.)
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 14, noes, 0. The bill

passes.

PRESIDENT MARTONI: 7105-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the acceptance of a donation of a park bench to be located within North Park. Sponsored by the Chief Executive and Councilman Futules.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: This was also met with affirmative recommendation. I make a move for approval.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved in second. Question?

Roll call.

MR. CATANESE: 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. Macey?

MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Aye.
MR. CATANESE: Ayes, 15, noes, 0. The bill

passes.

PRESIDENT MARTONI: 7106-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the entry onto County's Harrison Hills Park, construction of an outdoor classroom and transfer of the completed project to the county. Sponsored by the Chief Executive and Councilman Futules.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: This is an ongoing project at Harrison Hill, and the Parks Foundation has given them money to complete this project at this time, and I move for approval.

(Chorus of seconds.)

PRESIDENT MARTONI: Moved in second. Question?
Roll call.

MR. CATANESE: 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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 15, noes, 0. The bill

passes.

PRESIDENT MARTONI: 7107-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the entry onto the County's North Park, the redesign, modification, construction and rehabilitation of the North Park Multi-Use Trail, and transfer of the completed project to the county. Sponsored by the Chief Executive and Councilman Futules.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: Yeah. This is the trail around North Park Lake. There was a redesign and modified construction due to the fact that the residents did not want a boardwalk along the lake itself. They wanted to keep the trail up along the road. And there were some modifications made to the contracts, and it met with affirmative recommendation and I move for approval.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved in second. Question?
Roll call.

MR. CATANESE: 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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 15, noes, 0. The bill

passes.

PRESIDENT MARTONI: 7108-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the entry onto the County's Settlers Cabin Park, construction, rehabilitation and development of the Settlers Cabin Park trails, and transfer of the completed project to the county. Sponsored by the Chief Executive and Councilman Futules.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: Yes, these are the trails at the park at Settlers Cabin. They're doing some rehabilitation and development of the new trails there and existing, too. And it was met with affirmative action, so move for approval.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved in second. Question?
Roll call.

MR. FINNERTY: I have a question for you.

PRESIDENT MARTONI: Ask it.

MR. FINNERTY: I believe that this is also more than rehabilitation. I think they are going to connect Settlers Cabin with the Panhandle Trail in this bill, also.

MR. FUTULES: That's correct.

MR. FINNERTY: Okay. Thank you.

PRESIDENT MARTONI: Roll call.

MR. CATANESE: 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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
(No response.)
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 14, noes, 0. The bill

passes.

PRESIDENT MARTONI: 7109-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the entry and construction of the County's South Park and transfer of the completed project to the county. Sponsored by the Chief Executive and Councilman Futules.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: This is the construction of the South Park Circle rehabilitation. I believe it's at least about a \$1,000,000 project, from what I understand, some revamping of the tracks, the bleachers and the area around the field itself. And it was met with affirmative action

and recommended that we bring it to full Council for consideration. I move for approval.

MR. PALMIERE: Second.

PRESIDENT MARTONI: Moved in second.

MR. GASTGEB: President Martoni?

PRESIDENT MARTONI: Yes.

MR. GASTGEB: I'll be supporting this. Remember that we had some discussion about all the parks, and this one in particular. And I think the administration has put some actions together. I'll look forward to working with the administration, the Parks Department, the Foundation, because I don't want to come back ---. I have contracts and full authorization. Thank you.

PRESIDENT MARTONI: Thank you. Roll call.

MR. CATANESE: 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?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

(No response.)

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: 7121-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, repealing Ordinance 25-00-OR and amending Chapter 650 of the Allegheny County Code of Ordinances entitled, Park Rules and Regulations, Section 650-2 entitled, Regulated Activities, in order to codify the regulations of smoking near playground areas within the nine County-owned parks. Sponsored by the Chief Executive and Councilman Futules.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: This was also discussed at the meeting on the 13th. And what it does, it notifies the people at the playground areas, that there is a 25-foot bumper. And we suggested that they put up a sign designating a smoking area, so that the parents are there and they'll know exactly where, too, is the proper area for them to smoke near the children. This was met with affirmative action, and I move for approval.

MR. MACEY: Second.

PRESIDENT MARTONI: Second. Question? Heather?

MS. HEIDELBAUGH: Well, I have a comment. And I guess this is going to sound a little silly, but I mean it to be that way. I like people who eat too much. They're nice, they're fun. Okay? I love people that drink too much. Some people smoke. I don't think we should be in the business of telling people what --- where they can smoke and where they can't smoke. That is not what government should be involved with. If people want to smoke near a playground and people don't like it, they should move away. We're now getting to the nanny state to the point where we're going to be telling people how many bags of fries they can or they cannot have. I'm not a smoker. I don't choose to smoke. I don't necessarily want to sit next to a smoker. But a smoker has a right to have a cigarette in a county park. So I'm completely against this sort of thing when government does this.

MR. BURN: Mr. President?

PRESIDENT MARTONI: Yes.

MR. BURN: Unlike food or beverages, studies show that secondary cigarette smoke can cause cancers. This is different; therefore, I support it.

PRESIDENT MARTONI: Thank you. Does somebody else want to say something? Jim?

MR. ELLENBOGEN: Yeah. I don't like to be the smoking police, either. And I don't smoke, and I don't like it near me, but I agree with Councilman Burn. I don't think --- if you don't want it in your face, you should have to deal with it, so I'm going to support it.

PRESIDENT MARTONI: Okay. Mr. Gastgeb.

MR. GASTGEB: Yeah. The original ordinance was passed in 2001. It was you couldn't smoke on the foam rubber, which is where the kids were playing, because cigarette butts would be putting down; they were still lit. And a young three or four --- toddler came out and burned his knee; I remember. So this is codifying it. It's just that, you know, smoking and cigarettes probably don't mix with kids' areas. I mean, it's the same concept. I don't know if anyone would go into a preschool or playschool and smoke around. So I think the ---.

I think the goal is to allow --- obviously, it's a park, so ---. But when you're around the apparatus of teeter-totters, slides, those type of things, to have that as a sort of a buffer zone ---; and really, in ten years there's never been an issue. So I just think this is codifying it. Thank you.

PRESIDENT MARTONI: Yes?

MR. FUTULES: I'd like to comment. Heather, I understand your point about people's rights. But do you understand what smokers --- think about 25 feet. We're talking about from that podium to maybe there (indicating). We're not talking a far distance. But when we put up signs and give people a place to put their cigarette butt, it kind of makes sense. If you go to the amusement parks, you don't see the cigarette butts all over the park when there's a designated smoking area. So it's not like we're asking them to leave the area where they can't see their children. And as a courtesy to other children or parents that may not smoke, we thought it was such a good idea that 25 feet isn't abusive. We're talking from Mr. Barker to the podium. I don't think that that's such a bad thing, to try and save --- leave the litter in our parks itself. I mean, that's a factor. In our businesses, we have to smoke outside now. And I was kind of against that at one point, but I'll tell you something, after a wedding, you should see the cigarette butts outside my place. So even though we do put a place where they can smoke, it's just like this (indicating) everywhere, and it's a mess.

And so I think this rule is trying to put it into an area where it's easier for the staff of the county parks to clean it up, as well. That's basically it.

PRESIDENT MARTONI: Jan, I think you were next.

MS. REA: The only comment I would make --- actually, being in a lot of the children's areas in the park with my granddaughter --- is, they do put very nice surfaces down around those areas. And I don't know if cigarettes would damages those surfaces. And I think it was probably a big investment for the county and will continue to be an investment to change those surfaces around those playgrounds. So in a way, not smoking in those areas does protect our investment, and it's a surface that's soft; so if a child would fall, it kind of keeps them a little bit less scraped up. So I'm just saying that would, too. Thank you.

PRESIDENT MARTONI: Thank you. Roll call.

MR. CATANESE: 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. Yes.

MR. CATANESE: Sorry. 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: No.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Yes.

MR. CATANESE: Ayes, 14, noes, 1. The bill passes.

PRESIDENT MARTONI: 7122-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing an agreement with Half Yard Productions, to film in the County's South Park at the Oliver Miller Homestead. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: Move for approval.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Okay. Question? All in favor --- oh, no. Roll call.

MR. CATANESE: 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: Yes.

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. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Yes.

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

PRESIDENT MARTONI: 3130-12 (sic).

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, approving the establishment of a donor recognition policy by the Allegheny County Parks Department, consistent with the provisions of the Administrative Code of Allegheny County, Article 705, Section 5-705.01, entitled, Philanthropic Naming Rights. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Mr. Futules.

MR. FUTULES: This ordinance is for the intent for anyone that wants to make donations to the County Parks. Up to the amount of \$10,000 could be accepted by the administration and the Parks Director, so that things like --- tonight, as you just saw, we voted on a park bench. That was donated. I don't believe that we have to vote on every park bench that's donated. But we should be diligent as to any project that is over \$10,000 that would have to come to us. And that's what this bill is all about, making sure that we do not have to spend the taxpayers' money sitting here voting on park benches individually; but anything that's over \$10,000, that we would and definitely should be involved in it.

By the way, the administration and the Park Director will notify Council of all the smaller donations, so we will not be unaware of what's being donated. We just won't have to vote on it. So I move for approval.

(Chorus of seconds.)

PRESIDENT MARTONI: Moved in second. Question?
Roll call.

MR. CATANESE:	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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 15, noes, 0. The bill

passes.

PRESIDENT MARTONI: Committee on Public Works,
Second Reading. 7004-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting Allegheny County Department of Emergency Services to accept construction of a Mock Production Facility by Huntley and Huntley, Incorporated, at the Allegheny Fire Academy. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Mr. Macey.

MR. MACEY: Thank you, Mr. President, and members of Council. The Public Works Committee met on September 11th, and there was an affirmative recommendation. But I'd like to say a little bit about what this training facility is all about. It's to help to train the fire departments, not only in Allegheny County but surrounding counties, on the possible emergency situations that could occur at a Marcellus Shale production facility. This area is only going to take up about 100 feet --- 100 square feet. And what's even better is that the total construction is going to be paid for by Huntley and Huntley, a leasing company for the Marcellus Shale industry. Thank you. I make a motion we move forward.

MR. MACEY: Second.

PRESIDENT MARTONI: Moved in second. Roll call.

MR. FINNERTY: I have a question.

PRESIDENT MARTONI: Go ahead.

MR. FINNERTY: It has to do with insurance. Will insurance --- will these fire departments be self-insured or will there be insurance if somebody gets hurt there?

MR. MACEY: There is insurance companies that provide the insurance to the local municipalities. The local municipalities will insure their own fire departments generally. And this particular facility, the fire academy, Allegheny County North Park, we train thousands of people there every year, and they're insured.

MR. FINNERTY: Okay. Thank you.

PRESIDENT MARTONI: Roll call.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Danko?

(No response.)

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. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Yes.

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

PRESIDENT MARTONI: 7131-12.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the County to grant leases or licenses permitting the building, operation and maintenance of communication towers/antennas or outdoor advertising structures, on designated portions of County-owned real property. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Mr. Macey.

MR. MACEY: Thank you, Mr. President, and members of Council. When Councilwoman Heidelbaugh talked about creative ways of generating additional revenue, this is certainly one way of doing that. But I think more importantly is the fact that these cell phone towers can also facilitate repeaters. Repeaters are antennas in part of the communication systems in 911, as well as our first responders use. We have some pockets, dead spots, in Allegheny County. And with these particular antennas up there --- and keep in mind, this would be at no cost to the county for these additional antennas for our first responders and the fire departments in our communities.

We met on September the 11th. There was a tremendous amount of discussion. We were talking about the antennas. We were talking about cell phone towers. We were talking about billboards. I think out of respect to one of colleagues, Councilman Daly --- Danko, excuse me --- that she had --- we sent this to the full Council without any recommendation. And I believe that Councilwoman Daly Danko has an amendment that she'd like to share with us.

MR. FINNERTY: Point of Order.

PRESIDENT MARTONI: You've got to make a motion. Why don't they do that?

MR. MACEY: I make a motion that we send this bill to the full Council.

(Chorus of seconds.)

PRESIDENT MARTONI: Moved in second. All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Okay. It's to the full Council.

MR. CATANESE: There's the amendment we have to vote on.

PRESIDENT MARTONI: Moved in second. All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Okay. It's to the full Council.

MR. DROZD: There's the amendment we have to vote on.

PRESIDENT MARTONI: Thank you.

MR. FUTULES: I have a Point of Order.

PRESIDENT MARTONI: Go ahead.

MR. FUTULES: Yeah. I think there needs to be a motion and seconded. And if there's any discussion on the motion, then that's the time where any proposed amendments can be introduced.

PRESIDENT MARTONI: Correct.

MS. DANKO: I would like to amend the 7131-12, and I would ask that our staff hand out the proposed amendment.

MR. DROZD: And I'll second that.

MR. PALMIERE: I also would like to --- oh, it's already been seconded. I'm sorry.

PRESIDENT MARTONI: Okay.

MS. DANKO: All right. This amendment would basically split this bill. My concern is strictly with the billboard issue. I think, as you heard tonight in the public comment section, this at the very least deserves more consideration and more discussion. When I saw this proposed ordinance come through in our packet from the last meeting, I went back and I reviewed it. And then I went and then asked for the RFP. I reviewed the RFP which, to my surprise, had gone out April 20th and was returned back to the administration May 23rd. For those of you who haven't read the RFP, basically, what it did, it sent as part of the RP --- eight pages of County-owned parcels and properties were included. The administration said, okay --- and I'm paraphrasing --- pick your top 25 sites and give us a proposal; you know, we got to make money, and we want money up front in the early years. I think that --- and the sites listed in the ordinance, basically, are what came back as part of those proposals. I think that we need to be more involved in this process. I do think that scenic views are a public good as, you know, was alluded to. I'm not saying I'm 100 percent opposed, but I do think it needs more discussion about where, what kind. I had the great good fortune when I was in school, that I had a meeting with Lady Bird Johnson.

And as some of you might remember, she was the driving force behind the Highway Beautification Act when we were having the federal highway program. My other concern is, as part of this ordinance, if you read it carefully, there's no end date in what we're allowing the administration to sign off on here. So even though the proposals might be for 10, 15, 25 years, this could end up being --- we would basically be authorizing the administration to continue this ad infinitum or 100 years, like the airport, or ---. So I think that this really needs another look. And all my amendment does is strike all of the language relating to outdoor advertising, and it leaves intact all the language related to communication towers. And I would appreciate some support, and thank you.

MR. ELLENBOGEN: Just a Point of Order. I told the clerk that in Section 7, Barb, there's one that's missing. And just for entirely the logistics of it, you may want to make sure that you noted paragraph seven. There's still one that's listed, and this is a legal bill. It's in there. It's going to still be less contradictory of what you're doing.

MS. DANKO: Okay.

MR. ELLENBOGEN: Paragraph seven. The last Whereas in the next to the last sentence still includes advertising. I told Jared that you would know what to instruct, I would assume.

MS. DANKO: Okay. I would ask that that change be included as part of the amendment.

MR. ELLENBOGEN: Thank you.

MS. DANKO: Thank you.

PRESIDENT MARTONI: Okay. Heather?

MS. HEIDELBAUGH: I very much appreciate my colleague, Barbara Daly Danko, raising this issue. What I'd like to ask --- and I know I'm going to do this wrong, so indulge me, please. Tell me how to do this correctly. Can I suggest that you table this for this evening that we refer it back to committee? I would really enjoy being able to ask some questions that's permitted in the committee and learn some more about this. I think it's a potential revenue generator for us. I don't think we're --- any of us are prepared. It's late in the evening. It warrants a good discussion. Is there an emergency we have to vote on it tonight?

MS. DANKO: My understanding is that the administration, if this amendment passes, it is introduced as a separate bill that would then go to committee and through the regular process.

MS. HEIDELBAUGH: Explain that to me again, then. So if we pass this, what do we send?

MS. DANKO: If we amend and pass the bill with the amendment, the cell phone towers piece moves forward. And there's some concern because of the 911 implications, that there may be some urgency to that. This --- the earliest we would see revenue for the outdoor advertising would be, like, 2014. We'd have more time. And my understanding is, the administration was not opposed to this amendment, and their plan is to bring it forward as a separate bill at the next meeting.

PRESIDENT MARTONI: Okay. Go ahead.

MS. HEIDELBAUGH: I don't feel comfortable even voting on the communication towers. Could someone explain to me what the urgency is with that this evening?

PRESIDENT MARTONI: I cannot. Yes?

MR. BURN: Mr. President, I don't know this question, but at the same time, I would ask Barbara a couple questions. Barbara, my understanding is, the Executive's Office doesn't object to the bifurcation of the new issues; is that correct?

MS. DANKO: That's my understanding.

MR. BURN: And the issue with the cell towers is one that our 911 first responders --- now this is the county level, but I was including municipal levels --- are having drop-off zones, and they're trying to communicate with each other. So based on public safety concerns alone, there's some sense of urgency to moving forward on that part; correct?

MS. DANKO: Yes.

MR. BURN: And the part that's bifurcated, the Chief Executive might introduce legislation later, has to deal with the signs, billboards and the debate between aesthetic considerations and finance, but they'll introduce that later; is that correct?

MS. DANKO: Yes.

MR. BURN: I think our Parks --- Public Safety needs to move forward. Thank you, Mr. President.

PRESIDENT MARTONI: I'm not sure who's next. Go ahead, Matt.

MR. DROZD: Thank you. I'd like to see a show of hands; anyone here would like to see a billboard in visibility of their house. Let me see a show of hands; because I wouldn't want one. One person; okay. Yeah, just kidding. Well, you know, that in itself says a lot here, you know. We're going to impose on other people that they should have a billboard facing their home, and they see it within their home, and yet we're going to impose that on people, when we, ourselves, are not willing to accept that. So that's one issue. The second issue, I was in at one of my municipal meetings, and I agree with you; you know, public safety is very important and, you know, these cell towers could do something on the public safety area.

But we've got to be careful, be involved in the municipalities and the positioning of those cell towers. They have to be involved. So I was in one of my municipal meeting and, low and behold, what do you think came up on their agenda? They were talking about cell towers. And I think --- again, I'd venture to say, many of you would say, gee, I don't think I want one right next to me. Even though it's a good public safety issue, I don't think it's good for me and my kids, since we don't know what generates and it's still a concern. Let me remind you that there are emittance of radio waves from these cell towers, too.

So we have to take a lot into consideration on this. This is something that is public safety on the cell towers. And on the other, it's aesthetics on the billboards. So I think we have to look at this very careful, and I recommend we send this back to committee to really scrub this very well before we go voting on it. Thank you.

MR. FINNERTY: Mr. President?

PRESIDENT MARTONI: Yeah, and thank you. I'd just like to say that most municipalities have their own regulations in regard to cell towers, and there's no way that our desire for a cell tower in somebody's municipality can happen because a municipality is allowing us to do it. They have their own regulations, and I think if you look, you'll find that Mt. Lebanon has one, Scott has one. So the municipalities, I think, took care of that. Thank you.

MR. ELLENBOGEN: I just wanted to say --- and let me put my hat on. As a former Chief of Operations of

Allegheny County Special Services, I can tell you that Councilman Burn had hit the nail right on the head. In terms of these drop-off points, I've been personally in emergencies where we've lost communication. A lot of times folks have to realize, it's not just communicating with each other, it's communicating with some of the boroughs and townships, State personnel, sometimes Federal personnel. And there are drop-off zones. We've had --- I've actually had situations where even myself had to ride maybe a mile or two down the road, just so that I could make communication.

So there is an urgency to this. If it saves one life, then so be it. And I have to be honest with you, you'd be amazed how different people articulate when they're in the middle of an emergency and someone they love hurt themselves, as opposed to just sitting here saying, well, you know, I don't want this. I think that the kinds of things --- the cell phone kind of things up on these towers for emergency purposes are very minimal, in terms of what we would see. But it's very important, because it may save somebody's life, maybe somebody that's dear to you. So I agree with Councilman Burn wholeheartedly. And I commend Councilwoman Danko for having the strength of mind to see this before it became an issue, because like I said --- you know, we always stated in emergency stuff, once it happens, it's over. You know, once someone's gone or hurt, it's already done. So emergency folks try to get in front of things, and this is something that I think we need to get in front of.

So I'm going to support splitting it, because I don't want to hold back anything that has to do with public safety. And as the public safety here, I think it's my sworn duty anyway. Thank you.

MR. PALMIERE: Mr. President?

PRESIDENT MARTONI: Who was next here? Do you want to say something? Go ahead.

MR. GASTGEB: Thank you, President Martoni. I want to just echo what Mike said. This is on County-owned property. It's either a County road or County property. There's an address list towards the back of the Unfinished Business packet. But I have a question for Chair Macey; specifically, the cell tower locations. Are most of these existing cell towers new leases that will be --- try to be forgotten, or are these all requests for brand new cell towers being built?

MR. MACEY: From my understanding, it would be new cell towers.

MR. GASTGEB: Okay. And on the signs, if you just look, billboards are already up on most of these locations.

MR. MACEY: Well, I don't have a problem with separating the billboards and the signage from the towers. My biggest concern is, of course, the operation and the safety of our first responders. I can tell you that when I first got on County Council, we had communication problems in the Mon Valley. And now we've got the Allegheny County Emergency Management Services, who's being mandated by the Federal Communications Commission, put in new radio equipment. And our fire departments, our police departments, are going to have to go on other frequencies. One little story in Glassport, and that's my neck of the woods and I am a volunteer fireman.

Our problem was so bad communicating --- we had men inside a building and a truck outside, and we couldn't communicate, because we didn't have the repeaters or the necessary antennas or the equipment to facilitate communications.

MR. GASTGEB: I thank you for the explanation. And I think you and Chairman Burn, although you spoke well about it --- but you know, again, if you look like --- on the cell list here, the address list, it will say South Park. I'm familiar with that. There's already I don't know how many cell towers in South Park. So again, this is not saying that we're going to renew this with maybe new ones going up, which you're talking about would be helpful to the first responders?

MR. MACEY: Correct.

MR. GASTGEB: Okay. I just wanted clarification of what I'm looking at, what it meant, so I appreciate that.

PRESIDENT MARTONI: Who was next here?

MR. PALMIERE: Mr. President?

MR. CATANESE: Mr. Palmiere.

PRESIDENT MARTONI: Mr. Palmiere.

MR. PALMIERE: Thank you, Mr. President. Mr. President, I fully concur with Mrs. Danko concerning separating these two bills. I think that the billboard issue merits a lot more scrutiny, and I support the separation of the two. Thank you.

PRESIDENT MARTONI: Thank you. All right.

MS. HEIDELBAUGH: So my question is this, fully supporting everything that has been said about public safety, if this issue is solely about public safety, I agree. But the question I have --- and maybe Mr. McKain can answer that --- is, what I want to understand is, are these cell phone towers that we're going to be leasing, are these for any purpose other than public safety? Are we authorizing the safety bills in order to generate revenue for other purposes, which I feel is safety?

MR. MCKAIN: There are other purposes. They both generate revenue. These entities that provide proposals total 61 locations. It takes a year, 14 months, for that, if they navigate through municipalities to get approval, zoning, the constructing. By year five, if all 61 come in fruition, it would be about \$1.9 million a year, so it raises revenue.

MS. HEIDELBAUGH: All right. So taking, again, that we need additional space in the cell towers for our public safety first responders, what I'd like to know is, has an analysis been done of these --- did you say 61 or 66?

MR. MCKAIN: Sixty-one (61).

MS. HEIDELBAUGH: Of the 61 cell towers, how many are needed to increase public safety, and how many are for just pure commercial gain?

MR. MCKAIN: Thirteen (13) have been identified by a 911 center --- are areas of pockets that are in need of enhanced communications.

MS. HEIDELBAUGH: Okay. So somebody who's smart --- 53, I think; 53 are for just commercial purposes. Now what I'd like to try to understand is, are we getting the best bang for our buck? Did this RFP go out with enough time, and did we receive enough proposals back that we have really gotten some good bids on these 53 that are for purely commercial purposes?

MR. MCKAIN: This is the third time the county has done that. Since I've been here, this is the --- I'm involved with this one. As Ms. Danko said, this was out in April. We've analyzed it. I've looked at the financial statements and the proposals. These are the highest bidders. Some bid on stand-alone locations; some competed against each other. We interview each of the companies when they come in. They came in as a series of questions, work with them on the clarity of their bids, including the public safety commitment. So my

recommendation is, yes, there's enough information for the Council to consider.

MS. HEIDELBAUGH: Okay; \$1.9 million, is that a one time or is that a yearly?

MR. MCKAIN: Annually.

MS. HEIDELBAUGH: So we're going to be making \$2 million a year?

MR. MCKAIN: Yes. Now, that's if all 61 navigate through all the municipal zonings and get approved, based on a proposal check. So that would be the high match.

MS. HEIDELBAUGH: Is there rate increases in the contract?

MR. MCKAIN: Some propose some three percent increases, some are flat. It depends on the location and their bids.

MS. HEIDELBAUGH: And if we coordinate with any sort of entity that would be like the Scenic Pittsburgh, in regard to the unsightliness of the cell towers, did we --- Sierra Club comes to mind. Did we talk to groups like that?

MR. MCKAIN: The proposals include, if they navigate through the municipalities and whatever their requirements are. They showed us a lot of proposals. Some can be made in what they call stealth-type towers and they look like trees ---

MS. HEIDELBAUGH: Yeah.

MR. MCKAIN: --- some like bell towers. And it depends. As they go through each of the municipalities, they're going to give them options for each community to consider.

MS. HEIDELBAUGH: So all of them could look like trees?

MR. MCKAIN: If they need be. I can't speak for them, but they have many options, instead of just having the standard constructed one. Some of them are way off, and the backwoods communities don't care as much and it's more for housing. These particular vendors will provide options for the communities that are input on.

MS. HEIDELBAUGH: Last question. Did we receive any complaints from any environmental organizations?

MR. MCKAIN: None that I'm aware of, no.

MS. HEIDELBAUGH: No other towers? Not on the billboards --- on the towers?

MR. MCKAIN: Not that I'm aware of, no.

MS. DANKO: Mr. President?

PRESIDENT MARTONI: Yeah, go ahead.

MS. DANKO: Staff --- Mr. Barker has advised me that in the first Whereas, that I also need to delete, and/or billboards, on the third line in the first Whereas, as part of the amendment. Thank you.

PRESIDENT MARTONI: Any question?

MR. FUTULES: Yeah, I still have a question. My question is this, if the County doesn't accept these cell towers --- I would assume the cell tower people that are going to erect them could go somewhere else and we'd lose the revenue. We're not exactly going to stop it by not voting on it. They're going to go somewhere; is this correct?

MR. MCKAIN: They certainly would have the options. That's why we had a very heavy response on this, because we are competing against other landowners.

MR. FUTULES: Okay.

PRESIDENT MARTONI: Any other questions? Go ahead.

MR. GASTGEB: I have a question as to comments that Councilwoman Danko made that I think is very relevant. She was surprised when she was investigating that April seemed to be the date that this got going, and that we're sitting here --- what month is this --- September. And earlier today, when we passed one of the Park --- in fact, it was the South Park --- a lot of the contracts we executed or a lot of the site plans and plans to be formulated; but we haven't even done the traditional use of the transfer of the land. So I just really think --- and I know this administration is definitely in tune with how the Charter is, because many of the experts, who are there, including our Chief Executive, are there at one time. So I just think it's important that we do the small stuff first, so that we're transferring the land, we're doing ---. So we're not coming here doing things backwards, it only is backwards. I think it borderlines being a violation of the Home Rule Charter. So I just want to bring that up pursuant to just tonight, in my opinion, that you know, it should have been done the other way around. Thank you.

PRESIDENT MARTONI: Okay. We vote on the amendment.

MR. CATANESE: This is a vote on Councilwoman Danko's amendment to Bill 7131-12. 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. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 15, noes, 0. The amendment
passes.

MS. DANKO: Thank you.

PRESIDENT MARTONI: Now we have to vote on the
bill as amended; am I correct? Any comment on the bill;
as amended, obviously? Okay.

MR. CATANESE: We want to vote.

PRESIDENT MARTONI: We want to vote.

MR. CATANESE: Bill 7131-12, as amended. 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. Gastgeber?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Aye.
MR. CATANESE: Ms. Heidelbaugh?
MS. HEIDELBAUGH: Yes.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Martoni, President?
PRESIDENT MARTONI: Yes.
MR. CATANESE: Ayes, 15, noes, 0. The bill

passes.

MR. ELLENBOGEN: I just want to make a point.

PRESIDENT MARTONI: Make a point.

MR. ELLENBOGEN: Yeah, I still see the gentleman here from Scenic. I just want to let him know and other folks that are watching, that we do listen to what folks have to say when they come up and talk at the podium. So we encourage people to give us their opinions. That's what we're here for. Thank you.

PRESIDENT MARTONI: Thank you. Liaison Reports. Do we have any liaison reports? Yes?

MR. BURN: Mr. President, very briefly. I just want to commend Millvale Borough Council and the Mayor and the Millvale Days Committee. You had a great Millvale Days festival this past weekend. It was almost eight years to the day that I have been in Millvale Days and designated the town, so good seeing everybody on their feet out there. Good to see --- good to be in spirit. It was eight years. So thank you very much.

PRESIDENT MARTONI: Thank you. Mike?

MR. FINNERTY: Yeah, thank you, Mr. President. I just want to remind people that RADical Days will be going on starting September 20th. That has to do with RAD, and that's the different organizations that get RAD money from the county. That's your one percent tax that you pay, RAD tax. So September 20th, Pitt's Conservancy will have free admission from 9:30 to 5:00. That's the start. And we're talking about the --- museum --- I have trouble talking here --- Children's Museum and different venues throughout the county, except the RAD money.

So you might want to pick up one of these pamphlets. They're usually at the libraries. You can get one. In fact, you can go to the Allegheny County website and look up RAD, and it will have all the venues there. Thank you.

PRESIDENT MARTONI: Thank you. Go ahead.

MR. DROZD: Just something to quick to remind everyone Community Days will be on the 22nd of September. Bring your families --- the evenings, and I believe there's fireworks. It's a really nice day. Thank you.

PRESIDENT MARTONI: Thank you.

MR. PALMIERE: Mr. President?

MR. CATANESE: Mr. Palmiere's there.

PRESIDENT MARTONI: Mr. Palmiere?

MR. PALMIERE: Thank you, Mr. President. I just want to remind everyone, too, that we have the Great Race coming up. I think it includes the 29th --- I think it's the 29th. I'm not sure, exactly. That will be coming up at the end of the month on the 29th; Sunday, the 29th. Thank you very much.

PRESIDENT MARTONI: Thank you. Anyone else?

MR. FUTULES: Mr. President?

PRESIDENT MARTONI: Yes.

MR. FUTULES: It's getting close to eight o'clock here.

PRESIDENT MARTONI: Okay. I know; I realize that. Okay. New Business, Ordinances and Resolutions. 7161-12.

MR. CATANESE: A resolution of the County of Allegheny, amending the Grants and Special Accounts Budget for 2012 (Submission 12-11). Sponsored by the Chief Executive.

PRESIDENT MARTONI: That goes in the Budget and Finance. New Business, Motions. 7149-12.

MR. CATANESE: Motion of the Council of Allegheny County, authorizing the Budget and Finance Committee to conduct public hearings, pursuant to Section 801.05 of the Administrative Code, on Wednesday, November 14 and Thursday, November 15, 2012, beginning each day at four p.m. in the Gold Room of the Allegheny County Courthouse. Budget and Finance Chair, William Russell Robinson, will serve as the presiding officer. Sponsored by Councilman Robinson.

PRESIDENT MARTONI: Thank you, Joe. Do you want to say anything on that?

MR. ROBINSON: Only that the necessary Council members have agreed to hold this hearing. This is part of the process that we're legally required to complete in order that we could pass a budget. And I thank everybody in advance for their cooperation. I make a motion to approve this motion.

PRESIDENT MARTONI: We have a motion to approve 7149-12.

MS. DANKO: Second.

PRESIDENT MARTONI: Second. Question? All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered. Notification of Contracts. 7162-12.

MR. CATANESE: Communication from County Manager William D. McKain, submitting executive actions related to contracts for the month of August, 2012.

PRESIDENT MARTONI: Receive the file. Public Comment on General Items. We have two, but I'm not sure if they're still here.

MR. CATANESE: (Indicating)

PRESIDENT MARTONI: I didn't see you there. Come on. They are here.

MR. CATANESE: You just called Harry Hiller.

PRESIDENT MARTONI: Oh, I'm sorry, Harry Liller.

MR. LILLER: My name's Harry Liller, 438 Ruxton Street, Pittsburgh, PA. I am reading the letter that I sent to District Justice Robert Wyda, and I have every right to expose corruption, so I'm going to read the letter. Dear Mr. Wyda, I caught Ron Wolfe stealing from the Bethel Park American Legion. He had blank checks in his possession. I had Commander Smith fire Wolfe, and Ted Pace took over as Adjutant. Ron Wolfe also stole \$10,000

out of the Legion office. Ask Jerry Baker about this incident.

Veteran Jay Thompson stated that Ron Wolfe bragged, I shot and killed my father and got away with it. Ron Wolfe sexually abused his children. He has a criminal record for this. Wolfe committed fraud at the Bethel Park School District. He would punch in his work card, then leave the school grounds and work as a cook for the Bethel Park Elks Club. Wolfe stole the Elks' lottery money.

Ron Wolfe told the Library VFW; that is, the Foreign Wars, that he was a Korean War hero, a tailgunner that shot down three MIGs. Wolfe never made it out of boot camp. What a coward. PFC Max Liller was killed in action in Korea in February, 1951. At Bethel Legion meetings, Wolfe bragged about creating a Ku Klux Klan chapter. I know of a person who attended a Wolfe KKK meeting in Bethel Park.

As a corrupt constable, Wolfe had corrupt District Justice Susan Kimberland contact the County District Attorney to illegally wiretap my telephone. The Pittsburgh FBI told me to shut up and get out, when I complained about the wiretap. I filed a complaint with the Pennsylvania Human Relations Commission. A black man, George Simmons, told me over the phone, the KKK has rights, too. Simmons ignored my complaint.

I filed a complaint with the State Attorney General. Mike Fisher ignored me, because he knows Ron Wolfe personally. I would like you to investigate all the people involved. After your findings, I would like you to go on C-SPAN, because the Pittsburgh media has protected all this corruption. You personally had the Assistant District Attorney resign for illegally wiretapping my telephone. Now I still have 40 minutes --- 40 seconds left. Here's to the corruption that goes on in law enforcement in this town. This is why I always fight for a County Civilian Police Review Board, but this Council says that's a black problem. No, it's not. I keep exposing corruption. Five police chiefs in this county are in jail, but you don't like hearing anything about that. I just showed you all this corruption here. It's covered up, all the way up to the State Attorney General. The media will never tell the truth. I'll be back next month.

PRESIDENT MARTONI: Thank you. Motion to adjourn?

(Chorus of motions.)

(Chorus of seconds.)

MR. FINNERTY: Wait a minute. Burn's not here?

PRESIDENT MARTONI: He's not here.

MR. MACEY: Oh, sorry.

MR. PALMIERE: Joe?

MR. CATANESE: Yes, sir.

MR. PALMIERE: Thanks, Joe. Thanks very much
for everything. I'll tell you what, I got a cauliflower
ear.

MR. CATANESE: Thank you.

MEETING ADJOURNED AT 8:00 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.

A handwritten signature in cursive script, reading "Oliver H. Court", is written over a horizontal line.

Court Reporter