

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

John P. DeFazio	-	President, Council-At-Large
Nicholas Futules	-	Vice President, District 7
Heather S. Heidelbaugh	-	Council-At-Large
Thomas Baker	-	District 1
Jan Rea	-	District 2
Edward Kress	-	District 3
Michael J. Finnerty	-	District 4
Sue Means	-	District 5
John F. Palmiere	-	District 6
Dr. Charles J. Martoni	-	District 8
Robert J. Macey	-	District 8
Terri Klein	-	District 11
James Ellenbogen	-	District 12

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

Tuesday, August 25, 2015 - 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:

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

PRESIDENT DEFAZIO: The meeting will come to order. Will you all rise for the Pledge of Allegiance to the Flag? Remain standing for the Pledge of Allegiance or silent prayer or reflection. After me ---.

(Pledge of Allegiance.)

Roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Here.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green Hawkins?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Here.

MR. CATANESE: Ms. Klein?

MS. KLEIN: Here.

MR. CATANESE: Mr. Kress?

MR. KRESS: Here.

MR. CATANESE: Mr. Macey?

MR. MACEY: Present.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Here.

MR. CATANESE: Ms. Means?

MS. MEANS: Present.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Here.

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

(No response.)

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Here.

MR. CATANESE: Thirteen (13) members currently present.

PRESIDENT DEFAZIO: 9081-15.

MR. CATANESE: Proclamation honoring Talon Hoyt for recognizing and thanking our local veterans by creating Project Puzzle Book. Sponsored by Council Members Heidelbaugh, Finnerty, Kress and Palmiere.

MR. MACEY: Joseph, I would like to be on that as well.

PRESIDENT DEFAZIO: Joe?

MR. CATANESE: Everybody?

PRESIDENT DEFAZIO: Yeah.

MS. HEIDELBAUGH: Good afternoon, everyone.

President Lincoln delivered his second inaugural address on March 4th, 1865. One month later, the Civil War would end, but in that second inaugural address which is widely regarded as one of the most eloquent speeches or writings of American history, he said, with malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan. President Lincoln in that speech affirmed the government's obligation to care for veterans. When he said the words to care for him who shall have borne the battle and for his widow and his orphan, those words became the motto --- the veterans' motto in 1959.

But the government alone cannot care for our veterans. We all need to remember that in our prayers and care for them in our own special way. And that brings us to our special guest today, Talon Hoyt. Talon, although very tall and very old looking, is only eight, and he resides in South Fayette Township with his parents. He was inspired to thank local veterans in a meaningful and personal way after watching a number of items on the television regarding history involving veterans. Because he was so impassioned to try to help the men and women who serve our country, he created something called a Project Puzzle Book and with the assistance from his mother, Kindra, who is here today, collected hundreds of puzzle books, jigsaw puzzles, board games, playing cards and table games. He also assembled more than 250 thank you cards from various individuals including fellow classmates.

On June 24th, he presented more than 200 bundles of gifts to the residents of the Veterans Affairs Pittsburgh Health Care System in O'Hara Township. He went door-to-door delivering the gifts and thanking the veterans. He plans to make two trips a year with donations collecting from Memorial Day to Veterans Day.

Talon, I have a little boy and I love little boys. And you are unbelievably awesome. On behalf of myself, my family, all of the Council people here today and all of the citizens of Allegheny County, we give you

our deepest thanks for your insight, your intelligence and your compassion in recognizing that we have a free country because of the sacrifices of veterans.

Thank you for saying thank you to them. Would you like to say a few words?

MR. HOYT: I'm happy that I actually thought of this. I thought of a ball, a veterans' ball. And all the veterans met their wives at a dance.

MS. HEIDELBAUGH: So true. So you want to do something like that? I think you can do it. So give me a hug. Thank you so much.

(Applause.)

(Pictures taken.)

PRESIDENT DEFAZIO: 9128-15.

MR. CATANESE: Proclamation celebrating the founding of the Pittsburgh Chapter of the New Leaders Council and Institute and congratulating the inaugural New Leaders Fellows on their achievement. Sponsored by Council Member Klein.

MS. KLEIN: Come up, all you Leaders. Sometimes old fogeys, clearly older than any of us here, bemoan the fact that younger people aren't engaged, they don't get past their little devices and I'm so happy that you are here today because you are clearly disputing that, that young people, young adults, cannot be engaged in their world, the politics. You have taken your free time to put yourself forward to learn and be able to achieve leadership positions. And I have no doubt that someday some of you will be up here or beyond.

So I am happy to read this proclamation celebrating the founding of the Pittsburgh Chapter of the New Leaders Council and Institute and congratulating the inaugural New Fellows and their achievement.

WHEREAS, New Leaders Council is a non-partisan, nonprofit organization that engages a diverse collaborative national network of progressive political entrepreneurs.

AND WHEREAS, the New Leaders Council recruits Fellows from outside traditional power structures and equips them with the skills necessary to be civic leaders in their communities and workplaces and guarantees no financial barriers to participants through New Leaders Council Institute.

AND WHEREAS, New Leaders Council graduates are an ever-expanding core of diverse, new progressive leaders

who are rising to the top of their respective fields creating an exciting network of individuals, highly skilled and working together across sectors to improve the progressive infrastructure and ensure strong democracy, social justice and equal opportunity.

AND WHEREAS, the New Leaders Council Institute were held in 35 cities nationwide in 2015 training nearly 700 new leaders across sectors joining more than 3,000 alumni across the globe.

AND WHEREAS, in 2015, a committed, all volunteer board of Ellen (sic) Belitskus, Jennifer England, Kyle Gracey, Jeannette Hickman, Selena Schmidt, Emma Shoucair, and Megan Winters launched a new Leaders Council Chapter and Institute in Pittsburgh, Pennsylvania. And on June 29th, 2015, the NLC Institute in Pittsburgh graduated the inaugural cohort of Fellows.

THEREFORE, BE IT RESOLVED that the Allegheny County Council hereby celebrates the founding of the Pittsburgh Chapter of the New Leaders Council and Institution and congratulates the New Leaders Fellows on their achievement.

And I would like to recognize three of the New Fellows that are here with us tonight, Jordan Ball, Rhiannon Cook and Megan Zirkel. So Jeanette, would you ---? Oh, okay. Rhiannon, I'm so glad you're here. Jeannette, would you like to say something? Would anybody like to --- Rhiannon, would you --- since you're representing your cohorts?

MS. COOK: Well, not that I prepared anything. I definitely want to thank everybody for the recognition, especially thank the Board who put this together and brought this to Pittsburgh. It's something that has been really important, and on behalf of all 14, 13 of us that actually graduated this year and are now part of this organization, are going to help carry it through, we think it's been very important. It's been huge in my life and helped me build a lot of skills and meet a lot of really great people, so thank you all.

(Applause.)

PRESIDENT DEFAZIO: You take a picture.

MS. KLEIN: Oh, I forgot the picture.

(Pictures taken.)

PRESIDENT DEFAZIO: 9129-15, and the rest will be read into the record.

MR. CATANESE: Proclamation congratulating the 2015 Pittsburgh Circle of Courage Awardees. Sponsored by Council Member Baker.

9130-15. Certificate of Recognition presented to Mr. and Mrs. Alvin and Betty Decker upon the occasion of their 65th wedding anniversary. Sponsored by Council Member Macey.

9131-15. Certificate of Recognition presented to Mr. and Mrs. Bill and Mary Ann Dirling upon the occasion of their 60th wedding anniversary. Sponsored by Council Member Macey.

9132-15. Certificate of Recognition presented to Mr. and Mrs. Charles and Jacqueline Galley upon the occasion of their 50th wedding anniversary. Sponsored by Council Member Macey.

9133-15. Proclamation congratulating Executive Director of the Allegheny League of Municipalities, Mr. Richard M. Hadley upon the occasion of his retirement and thanking him for his 20 years of dedicated public service. Sponsored by Council Members Martoni, DeFazio and Macey.

9134-15. Certificates of Achievement awarded to the Collier Township Intermediate, 50/70, Baseball Team for winning the 2015 Pennsylvania Intermediate State Baseball Championship. Sponsored by Council Member Finnerty.

9135-15. Proclamation congratulating Trax Farms, Inc. upon the momentous occasion of the 150th anniversary. Sponsored by Council Members Finnerty and Palmiere.

9140-15. Proclamation congratulating the West Mifflin No. 3 Volunteer Fire Company upon the momentous occasion of its 75th anniversary. Sponsored by Council Member Macey.

PRESIDENT DEFAZIO: Nick, did you have a ---? Okay. We're going to take a minute here to go into Executive Session. We have a personnel issue. We should only be a few minutes.

(Executive Session held.)

PRESIDENT DEFAZIO: John Detwiler.

MR. DETWILER: Thank you, Mr. President. John Detwiler, 5723 Solway Street, Pittsburgh. I'm here asking Council to turn down Ordinance 9136-15 which is being introduced tonight.

This bill concerns the so-called 90 Day Rule in the County's Administrative Code. The caption, as printed

in tonight's agenda, says that it is to clarify the Code, but my reading of the text of the bill suggested it would do just the opposite.

The 90 Day Rule says that Council must hold a vote on a piece of business. You can't just conspire to bury it out of sight somewhere. This is a straightforward requirement of transparency and integrity. By contrast, tonight's Bill 9136-15 would add over 300 words of complicated loopholes to what is now very clear.

My case for a no vote on 9136-15 has three points. Number one, the Administrative Code doesn't need fixing. The bill claims to find a problem with, quote, particularly controversial or factually complex issues requiring lengthy due diligence, end quote. But the Code already provides mechanisms to deal with such situations.

Number two, the proposed fix will make matters worse, not better. While it's true that the 90 Day Rule hasn't always been followed lately, still we can at least tell when Council is complying with the Rule and when it is not. And by the way, there's no evidence that recent violations of the Rule have had anything at all to do with due diligence.

Tonight's bill, though, would simply create an impenetrable maze of potential evasions into which the people's business could simply disappear.

Number three, the timing of this bill is especially unfortunate. The Government Review Commission is in the midst of developing its recommendations. I have my arguments against tonight's bill and maybe there are arguments in favor. But if so why not share those with the Commission instead of preempting its work with a snap decision here. And tonight's bill opens a door that swings only one way. If you gut the 90 Day Rule and then regret it, any attempt to undo that damage could itself be buried without recourse.

Finally, speaking for myself, I worked hard on the Wait and See Ordinance that Protect Our Parks brought before Council through a petition. I was disappointed when that measure was defeated, but I have no complaint about the process that was followed. There was a public discussion and a public vote. Without the 90 Day Rule, I'm not sure we would have had that process.

I'm not a cynic and I don't want to assume sinister motives, but I can't imagine anything that would be more cynical than for this Council to rush this bill to

a vote. If any proposal qualifies as controversial or complex, this one does.

So for starters, the public is entitled to a full and extended consideration of any change to the Administrative Code. More fundamentally, we shouldn't confirm the law to bad practice. We just need leaders who can play by the rules. Thank you.

PRESIDENT DEFAZIO: Aaron Booz.

MR. BOOZ: Aaron Booz, 3181 Bel Air Drive, Whitehall. I want to agree with John's comments and also those made by Council Members Heidelbaugh and Means regarding 9136-15 earlier today, but also add a few of my own. I won't take the full three minutes.

I can't understand how this proposal would clarify the legislative process as it claims to do. It seems to me to obviously provide new ways for bills to never see the light of day and for the people of the County not to know what happened to those proposals.

And as John said, less than one year ago, the people of this County did something that had never been done before. They used the very open and democratic Home Rule provisions of the County Charter to bring to you a citizen-sponsored ordinance on a subject that had strong support from every corner of the County.

A majority of you voted the ordinance down, as is your right, but at least the process was open and transparent, and voters learned which of their elected officials agreed and disagreed with them on the issue. But if you enact these changes, I'm not sure why any piece of legislation brought by either citizens or by a Council member from a minority party would receive a vote.

The fact of the matter is that the majority on this Council has been breaking the so-called 90 Day Rule for some time. Their solution is now to change the law to simply legalize chronic noncompliance.

So before you take this vote, I would like to hear from Mr. Futules, the sponsor of this bill, explain why it's not an attempt to silence debate, why this would not expand the majority's practice of dealing with bills it doesn't like in 90 days --- not dealing with bills. And he can also assure us if he likes, that the majority will not do what Ms. Heidelbaugh and many of us are concerned about.

I'll yield the rest of my time so you can respond now, if you like, or you can answer it when the issue comes to a vote if you prefer.

Not answering these questions or not answering them completely, however, would be an answer in itself, I think.

PRESIDENT DEFAZIO: Terri Supowitz? Terri, not here, it looks like. Edward Chute?

MR. CHUTE: Put my cheaters on now. Getting old.

Ed Chute, 904 Valleyview Road, Mt. Lebanon. During my 40-plus years of teaching at a couple of major research universities I learned with my students some interesting things about our universe and culture including our American and local political stories.

I discovered that such things as dark matter and dark energy are not just concepts peculiar to Harry Potter or Gene Roddenberry's fictional worlds, but are, indeed, current scientific notions with apparently make up about 95 percent of the universe.

I've recently increased my knowledge about the dark web or dark net brought about by the Ashley Madison hacking foundation fallout. I already knew that the dark web was about controlled access, hacking, fraud, racism, pedophilia and pornography. But I didn't realize how many politicians and government folks were users. I should have known better because I knew that dark politics has a long and prominent history in Pennsylvania, Pittsburgh and Allegheny County politics.

While I doubt that anyone who knows me well would confuse me with a radical conservative, I do believe in the maxim principle, if it ain't broke, don't fix it, meaning if something is working adequately well, then leave it alone. My instinct and tuition tells me that the proposed ordinance measure 9136-15 changing the 90 Day Rule within the County's Administrative Code is quite close to the borderline between government transparency and dark politics.

Simply put, the proposed 9136-15 doesn't pass the cui bono smell test. The Home Charter Rule makes it clear that the Council functions as the legislative head, dare I say deliberative body for Allegheny County government and not as the right arm of the Chief Executive. The County makes --- the Council makes the policies and rules, the County Executive administers,

manages and puts them into effect. The type of governmental structure where a single office or person makes the rules as well as puts them into practice is more commonly described as autocracy, certainly not democracy. Dark politics, however, exists in the back rooms, behind closed doors where decisions are predetermined and surrogates are often used to accomplish the will of an autocrat, bully or political boss.

I may be an old fuddy-duddy type, but I believe in fair play where everybody plays by the same rules. I decry those in power who change the rules, deflate footballs, rig the game, play by a different code than everyone else in order to enhance their own agenda which is self-serving, profiting the one or the few and depriving the many. Our American democracy was founded on principles of majority rule while protecting the interest and rights of minorities.

Ordinance 9135-15 does the opposite, and I fear moves our democracy behind closed doors to most Americans. Please do not --- do your duty and recognize that the 90 Day Rule isn't broken and doesn't need fixing.

PRESIDENT DEFAZIO: Gwen Chute.

MS. CHUTE: Gwen Chute, 904 Valleyview Road, Mt. Lebanon. First of all, my thanks as usual to the Council for the opportunity to share my views on a matter coming before you this evening. I am referring to Ordinance 9136-15 to amend and clarify the 90 Day Rule. My position on the proposed amendment can be summarized in four easy words; keep it simple, stupid. The ordinance as it stands, despite the usual legalese, is simple, clear and easy to understand. The proposed amendment, on the other hand, nearly doubles the length of the original, and in my opinion, serves only to complicate, confuse and obfuscate. I have witnessed in this very chamber procedural debate lasting close to an hour. I can only imagine the fallout from amending the 90 Day Rule. The Joker would love it.

Aside from the issue of pure simplicity and clarity, my opposition to Ordinance 9136-15 is based on my suspicion that a more sinister scheme may be afoot. The 90 Day Rule assures that any citizens or group of citizens who present an ordinance to the Council are guaranteed a response by the deciding committee, either up or down, within 90 days. Under the proposed amendment, a citizens' ordinance that might cause negative publicity or unwanted or inconvenient political opposition to an issue on the

County Executive's agenda, for example, could simply be buried in committee, never to see the light of day. How easy it would be then not to have to deal with pesky citizens who cause a distraction from or a delay in an issue that is on the fast track to passage against the citizens' opposition.

Further, and with all due respect to Mr. Futules, I seriously doubt that the proposed amendment originated from within this body. I suspect, rather, that this is a business as usual with Mr. Fitzgerald pulling strings to once again increase control over the internal workings of the county government and leave the citizens where he thinks they belong, on the outside looking in. Please vote against Ordinance 9136-15.

PRESIDENT DEFAZIO: Okay. Thank you. Okay. We're down to --- no, that's it. Presentation of Appointments at 9127-15.

MR. CATANESE: Approving the appointment of Michael Kneiser to serve as a member of the Council of Friends organization, Harrison Hills Park, for a term to expire on August 25th, 2017. Sponsored by Councilman Futules.

PRESIDENT DEFAZIO: Nick.

MR. FUTULES: I make a motion to approve this ---

MR. FINNERTY: Second.

MR. FUTULES: --- candidate.

PRESIDENT DEFAZIO: Under remarks? Seeing none, all those in favor signify by saying aye.

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. Unfinished Business. Committee on Public Works, second reading. 9065-15.

MR. CATANESE: An Ordinance approving the sale of approximately 2.2508 acres of County property located on Library Road in the municipality of Bethel Park, Pennsylvania, 15102 identified as Lot and Block Number 392-F-225 and 392-F-175 and collectively known as the Department of Public Works District 5 Warehouse, for the sale price of \$325,000 to First Link of Pennsylvania, LP, a Pennsylvania Limited Partnership. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Okay. This is ---.

MR. FINNERTY: Be ---.

PRESIDENT DEFAZIO: Yeah.

MR. MACEY: Thank you, Mr. President and members of Council. Our Public Works Committee met on August 19th on this particular bill, and it was sent to the full Council with affirmative recommendation. Therefore, I make a motion to accept 9065-15.

MS. MEANS: Mr. President?

PRESIDENT DEFAZIO: Under remarks, seeing none we'll ---.

MS. MEANS: Mr. President?

PRESIDENT DEFAZIO: Yeah.

MS. MEANS: I'd just like to comment. This warehouse is in my district, and I definitely feel that this is a good move to get this property, sell it to a developer, have them build on it and have it put on the tax rolls. Unfortunately, the warehouse sits --- placed upon this property has fallen into disrepair. It would cost a lot of money to fix it, and we haven't been using the warehouse for a couple of years. And so I definitely am supportive of this. And I spoke to members of the municipality and Council members and they're all in favor of this as well. Thank you very much.

PRESIDENT DEFAZIO: Representative Ellenbogen and Finnerty?

MR. FINNERTY: I just want to say this will put it back on the tax rolls; correct?

MS. MEANS: Yes.

MR. FINNERTY: Thank you.

PRESIDENT DEFAZIO: Go ahead, Representative Ellenbogen.

MR. ELLENBOGEN: Thank you, Mr. President. I just wanted to say for the public that this warehouse was under me in the '90s when I was Chief of Special Services in the County. It was in disrepair then. At that time we tried to get rid of it. It sits right on 88 and --- the business district on one end and the neighborhood on the other. It's far, far beyond its use. Getting it back on the tax rolls --- and there's also the fact that there are a lot of, you know, dump trucks and things that were coming out of there. It's not good for the neighborhood. It's not good for the business district.

So like I said, 20 years ago we tried to get rid of this warehouse because it wasn't good for the County. And I applaud the County Manager for being able to do something we couldn't do back then. Thank you.

PRESIDENT DEFAZIO: Go ahead, Sue.

MS. MEANS: Just one more quick thing. I want to commend the Economic Development Department because originally we only had one person build (sic) on the property and they offered us, I believe, \$225,000 so they were able to go to negotiations and get more money for the property. So thank you to Economic Development. Hats off. Thank you.

PRESIDENT DEFAZIO: Let's have a roll call vote.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green Hawkins?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Ms. Klein?

MS. KLEIN: Yes.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

(No response.)

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 13; no's zero. The bill passes.

PRESIDENT DEFAZIO: Liaison Reports.  
Representative Macey.

MR. MACEY: Thank you, Mr. President and members of Council. I just want to remind everybody that the Mon-Yough Area Chamber of Commerce will be having its

Fifth 5th Annual Tour de Mon. It's a bicycle run. Either you can go from the Munhall pump house, you can go to Pittsburgh or you can go on down to the Boston area of Versailles. The telephone number for those that want to get involved is 412-678-2450. That's 412-678-2450. And it will be held Saturday, September 26th at the pump house in Munhall. Thank you.

PRESIDENT DEFAZIO: Representative Finnerty.

MR. FINNERTY: Thank you, Mr. President. Our Park Ranger Program has a few things going on in the park, the North Park, August 29th at 10:00 a.m. to 12:00 noon at the Orchard Lawn Shelter. It's what lives in the water. And one of the comments here is dress to get wet. So if you're going to be there, dress to get wet.

Settlers Cabin Park, August --- what date is it? This is over. Yeah.

So South Park, August 28th from 2:00 to 4:00 at the Grant Shelter, whose track is this? It's about animal track IDs, hiking and casting.

In White Oak, August 30th from 10:00 to 1:00 at the Administration building parking lot is Bioblitz.

So those are a few things that our Park Ranger Program is going to be doing.

Also, at Soldiers and Sailors on Monday, August the 31st at 7:00 p.m. is a salute to veterans. Rocky Bleier is going to be the host and the Pittsburgh Symphony Orchestra is going to be there. And there is a charge of \$15 for this program and \$10 for students.

Penn State Center, engaging Pittsburgh. It's an outreach and extension. They're having an open house at Penn State Center for Pittsburgh on Wednesday, September the 2nd. Now, this open house is something called the Energy Innovation Center, and the Energy Innovation Center is --- what was the name of that place up there, school?

MR. CATANESE: Connelley.

MR. FINNERTY: Connelley? Oh, okay, Connelley Trade. It's the old Connelley Trade Building which has been remodeled and there's a bunch of green different companies in it now. The open house is going to be from 5:00 to 7:00 p.m. and you're encouraged to be there. They're going to have some food stations, music and Penn State's Creamery ice cream is going to be there, so that should be an incentive to be there. That's delicious stuff.

And the last thing, Saturday, September the 19th is open house at ALSOSAN. And it's from 9:00 a.m. to 4:00 p.m., rain or shine, and don't get dressed up for this one. Just come in your old clothes.

PRESIDENT DEFAZIO: Representative ---

MR. FINNETY: Thank you.

PRESIDENT DEFAZIO: --- Klein?

MS. KLEIN: I'd like to invite the public to come to the Barbara Daly Danko Memorial Picnic and Softball Game in honor of her public service and love of softball. I am currently serving the remainder of Barbara's term who died while she was in office, and we are --- friends of Barbara Daly Danko are sponsoring a picnic on Sunday, September 13th, 1:00 to 5:00, rain or shine on the corners of Forbes and Braddock in Frick Park. So everyone is invited and you don't have to pay to play.

MR. FINNETY: I like that.

PRESIDENT DEFAZIO: Okay. All right. New --- okay, Representative Heidelbaugh.

MS. HEIDELBAUGH: Thank you. Is this on? Excuse me. There is a law in place that requires that Allegheny County put two percent as a set aside from publicly-funded projects. And I have been requesting the amount of the Council appropriation and the construction. And so I received an e-mail from Adam Lentz from the administration on Friday, August 21. And it appears that Round Hill Pond was restored in the amount of \$75,000 which would have produced a set aside of \$1,500. The Hemlock Wedding Pavilion was --- appropriated \$200,000 which would have put a set aside of \$4,000. And the White Oak field renovation at \$125,000 for a total of \$400,000 and a two percent set aside of \$8,000. Since the enactment of this law, none of the set aside has been used for public art, and we are currently in violation of that law. But I did get that information.

I'm also requesting --- Mr. Szymanski is assisting me in the request from the administration. I'm going to want all of the appropriations since this law was enacted that have not --- all the appropriations in which there should have been a set aside and there has not been.

In addition, we all learned this week that approximately \$33,000 was spent to rid the 9-1-1 headquarters for one bedbug. And I'm hopeful that that mistake will not be made again, and that the advice of

entomologists will be looked at before we waste that sort of money.

And I did receive a complaint from a constituent, Barb Grover, who asked Terri Klein, myself and Mr. DeFazio to vote against Mr. Futules' change of the 90 Day proposal. And she is from Wilkins Avenue.

PRESIDENT DEFAZIO: Okay. Next we'll go on with 9136-15.

MR. CATANESE: An Ordinance of the County of Allegheny County, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 311, entitled "Official Actions of County Council," Section 5-311.04 entitled "Consideration," in order to clarify the applicability of the law of Allegheny County as it relates to the consideration of ordinances and resolutions by County Council. Sponsored by Council Member Futules.

PRESIDENT DEFAZIO: That'll go into Government Reform Committee unless Nick has a sentence.

MS. HEIDELBAUGH: I have ---.

MR. FUTULES: Yes.

PRESIDENT DEFAZIO: Wait a minute.

MR. FUTULES: I think some folks maybe misunderstand my intent, but let me just say that on August the 18th I stood before the Government Review Commission and talked about how the 90 Day Rule had some issues. I went home that evening, and I realized why should we wait for the Commission to tell us what to do based on when we can fix it ourselves?

Fifteen (15) years ago this ordinance was put into place and that's before County Council even had committees. We've evolved over 15 years ---

MS. HEIDELBAUGH: Point of order.

PRESIDENT DEFAZIO: Wait a minute.

MR. FUTULES: --- and I think the Committee process has done a great job.

PRESIDENT DEFAZIO: Wait. Hold it.

MR. FUTULES: May I have the floor?

PRESIDENT DEFAZIO: Point of order. What's your point.

MS. HEIDELBAUGH: There's a longstanding history of the President not allowing a conversation like this upon the introduction of an ordinance.

MR. FUTULES: I'm just trying to introduce the ordinance. I was told to do that.

PRESIDENT DEFAZIO: Hold it. Hold it.  
Everybody stop. Nick, try to make a brief statement, and then we'll put it in committee.

MR. FUTULES: Yeah, I'm just trying to --- I'm not going to the merits of the bill at all.

I lost my place. Thank you.

Basically, I feel this bill needs updated and I believe that our Council has the opportunity to weigh in on the changes that need to be made to the 90 Day Rule because right now there's no remedy. And I think we'll have that discussion in committee, hopefully, tomorrow. Thank you.

PRESIDENT DEFAZIO: Okay. That's going into Government Review so that'll be discussed tomorrow.  
9137-15.

MS. HEIDELBAUGH: I have a question.

PRESIDENT DEFAZIO: Yes.

MS. HEIDELBAUGH: You're putting this into Government Reform?

PRESIDENT DEFAZIO: Yeah.

MS. HEIDELBAUGH: And it's going to be reviewed tomorrow?

PRESIDENT DEFAZIO: Yeah.

MS. HEIDELBAUGH: Is that adequate notice?

PRESIDENT DEFAZIO: Yeah. Here's the --- let me explain. I'm not getting into a big argument. We're not going to be fighting over anything here.

Number one, long before we have a --- Commission start talking here --- I said it and some people said it's not going to happen. I said, look, I'm going to start with my committee, and we're going to --- I'm going to try and wrap this all up. A lot of these issues was in there before I was even here. I sent out a memo telling everybody send me your issues which was most important. Well, the only person that answered was Heather and Bill Robinson, but they never showed up for the meeting. No one else said anything. I did this again for the second time and I said, look, I want to start wrapping these things up. Send me in your issues. Heather was the first one, and she sent in issues. The only other one that sent in something was Nick. His is similar to hers so what I'm going to do is being that they're both similar, I'm going to discuss them both tomorrow. Yes. And I'll ask our Solicitor is that proper to do that?

MR. CAMBEST: It's proper under our rules. I don't know what notice you're referring to, Heather.

MS. HEIDELBAUGH: Well, this is --- the notice I'm asking about, Jack, is this is appearing for the first time for the public this evening. It's just been put into committee. It's 5:55, and tomorrow will be less than 24 hours that the public will have the opportunity to appear and to hear the discussion. So it's less than 24-hours.

MR. CAMBEST: I mean, I notice we had five public comments already this evening. I assume notice went out to the public somehow. There is a 24-hour notice only in our rules of Council. That's the only item. But as Mr. DeFazio has said, my understanding is you have a bill. It is in Council. This is an amendment to that bill.

MS. HEIDELBAUGH: No.

MR. CAMBEST: Well, ---.

MR. FUTULES: No.

MR. CAMBEST: Is it a completely totally new piece of legislation?

MR. FUTULES: Yes.

MR. CAMBEST: Then do you believe ---?

PRESIDENT DEFAZIO: The issues are basically ---.

MR. CAMBEST: They're basically the same. I looked ---.

PRESIDENT DEFAZIO: They're basically the same.

MS. HEIDELBAUGH: No. It's a totally different ---.

PRESIDENT DEFAZIO: He has things added to it which could be discussed and could be even eliminated tomorrow or even he could drop it if he wants. Okay? The idea ---.

MR. CAMBEST: As I understand it, there's not public comment at the committee meeting.

PRESIDENT DEFAZIO: Right.

MS. HEIDELBAUGH: No, ability to attend. The citizens of Allegheny County may want to know that the ability of citizens to introduce legislation will be ripped from them tomorrow. They might want to know that and be able to attend.

MR. CAMBEST: And this will come back to Council also ---

PRESIDENT DEFAZIO: At the next meeting.

MR. CAMBEST: --- for a second reading.

MR. FUTULES: Mr. Cambest, if it's a 24-hour notice because, our meeting is not until tomorrow until six o'clock. It's not six o'clock. We're within the 24 hours.

MR. CAMBEST: If you're talking about that technical procedure, you're correct. I just assumed that since we had five individuals on here that this has been out to the public somehow.

MR. FUTULES: I mean, she's made a point about the 24-hour rule. I'm looking at the clock ---.

MR. CAMBEST: I understand.

MR. FUTULES: It's not 6:00 yet.

MR. CAMBEST: I understand. I'm trying not to be hyper-technical, but you are being hyper-technically correct. Yes.

MS. HEIDELBAUGH: I have a second question, Mr. President.

PRESIDENT DEFAZIO: What's the second question?

MS. HEIDELBAUGH: This bill is being introduced today at 5:55 by Mr. Futules. I have about 15 bills that went to Government Reform that have never been placed on the agenda.

PRESIDENT DEFAZIO: Stop. Stop. You had a lot of issues. Okay? All right. And I said we're going to get your issues first. Okay? But his is the same thing as yours. There's a little change in it. Okay? All right? So being that he was the only other person that sent in that he wants to have something heard, I'm putting them both together. Is there something illegal about that?

MS. HEIDELBAUGH: No, I'm wondering about ---

MR. CAMBEST: No.

MS. HEIDELBAUGH: --- my other bills that have been sitting ---

PRESIDENT DEFAZIO: Well, they're coming up. We're going to do them.

MS. HEIDELBAUGH: --- for a few years. I just want to know, for the public, why does --- Mr. Futules' bill which is introduced now, why is that going to hear tomorrow when my other bills have been sitting there for two years?

PRESIDENT DEFAZIO: Because it's the 90 Day Rule issue. And that's the last of the talking back and forth. Let's move on. 9137-15.

MS. MEANS: Point of order.

PRESIDENT DEFAZIO: What's your point?

MS. MEANS: Well, thank you for recognizing me. I feel like that what's your point wasn't real polite or respectful, but I'll move on from that. You know, we've had this conversation many times before. You set the agenda 24 hours ahead of time. This agenda is sent out. You're told there's going to be a meeting ---.

PRESIDENT DEFAZIO: Sue, stop. We already went through the solicitor. Okay? And he said we could do it. If he says we couldn't do it, I wouldn't do it. So let's don't beat a dead horse here. That's it with that issue. We're moving on. 9137-15.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the conveyance of the County of Allegheny's interest in one (1) parcel, known as Block 40-G as in George, Lot 315, hereinafter called the "Parcel", currently owned by Allegheny County and the City of Pittsburgh to the Urban Redevelopment Authority. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go into Economic Development. 9138-15.

MR. CATANESE: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2015, Submission 08-15. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go into the Budget and Finance. 9139-15.

MR. CATANESE: Motion of the Council of Allegheny County authorizing the President of Council to conduct public hearings pursuant to Section 801.05 of the Administrative Code on Tuesday, October 27th, at 5:00 p.m., Wednesday October 26th at 5:00 p.m. and Thursday, October 29th at 5:00 p.m. in the Gold Room of the Allegheny County Council Courthouse. The President shall preside over the hearing or appoint a presiding officer. Sponsored by Council Member Finnerty.

PRESIDENT DEFAZIO: Representative Finnerty?

MR. FINNERTY: Yes. I'd like to make a motion to accept this and also pass out a memorandum after we get a second.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks?  
Representative Ellenbogen?

MR. ELLENBOGEN: I just wanted to say, if I may, to offer the condolences to the Honorable --- passing of Charles McLaughlin who served the 19th Ward as the District Justice for the past 30 years. He was great guy and he was really a neighborhood judge and, you know, he's going to be sorely missed. And on behalf of this Council, I would like to offer his family our condolences. Thank you.

PRESIDENT DEFAZIO: All right. We had a second. Is there any other remarks under Representative Finnerty's? Seeing none, we'll have a voice vote. All those in favor signify by saying aye.

(Ayes respond.)

PRESIDENT DEFAZIO: Those opposed? The ayes have it. Public Comment.

MR. FINNERTY: One second. We have to get the memorandum out.

PRESIDENT DEFAZIO: Okay.

MR. FUTULES: I've got a ---.

PRESIDENT DEFAZIO: You got to wake up. Let's go, buddy. Let's go.

MR. FINNERTY: Well, wait until this is out. If you take a look at this, I think it's self-explanatory so I'm not going to read the dates off. You can look through it, and if you do have any questions, we have a budget meeting tomorrow so I'll gladly answer those questions at that time. And I'd like to say that we have three things on the budget meeting. One is Councilwoman Heidelbaugh's freeze, and the other one is --- Ms. Means' legislation is also on it, in addition to some grants that are on there. So that's tomorrow at 4:00 o'clock.

PRESIDENT DEFAZIO: Representative Futules?

MR. FUTULES: Yes. Mr. DeFazio, I'd like to make a motion, the reason, to hire an administrative assistant in our office

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, we've made the motion and a second. All those in favor, signify by saying aye.

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.

MR. FINNERTY: If I could make ---?

PRESIDENT DEFAZIO: Go ahead.

MR. FINNERTY: I'd like to thank our staff, our directors, for going through all of the resumes and

everything and giving us five really super, super candidates that we had to make a choice on. So I thank you very much for all your work.

PRESIDENT DEFAZIO: At this time, we have one speaker, David Adams.

MR. CATANESE: He's not here.

PRESIDENT DEFAZIO: Not here? Does someone want to make a motion to adjourn?

MR. ELLENBOGEN: I'll make a motion.

PRESIDENT DEFAZIO: Anyone second it?

MR. MACEY: Second.

PRESIDENT DEFAZIO: All those in favor signify by saying aye?

(Ayes respond.)

PRESIDENT DEFAZIO: Those opposed? The ayes have it. Meeting adjourned.

MEETING ADJOURNED AT 6:03 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.

  
Court Reporter

Juliette Hoffman