

February 24, 2015

ERIE COUNTY COUNCIL – Regular Meeting

Fiore Leone, Chairman, called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Courthouse, County Council Chambers, Erie, PA. Following the Pledge of Allegiance, Mr. Smith took the roll:

ROLL CALL

Members Present: Mr. DiMattio
Mr. Fatica
Dr. Foust
Mr. Horton
Mrs. Loll
Mr. Leone

Members Absent: Mr. Breneman

Also Present: Joseph Maloney, CPA
Sue Ellen Pasquale, General Accounting Manager
James Sparber, Finance Director
Gary Lee, Director of Administration

**PRESENTATION
OF PLAQUE**

Mel Witherspoon, City Councilman, presented a plaque to Erie County Detective Mark Rosenthal for his outstanding community policing and many contributions to a safe environment for families participating in Spoon's Summer Basketball League at the Courts on East 19th Street in Erie.

**HEARING OF
THE PUBLIC**

Randy Barnes, Harborcreek Township; Mr. Barnes spoke about economic development accountability. He stated that the previous city of Erie economic development director spent about \$1.5 million on property downtown, left that position, and this week the property was sold for about \$400,000. He is concerned that this could happen with the money the County loaned DevelopErie to purchase property. He commented that DevelopErie is supposed to report to Council quarterly and Council then approves the on-going plan prior to December 1st each year. He further commented that he did not believe that Council gave any agreement on or before December 1, 2014, of the plan that nearly \$7 million has been spent on. Mr. Barnes felt that the procedures are in place for no one to be surprised with the quarterly reports that are supposed to be given and Council approval of a plan prior to December 1st each year. He implored Council to follow the agreement, have the new CEO give a report on the Inland Port Project to Council, and be advised as to how those plans are progressing.

Jim Wise, Mr. Horton's district; Mr. Wise commented that according to the latest iteration of what the Constitution says about prayer by government bodies, it's okay for Council to have prayer as long as certain things are not said or done, and as long as Council is inclusive in that practice. He felt that toleration, permission, and even encouragement of Mrs. Loll's practice of public prayer places a burden on Council to take a proactive role to make it inclusive. He stated that he felt whatever a fellow human wants or needs to believe to make their life more meaningful is okay, at least until people start harming each other because of their beliefs. Mr. Wise supports whatever is

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done outside of the courthouse to make others appreciate what Mrs. Loll believes, but felt that she is a government official who speaks for the government. He further commented that preachments from a government post are offensive because it degrades her position of governmental power, and that it is an abuse of that power. He implored Mrs. Loll to stop.

APPROVAL OF MINUTES

Dr. Foust moved to approve the minutes from the February 10, 2015 Regular Meeting. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

FINANCE COMMITTEE REPORT

Dr. Foust, Vice Chair of the Finance Committee, stated that the Finance Committee met on Thursday, February 19, 2015, and agreed to move Ordinances 20 through 26, 2015, along with two possible board appointments, to the agenda.

PERSONNEL COMMITTEE REPORT

Mr. Horton stated that the Personnel Committee met immediately following the Finance Committee meeting on February 19, 2015, and agreed to move Ordinance Number 27, 2015 to the agenda.

OTHER REPORTS

Mrs. Loll read the following prayer: “We are longing for a more centered world, one that we can live in harmony. We are yearning for what is good and acceptable in our lives, a beauty in life. Lead us so we can let go of that which pulls us from knowing right and wrong. Give us resolution to excel in kindness and walk gently on the earth. Never stop reminding us of the glory and beauty in our existence. Lord guide and empower us to become committed to our responsibilities and work toward what we are longing for. Amen.”.

Mr. DiMattio commented that Mr. Wise and the others who are so concerned about Mrs. Loll’s prayer and how it may interfere with the business dealings of County Council never stay for the business of County Council. The free speech that Mr. Wise so eloquently spoke about, that free speech is afforded to elected officials as well as it is to the general public. If Mrs. Loll or anyone else on Council wishes to pray or make any other comments, that is perfectly legal and he has no issue with it. Free speech doesn’t mean that one person’s opinion is more worthy than another person’s opinion. It’s called free speech for a reason.

MOTION TO AMEND AGENDA

Dr. Foust made a motion to amend the agenda and move Ordinances 20 through 27, 2015, to second readings, pull the possible reappointment of David Ciacchini to the Erie County Convention Center Authority pending further discussion, and add the reappointment of Bruce Whitehair to the Erie County Convention Center Authority. This was seconded by Mrs. Loll and carried in a unanimous roll call vote.

NEW BUSINESS

**Ord. 20, 2015 –
Library SA &
Creation of Line
Item**

Mr. Smith gave a second reading of Ordinance Number 20, 2015, “First Library Supplemental Appropriation of \$100 and Creation of *Service Fees* Line Item for Inter-Library Loan Fees”. This was moved by Mr. DiMattio, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

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**Ord. 21, 2015 –
Gen. Fund SA of
\$8,250 for Erie Ins.
Property Appraisal**

Mr. Smith gave a second reading of Ordinance Number 21, 2015, “Eleventh 2015 General Fund Budget Supplemental Appropriation of \$8,250 for Erie County portion of Erie Insurance Property Appraisal”. This was moved by Mr. DiMattio, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Ord. 22, 2015 – OCY
Rev. Exp. For Fees
& Svcs. Line Item
For Employee
Clearance Exp.**

Mr. Smith gave a second reading of Ordinance Number 22, 2015, “2015 Children & Youth Services Fund Budget Revised Expenditures for Creation of *Fees & Services* Line Items for Employee Clearance Expense”. This was moved by Mr. DiMattio, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 23, 2015 –
HealthChoices
Rev. Exp. For
Fees & Svcs. Line
For Emp. Clearance
Expense**

Mr. Smith gave a second reading of Ordinance Number 23, 2015, “2015 HealthChoices Fund Budget Revised Expenditures and Creation of *Fees & Services* Line Items for Employee Clearance Expense”. This was moved by Mr. DiMattio, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Ord. 24, 2015 –
D&A Rev. Exp.
For Fees & Svcs.
Line for Emp.
Clearance Exp.**

Mr. Smith gave a second reading of Ordinance Number 24, 2015, “2015 Drug & Alcohol Fund Budget Revised Expenditures for Creation of *Fees & Services* Line Items for Employee Clearance Expense”. This was moved by Mr. DiMattio, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Ord. 25, 2015 –
MH/ID Rev. Exp.
For Fees & Svcs.
Line for Emp.
Clearance Exp.**

Mr. Smith gave a second reading of Ordinance Number 25, 2015, “2015 Mental Health/Intellectual Disabilities Fund Budget Revised Expenditures for Creation of *Fees & Services* Line Items for Employee Clearance Expense”. This was moved by Mr. DiMattio, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Ord. 26, 2015 –
PRM Letter of
Credit**

Mr. Smith gave a second reading of Ordinance Number 26, 2015, “An Ordinance of the County of Erie, Pennsylvania (The “County”) Authorizing and Directing the Execution and Delivery of a Guaranty Agreement for the Benefit of Pleasant Ridge Manor (“Pleasant Ridge”) and Compliance with the Provisions Thereof and Incurring Nonelectoral Debt Thereby; Approving a \$700,000 Letter of Credit Agreement from Pleasant Ridge to PNC Bank, National Association; Directing the Proper Officers of the County to Take Necessary Actions; and Repealing all Inconsistent Ordinances”. This was moved by Mr. DiMattio and seconded by Mr. Fatica.

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Dr. Foust commented that this yearly letter of credit has never been drawn upon and he felt it was important to note that fact.

Ordinance Number 26, 2015, then carried in a unanimous roll call vote.

**Ord. 27, 2015 –
Gen. Fund SA
Of \$26,656 for
Court Reporter
Position**

Mr. Smith gave a second reading of Ordinance Number 27, 2015, “Twelfth 2015 General Fund Budget Supplemental Appropriation of \$26,656 to Fund Balance and Waiver of the Personnel Code for Change in Salary for Court Reporter Position”. This was moved by Mr. Horton, seconded by Mr. DiMattio, and carried in a unanimous roll call vote.

**BOARD/AUTHORITY
APPOINTMENTS**

Dr. Foust moved to appoint Joseph Hilbert to an unexpired term on the Erie County Convention Center Authority to represent Mr. Breneman’s district. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

Mr. DiMattio moved to reappoint Bruce Whitehair to the Erie County Convention Center Authority to represent Mr. DiMattio’s district. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

There being no further business, the meeting adjourned at 7:24 p.m.

Deneé M. Breter, Council Secretary
