

AGENDA
Erie County Council

WATCH A MEETING ON
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André R. Horton, Chairman
Jay Breneman, Vice Chairman
Edward T. DiMattio, Jr.
Kathleen Fatica
Dr. Kyle Foust
Fiore Leone
Carol Loll

REGULAR MEETING

Tuesday, June 28, 2016

6:30 P.M. - Council Caucus
7:00 P.M. – Council Meeting

**Asbury Woods
4105 Asbury Road
Erie, PA 16506**

1. **PLEDGE OF ALLEGIANCE**
2. **OPTIONAL PRAYER OR INVOCATION**
3. **ROLL CALL**
4. **PRESENTATION OF CITATION TO YOUTH LEADERSHIP INSTITUTE OF ERIE & STUDENT AMBASSADOR LEADERSHIP TEAM**
5. **HEARING OF THE PUBLIC**
 - A. Randy Barnes – GEIDC Concerns
 - B. Larry Berrin – President/CEO, Asbury Woods Partnership, Inc.
 - C. Matthew Exley – Coordinator, Millcreek EMS
6. **MINUTES FROM PREVIOUS MEETING**
 - A. May 31, 2016 – Regular Meeting
7. **REPORTS OF COUNTY OFFICIALS**
 - A. County Executive and/or her Designee
 - B. Finance Committee – Dr. Foust
 - C. Personnel Committee – Mr. Breneman
 - D. Other

8. **OLD BUSINESS**

- A. Second Reading of Ordinance Number 37, 2016, “2016 General Fund Budget Waiver of the Purchasing Code to Sell Property ID #14-010-045.0-409.00 and #14-010-045.0-408.00”. (Finance Committee)

9. **NEW BUSINESS**

- A. First Reading of Ordinance Number 45, 2016, “Second 2016 Library Fund Budget Supplemental Appropriation of \$3,500 for Donations for Equipment and Collections for Heritage Room & Supplies for Children’s Programs”. (Finance Committee)
- B. First Reading of Ordinance Number 46, 2016, “Third 2016 Library Fund Budget Supplemental Appropriation of \$13,000 for Donations from Friends of the Library”. (Finance Committee)
- C. First Reading of Ordinance Number 47, 2016, Fourth 2016 Library Fund Budget Supplemental Appropriation of \$52,328 for 2015 Funds Carried Over Due to State Budget Impasse”. (Finance Committee)
- D. First Reading of Ordinance Number 48, 2016, “2016 General Fund Budget Revised Revenue & Expenditures of \$9,750 for Byrne Justice Assistance Grant Program”. (Finance Committee)
- E. First Reading of Ordinance Number 49, 2016, “Twentieth 2016 General Fund Budget Supplemental Appropriation of \$11,480 for PCCD Trauma Related Services Grant”. (Finance Committee)
- F. First Reading of Ordinance Number 50, 2016, “2016 Public Safety Fund Budget Revised Expenditures of \$45,207 and Creation of New Line Items for Per Diem Staff”. (Personnel Committee)
- G. First Reading of Ordinance Number 51, 2016, “2016 General Fund Budget Approval of Starting Salary for Director of Veterans Affairs”. (Personnel Committee) **(SEE ATTACHED)**
- H. Possible Adoption of Resolution Number 27, 2016, “Approving the Appointment of Deputy Tax Collector in LeBoeuf Township”. (Finance Committee)

- I. Possible Adoption of Resolution Number 28, 2016, “A Resolution Extending the Term of Exemptions, Deductions, Abatements and Credits for Real Property, Earned Income Tax, Net Profits Mercantile, and Business Privilege Taxes Within a Specific Geographic Area in Erie County Designated As a Keystone Opportunity Expansion Zone (KOEZ) or Keystone Opportunity Improvement Zone (KOIZ) in Order to Foster Economic Opportunities, Stimulate Industrial, Commercial, and Residential Improvements and Prevent Physical and Infrastructure Deterioration within Areas of Erie County, Commonwealth of Pennsylvania, Upon Certain Terms and Conditions”. (Finance Committee) **(SEE ATTACHED)**
- J. Possible Adoption of Resolution Number 29, 2016, “Authorization to File Application for Funds with the Pennsylvania Department of Community and Economic Development Emergency Shelter Grant Program, in the Commonwealth of Pennsylvania”. (Finance Committee)
- K. Possible Adoption of Resolution Number 30, 2016, “In Vigorous Support of the Veterans Education Center Project on the National Mall, Washington, D.C.”. (Finance Committee)
- L. Possible Adoption of Resolution Number 31, 2016, “Resolution of Erie County to Withdraw from the EMTA as a Member Municipality”. (Finance Committee) **(SEE ATTACHED)**
- M. Possible Adoption of Resolution Number 32, 2016, “Resolution to Challenge the Tax Exempt Status of Millcreek Community Hospital”. (Finance Committee) **(SEE ATTACHED)**
- N. Possible reappointment of Elspeth Koehle to a first full three-year term on the Erie County Library Board, representing Mr. Horton’s District. (Finance Committee)
- O. Possible reappointment of Mary Scutella to a second three-year term on the Erie County Library Board, an at-large appointment of the County Executive. (Finance Committee)

P. Possible Sale of Parcels from Repository for Unsold Property at Index Numbers:

03-003-005.0-018.30
33-016-019.1-268.52
45-029-050.1-007.64
50-002-040.0-003.00

10. **ADJOURNMENT**

ORDINANCE NUMBER 51, 2016

**2016 General Fund Budget Approval Of Starting Salary For
Director Of Veterans Affairs**

BE IT ENACTED by the County Council of the County of Erie pursuant to Article II Sections 3B (1) and 3B (2) (d) of the Erie County Home Rule Charter, that the starting salary of the Erie County Director of Veteran's Affairs is hereby approved as outlined on the attached Exhibit A.

This ordinance shall be effective July 15, 2016.

COUNTY COUNCIL OF THE
COUNTY OF ERIE, PENNSYLVANIA

Attest:

Douglas R. Smith
County Clerk

André R. Horton, Chairman

Date: _____

Jay Breneman, Vice Chairman

Edward T. DiMattio, Jr.

Approved by:

Kathy Fatica

Kathy Dahlkemper,
County Executive

Dr. Kyle Foust

Date: _____

Fiore Leone

Carol J. Loll

Exhibit A
2016 General Fund Budget
Approval of Starting Salary for Director
of Veteran's Affairs

Effective July 15, 2016

Change from:

Title	Grade	Position Number	2016 Wages	Annual Salary	Hourly Rate
Director of Veterans Affairs	M-II	005200-003	44,508	44,508	22.82

To:

Title	Grade	Position Number	2016 Wages	Annual Salary	Hourly Rate
Director of Veterans Affairs	M-II	005200-003	20,625	55,000	28.21
Total Change			<u>(23,883) 10,492</u>		

RESOLUTION NUMBER 28, 2016

A Resolution Extending The Term Of Exemptions, Deductions, Abatements And Credits For Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Erie County Designated As A Keystone Opportunity Expansion Zone (“KOEZ”) Or Keystone Opportunity Improvement Zone (“KOIZ”) In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Erie County Commonwealth Of Pennsylvania, Upon Certain Terms And Conditions

WHEREAS, Erie County, Pennsylvania recognizes the need to encourage investment in a defined geographical area of Erie County bounded as follows (the “Extended Parcel”): (meets and bounds description of area to be extended or may be made an attachment in which case the Resolution would read “ *as set forth in Attachment ‘A’*”) that is experiencing distress characterized by one or more of the following: high unemployment, low investment of new capital, blighted conditions, underutilized, obsolete or abandoned industrial commercial and residential structures, deteriorated tax base; and

WHEREAS, the Extended Parcel consists of an unoccupied portion (s) of a KOEZ or KOIZ within Erie County which KOEZ or KOIZ expires December 31, 2018; and

WHEREAS, the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (Act of October 6, 1998, P.L. 705, No. 92), as amended, hereinafter referred to as the “Act,” authorizes political subdivisions to apply to the Pennsylvania Department of Community and Economic Development (DCED) for an extension of the term of the applicable benefits within the respective unoccupied portion(s) of the KOEZ or KOIZ, granting exemptions, deductions, abatements or credits from all local taxes identified in the Act; and

WHEREAS, approval of extending the term of the benefits for the Extended Parcel as provided in the Act will result in improving the economic, physical, and social conditions within the subject KOEZ or KOIZ by stimulating existing businesses employment, creating new employment and diminishing blight; and

WHEREAS, it is expected that increased private and public-sector investors will reverse the disinvestment and conditions of blight of the Extended Parcel by the termination date of the extended term.

RESOLUTION NUMBER 28, 2016

A Resolution Extending The Term Of Exemptions, Deductions, Abatements And Credits For Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Erie County Designated As A Keystone Opportunity Expansion Zone (“KOEZ”) Or Keystone Opportunity Improvement Zone (“KOIZ”) In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Erie County Commonwealth Of Pennsylvania, Upon Certain Terms And Conditions

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Erie that effective as of this date June 28, 2016, contingent only upon DCED’s approval of the application for the proposed term of the Extended Parcel of the existing KOEZ or KOIZ:

For a period of 10 years from the date of occupancy of the Extended Parcel or expiration of the KOEZ/KOIZ, whichever occurs first as determined by the Department. The following provisions shall apply to the extended term once the Parcel is occupied:

1. Real Property Tax on the Extended Parcel is 100% exempt, such exemption to terminate December 31, 2018.
2. The following shall be exempt, in accordance with the provisions and limitations set forth within the Act, relative to the Extended Parcel:
 - a. Business gross receipts tax for operations conducted by a Qualified Business within the Extended Parcel.
 - b. Business privilege tax.
 - c. Tax on the earned income received by a resident of the Extended Parcel.
 - d. Tax on the net profits of a Qualified Business attributable to business activity conducted within the expansion zone
 - e. Mercantile license tax attributable to business activity by a Qualified Business conducted within the Extended Parcel.
 - f. Tax on occupancy or use within the Extended Parcel
 - g. Sales and use tax (for purchases used and consumed by a Qualified Business within the Extended Parcel)

Benefits to begin on January 1, 2019 and to end on December 31, 2028.

RESOLUTION NUMBER 28, 2016

A Resolution Extending The Term Of Exemptions, Deductions, Abatements And Credits For Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Erie County Designated As A Keystone Opportunity Expansion Zone (“KOEZ”) Or Keystone Opportunity Improvement Zone (“KOIZ”) In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Erie County Commonwealth Of Pennsylvania, Upon Certain Terms And Conditions

3. The provisions of the Act not herein enumerated, shall, nevertheless, be incorporated as part of this Ordinance by reference.
4. This resolution shall be effective upon execution; conditioned upon the execution of similar resolutions by the other municipal taxing bodies, and approval by DCED of the application.

BE IT FURTHER RESOLVED by the County Council of the County of Erie, Pennsylvania, this 28th day of June, 2016.

APPROVED BY:

André R. Horton, Chairman
Erie County Council

Kathy Dahlkemper,
County Executive

Date:_____

ATTEST:

Douglas R. Smith
County Clerk

Date:_____

RESOLUTION NUMBER 31, 2016

**Resolution of Erie County to
Withdraw from the EMTA as a Member Municipality**

WHEREAS, on September 14, 1966, the County of Erie and the City of Erie, as member municipalities, jointly incorporated and established the Erie Metropolitan Transit Authority under the Municipal Authorities Act, as amended, Act of 2000, June 19, P.L. 287, No. 22, Section 1 (53 Pa.C.S.A. § 5604), hereinafter, the "Act"; and

WHEREAS, the term of existence of the Erie Metropolitan Transit Authority, hereinafter "EMTA" is set to expire on September 14, 2016; and

WHEREAS, over the past fifty (50) years, the demographics of the County of Erie have significantly changed, the population of the City of Erie has steadily declined, the populations of Millcreek and Harborcreek Townships has steadily increased, business and economic development has spread beyond the city limits while the City of Erie has controlled the EMTA by confining its transportation services, endeavors and potential to the City of Erie; and

WHEREAS, over the past twenty five (25) years, the County of Erie has made significantly more contributions to the EMTA than the City of Erie without a corresponding benefit to the municipalities located outside the City of Erie; and

WHEREAS, the County of Erie has signified its desire to acquire the assets and assume the obligations of the EMTA and, in so doing, requested the EMTA to cooperate with the transfer of its assets to the County of Erie; and

WHEREAS, the County has disputed the City's control of the EMTA, the City of Erie has refused to meet with the County, the County has signified its intention to withdraw unless an agreement is reached with the City of Erie by June 30, 2016 and no agreement has been reached between the County of Erie and the City of Erie;

NOW THEREFORE, pursuant to the Municipal Authorities Act, Act of 2001, June 19, P.L. 287, No. 22, Section 1, as amended (53 Pa.C.S.A. § 5604), County Council of the County of Erie does hereby direct the publication of Notice of Erie County's intent to withdraw from the EMTA as a member municipality one time in the Erie County Legal Journal and Erie County Times News and, not less than three (3) days after publication of the Notice, does hereby authorize and direct the completion and filing of the Application to Withdraw from the EMTA with the Secretary of the Commonwealth.

RESOLUTION NUMBER 31, 2016

**Resolution of Erie County to
Withdraw from the EMTA as a Member Municipality**

On the motion of _____, seconded by _____, this resolution was passed on this 28th day of June, 2016 by a vote of _____ to _____.

COUNTY COUNCIL OF THE
COUNTY OF ERIE, PENNSYLVANIA

Attest:

Douglas R. Smith
County Clerk

André R. Horton, Chairman

Date: _____

Jay Breneman, Vice Chairman

Edward T. DiMattio, Jr.

Approved by:

Kathy Fatica

Kathy Dahlkemper,
County Executive

Dr. Kyle Foust

Date: _____

Fiore Leone

Carol J. Loll

RESOLUTION NUMBER 32, 2016

**Resolution to Challenge the Tax Exempt Status
of Millcreek Community Hospital**

WHEREAS, on May 21, 2012, Erie County entered into an Agreement with Millcreek Health System, Inc. and its affiliates, including Millcreek Community Hospital, hereinafter, "LECOM Health," in which Erie County agreed not to challenge the tax exempt status of the properties owned by LECOM Health for a five (5) year period in exchange of the sum of Five hundred thousand (\$500,000.00) Dollars; and

WHEREAS, the Agreement entered into between the County and LECOM Health is set to expire this December 31, 2016; and

WHEREAS, the County has intervened in three (3) separate cases pending in the Court of Common Pleas of Erie County in which LECOM Health has appealed several decisions of the Board of Assessment Appeals which denied LECOM Health's application for tax exemption of properties developed or acquired by LECOM Health subsequent to the Agreement entered into with the County on May 21, 2012; and

WHEREAS, the records, documents, tax returns and other information generated in connection with the capital and operating budgets of Millcreek Community Hospital are relevant to the above mentioned tax appeals filed by LECOM Health and pending in the Court of Common Pleas of Erie County; and

WHEREAS, LECOM Health, as well as Millcreek Community Hospital, notwithstanding their mission or purpose, are not institutions of purely public charity.

NOW THEREFORE BE IT RESOLVED, that the County of Erie shall file a Petition with the Board of Assessment Appeals to challenge the tax exempt status of Millcreek Community Hospital.

BE IT FURTHER RESOLVED, that Thomas S. Talarico, Esquire, on behalf of the County of Erie shall Petition the Board of Assessment Appeals to challenge the tax exempt status of Millcreek Community Hospital.

RESOLUTION NUMBER 32, 2016

**Resolution to Challenge the Tax Exempt Status
of Millcreek Community Hospital**

On the motion of _____, seconded by _____, this
resolution was passed on the 28th day of June, 2016 by a vote of _____ to _____.

COUNTY COUNCIL OF THE
COUNTY OF ERIE, PENNSYLVANIA

Attest:

Douglas R. Smith
County Clerk

André R. Horton, Chairman

Date: _____

Jay Breneman, Vice Chairman

Edward T. DiMattio, Jr.

Approved by:

Kathy Fatica

Kathy Dahlkemper,
County Executive

Dr. Kyle Foust

Date: _____

Fiore Leone

Carol J. Loll