

January 27, 2015

PUBLIC HEARING – Erie County Future Land Use

Fiore Leone, Chairman of Erie County Council, called the Public Hearing to Order at 6:03 p.m.

John McGranor of the Planning Department began with discussing the overview of the County's proposed land use plan. The current map was part of the comprehensive plan that was adopted in December of 2003. He noted that this particular map is not regulatory and did not have zoning or property lines. It is used primarily for policy making and planning purposes. The update is necessary because the Pennsylvania Planning Code mandates that as a County, the map gets reviewed and updated a minimum of every ten years.

Mr. McGranor further stated that, as mandated by the Pennsylvania Planning Code, the County is required to be consistent with the municipalities. There have been a lot of zoning changes in the municipalities. Of note is the Harborcreek Comprehensive Plan which also had corresponding zoning. That changed a lot of the map in the area. Fairview is currently going through that and just adopted a comprehensive plan in 2012. They are now putting the finishing touches on zoning that will support the plan. PEMA just updated its wet hazard areas statewide which also impacts the map. There are also changes in water and sewer areas that have been expanded as development and growth has occurred in various municipalities.

Regarding the process, Mr. McGranor explained that it started in September, 2013. All municipalities were notified that the County would begin the process. Follow up occurred by going to each municipality, reviewing its plans, put together a draft map, rolled that draft map out on an informal basis to one person from each municipality, generally the zoning officer or an elected official. Following the informal review, the Planning Department then made revisions after receiving input, and then formally rolled out the map for a 45 day review in July, 2014. This was rolled out to all municipalities, school districts, and all of the surrounding counties and school districts. There were a few minor comments that were taken care of and on September 11, 2014, the close of that period, a public meeting was held before the Planning Commission and a similar presentation was given. They voted as a group to recommend it to the County.

Mr. McGranor then explained the format of the map, which was pretty much identical to the 2003 map. All designated areas are essentially the same. There are five different areas, four of which are based on definitions by the Pennsylvania Municipalities Planning Code: Designated Growth Areas, which are areas that are currently served with public water and/or sewer; Future Growth Areas, areas which don't have public water and/or sewer, but municipalities are receptive to extending those services into those areas; Rural Resource Area, which are areas that it is encouraged that uses are compatible with rural resources, i.e. agricultural, forestry, rural residential. These areas don't exclude development, but less intensive use is encouraged; Village Areas are smaller lots with a mixture of residential and mixed use type of development; Conservation Areas – a subcategory of Rural Resource and consists of the PEMA identified flood hazard areas as well as state gamelands and national parks.

January 27, 2015
**Erie County Future
Land Use – Public
Hearing (cont'd)**

A member of the audience had asked if the map shown tonight is the exact same map that was presented at the September 11, 2014 meeting. Mr. McGranor stated that there were a couple of subtle differences because they had gotten comments in from the 45 day formal review. One change was in Springfield and he stated that they are in the process of a new comprehensive plan and they were leaning in between the expansion shown. The supervisors there gave the Planning Department a list of five or six different things that they wanted to see changed and those changes were implemented, including a future growth area, an expansion of future growth areas. There was also a ten acre parcel in the borough of Wattsburg where they actually had a landowner in the land preservation program and in order to be eligible, the borough was in favor of preservation of the parcel.

Mr. McGranor further noted that approximately 60-70% of the municipalities gave feedback in the initial rollout, and during the formal review, there were much fewer comments because issues were addressed at the informal level. He confirmed for the audience member that there was nothing received from Franklin Township. He further explained that as part of the zoning process for a municipality, they will send the County information on that change and ask for input, which is not binding, but upon review, the County will notify the municipality as to either yes, it corresponds with the map, or no it does not, and that is one main use for the map.

Another audience member asked if there were any significant changes in North East. Mr. McGranor stated that there was not any significant change, but seemed to recall that Susan Sprague did look at the map on an informal basis and talked with some of the water and sewer people out there. They sent the County maps so the changes that were made between the last one and this one is primarily based on the updated map and prospective water/sewer areas.

There being no further business, the Public Hearing was adjourned at 6:18 p.m.

Deneé M. Breter, Council Secretary

January 27, 2015

ERIE COUNTY COUNCIL – Regular Meeting

Fiore Leone, Chairman, called to order a Regular Meeting of the Erie County Council at 7:01 p.m. at the Erie County Courthouse, County Council Chambers, Erie, PA. Following the Pledge of Allegiance, Mr. Maloney, standing in for Douglas Smith, took the roll:

ROLL CALL

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

Members Absent: None.

Also Present: Joseph Maloney, CPA
Sue Ellen Pasquale, General Accounting Manager
James Sparber, Finance Director
Kathy Dahlkemper, County Executive

January 27, 2015

**HEARING OF
THE PUBLIC**

Jim Wise, 326 Colorado Drive, Erie, PA; Mr. Wise read the following statement: “Since October, 2010, Mrs. Loll has presented a prayer at nearly all regular county council meetings. These prayers had always been given before the start of the regular business, along with the pledge of allegiance. In September, I read a statement to council asking that you make this practice inclusive of all faiths and belief systems practiced in Erie County. I also stated that the best course would be to discontinue the practice of confounding religion and government altogether. At the conclusion of that meeting I approached Mrs. Loll to ask her to take the lead in finding people with other beliefs to present invocations. She said that she had attempted to do that in the past without much success. I offered to find people to do it, and she consented. A few weeks later, I submitted a list of Erie County citizens who were willing to give invocations. And I was informed by Dr. Foust that the procedure for having a person give an invocation was for that person to call the county council office and reserve a date to give their invocation. Once we got the mechanics right, guest invocations were given at the last three regular council meetings. Mrs. Loll did not give a prayer at these meetings. I came to council chambers on January 8 with the intention of observing if an invocation would be given. Prior to the start of the meeting, Mrs. Loll sat down and I approached to talk about invocations. She told me that she had prepared a written invocation, and I responded that I had tried to reserve an opportunity to do that, but had been told that they were not going to do that anymore. Thinking the matter settled, I went home. Much to my surprise, when I read the minutes to that meeting I learned that Mrs. Loll had delivered her prepared prayer after congratulating Mr. Leone for his election to the leadership. I wrote Mr. Leone and asked him to elucidate county council’s policy regarding prayer, invocations and guest invocations at Erie County Council meetings. This was his reply: ‘I have removed the invocation process from the agenda. Any citizen can speak on any issue he/she wishes to speak about. Any council person can speak under reports about any issue he/she wishes to speak about. There is no set policy as far as prayer or any invocation is concerned.’ The effect of this policy and the way in which it has been handled has been to discourage all belief systems, except Mrs. Loll’s, from taking part in invocations and prayer. You made no effort to acquaint those who might wish to volunteer prayer or invocations with the process. The clerk answering the phone as well as Mrs. Loll said that invocations have been discontinued. The policy was made public only when you were pressed to do so. Thus, for the month of January Mrs. Loll will have given her prayers, but no one else has been aware of the policy under which they could have done so. The people who have signed up to give guest invocations include 2 Buddhists, 2 Pagans, an Imam, a Rabbi, a Unitarian, a Roman Catholic nun and several Athiests. The dignity associated with giving an invocation to a council which is expecting such enlightenment is far different from imposing comments during a public comment period. Do you imagine that their religious beliefs are less valid than yours or Mrs. Loll’s? Do you think that they live their lives with less regard for their religious and ethical beliefs than you do? Since there has not been any public discussion, your policy has apparently been dictated by executive fiat or through some back room negotiations, but it has not been subject to open discourse and democratic process. Further, it is difficult to see any secular purpose in this policy. In fact, it appears that a distinctly sectarian religious purpose is in play – that purpose being to insure that Mrs. Loll will always be able to give her prayer, whether or not others are able to give theirs.”.

Mr. Leone commented that he made the point quite clear when he said in his email that any Council member can speak on any issue they wanted but also indicated that any citizen could do the same. If they wanted to come up and say a prayer, they have every option to do that and no one is stopping them from doing that. Mr. Leone further stated that he did take off the invocation because he thought it would be a controversy and it looks like that’s exactly what it is. He stated that by law, the invocation can be put back on the agenda and by law, what he is telling the public is that they have every right to come up and say any prayer they want or say whatever they want. There have been no limitations on being able to speak at a Council meeting and Council is not putting any limitation on any Council member on their right to speak on whatever subject they want. If Mrs. Loll, during her time, she has every right to read any prayer she wants.

January 27, 2015

Michael Long, 425 West 29th Street, Erie, PA; Mr. Long thanked Council for their service and commented that Mrs. Loll previously gave a petitionary prayer and asked, “whatever is true, honorable, upright, and admirable for the new year to come, we ask this in the name of our Lord, Amen.”. Mr. Long then had questions for Mrs. Loll – why does she pray publicly when it is not endorsed by scripture. He then quoted Matthew 6:5-6. He stated that this verse could be interpreted many ways, but there is no injunction to pray publicly. He then asked maybe Mrs. Loll felt that prayer is efficacious. He would be interested to here of any studies that show prayer is efficacious in any respect at all. If Mrs. Loll feels that God hears her prayers and responds to them, he would suggest that there were more important things to ask the creator of the universe than even this. He wondered why she thinks prayer helps and what evidence does she have. Since she prays in her capacity as a Council person, which is qualitatively different and indicates that she feels her prayers are a matter of public concern. If Mrs. Loll is trying to make a political or cultural statement, he wanted to know what that statement is. He is not asking if it he is right to respond, but is it responsible to respond and is the public wasting Council’s time in doing so. Mr. Long felt that questions of philosophy and religion are important and that there should be public discussions, but not government discussions. He felt that there is a time and place for everything and this forum is not the place. He commented that he has a lot of beliefs regarding this issue but didn’t feel that he should be talking about them here.

Jeff Hawryliw, 365 Walbridge Road, Harborcreek, PA; Mr. Hawryliw is the assistant fire chief at Fairfield Hose Company in Mr. Foust’s district. He is also the president of the East Erie County Chief’s Association, an organization of fire chiefs that represent many districts. He was speaking on public safety and the safety of those who protect the public. In 2013, 107 on duty firefighter deaths occurred in the United States. In 2014, there were 85 deaths. In 2015, there have been 3 firefighter fatalities. Mr. Hawryliw handed out a publication to Council which shows one common enemy killing firefighters at a higher rate than anything else, that being overall communication. He stated that on average, more than 80% of firefighter fatalities in some way are directly related to failure in communication. He also gave a list of websites for Council to view to see a report on line showing what could have been done differently in a firefighter fatality. He stated that he appreciates the public and Council support on the new radio system and cannot express enough the utmost importance of this system succeeding. He then discussed the fire departments in Erie County and the challenges that they face. He stated that each Council member has a volunteer fire department in their district and asked that they each take the time to stop by the station and see how business is conducted. He stated that the first Wednesday of the month his department has their business meeting, and each Wednesday after they gather for drill. He stated that on average, Fairfield pays between \$15,000 and \$20,000 in operational bills every month. The funds are raised by donations from the community, with about 50% of the 1900 residents donating. The other main source of income is from ambulance billing. They also receive, once a year from the state, funds from the state Relief Fund. These funds can only be used on specific purchases. More often than not, his department breaks even every year. They have large purchases coming up, including an ambulance (\$190,000) and fire engine (\$450,000), and are not asking for any help from the County for those purchases. They are, however, asking for one time only help in funding the radio project.

Randy Barnes, 109 Walten Point, Harborcreek Township; Mr. Barnes wanted to know what has happened to the governing bodies when they sit by and watch millions to be wasted by the boards and authorities that the governing bodies have created. He wanted to know if there was any oversight that \$7 million was spent on a vision. He stated that the economic development company went to a bank and borrowed money against a vision. He wanted to know why a bank would do that, and stated that if the senior vice president of that bank was the chairman of the board that might have something to do with the bank lending that money. He wanted to know how governing bodies can abdicate their responsibility and give it to these authorities. He stated that there is an agreement that the General Authority and Council would meet no later than December 1st and approve the project each year, along with quarterly reports. He asked members of Council if they would contact the members of these boards. He felt that there should be something to show for the \$7 million that DevelopErie has received. He hopes that government has learned from their mistakes.

January 27, 2015

Bruce Baldwin, 5704 Brewster Lane, Erie, PA; Mr. Baldwin asked if it was really a good idea to inject religion, a most divisive and potentially offensive issue, into Erie County Council chambers every month. He asked if Council really wanted groups of citizens here to speak out against and debating Council's religious prayer practice. He felt that is what would happen if Council insists on continuing the discriminatory majority faith opening prayer practice. He further commented that when a member of Erie County Council takes it upon herself to recite opening prayers at Council meetings which affirm both her personal religious faith and the religious faith of the majority after Council has deliberately taken action to exclude and silence minority religious voices by eliminating scheduled invocations of those minority voices. He felt that Mrs. Loll is not only making an unconstitutional government endorsement of religion as an elected official, she is participating in a frank and thinly veiled religious discrimination that the recent Supreme Court ruling in Greece vs. Galloway specifically prohibits. He felt this is not what the founding fathers intended when they created a wall of separation between church and state. He commented that all believe they are right about the religious beliefs held and that people who believe differently are probably wrong. This desire that everyone should believe as we believe often motivates religious people who are convinced they are right to use power and appearance of elected office and government authority to publicly endorse and proselytize their personal religious views on the people they govern. He felt this is exactly what is going on in Council chambers. He did not feel it was right to have one person, a Council member, acting in her official capacity, give opening prayers reflecting her personal religious beliefs and the beliefs of the majority month after month to the deliberate and discriminatory exclusion of those in the community who are of minority faiths.

Christopher Stevartek, 411 West 5th Street, Erie, PA; Mr. Stevartek also spoke on the subject of prayer at Council meetings. In 2014, invocations were given by a number of citizens of different faiths or no faith. He felt that such inclusiveness is admirable. As he understands it, Council has determined that invocations will no longer be given in 2015. This is acceptable to him since Council meetings are government proceedings and not religious services. When one Council member takes it upon herself to punctuate her remarks with an appeal to the Christian God, as Mrs. Loll has done, it sends a problematic message to the citizens of Erie County – that the Council considers worship to be government business. He stated that more than half of the residents of Erie County call themselves Christian, which leaves a great many citizens falling into some other category. He felt that Council are here as representatives of all citizens. He implored Erie County Council to either celebrate the community's diversity by reopening Council meetings to invocations by those of any faith or no faith, who wish to offer invocations, or in the interest of efficiency of the meetings, embrace the separation of church and state and leave invocations of any kind by any person out of government business. He stated that elected officials have no place using their official positions to pray to their own particular God. To do so is a misuse of the position on Council because it implies that you are speaking for those you represent and many of those people do not share your views.

APPROVAL OF MINUTES

Dr. Foust moved to approve the minutes from the January 13, 2015 Regular Meeting. This was seconded by Mr. Breneman and carried in a unanimous roll call vote.

REPORTS OF COUNTY OFFICIALS

Mrs. Dahlkemper wanted to address Council regarding the bond issue for the radio project. The Administration has put forward a list to Council of potential projects that also need to be done around the County and could be added to the bond. She wanted to address a few of those items that Council may have questions about. The first was Pleasant Ridge Manor – East. The building will no longer be occupied after June 30, 2015 and there has been a committee of professionals, engineers, architects, a realtor, and construction workers looking at the building and have made recommendations. There is also an RFP that went out to look at the building's potential value. She stated that the Administration will come back to Council with more information once it

January 27, 2015

becomes available. She did state that the building is very much in disrepair and puts the building in very limited if any use at this point.

Mrs. Dahlkemper then discussed the remodeling of the Public Defender's Office, which is really a safety issue as there is no safety wall or glass between the front door and the people who work there at the front entrance.

The last item was in regards to the Tax Claim. She stated that the Administration is looking at moving Planning out of the courthouse and into another County facility, and moving Tax Claim into the Planning space. She is proposing to take the Tax Claim area and use it for the Central Court plaintiffs, defendants, attorneys, witnesses, victims, etc.

Mrs. Dahlkemper hopes to have future discussions with Council regarding these projects as they move forward and as the bond issue is considered.

**FINANCE
COMMITTEE
REPORT**

Mr. Breneman stated that the Finance Committee met on Thursday, January 22, 2015, and agreed to move Ordinance 2, 2015, Ordinance 10, 2015, Resolutions 5, 6, 7, 2015, two board reappointments, and one sale of parcels from the repository at unsold property to the agenda.

**PERSONNEL
COMMITTEE
REPORT**

Mr. Horton stated that the Personnel Committee met immediately following the Finance Committee meeting on Thursday, January 22, 2015, and agreed to move Ordinance 7, 2015, Ordinances 11, 12, and 13, 2015 to the agenda.

OTHER REPORTS

Mrs. Loll thanked Mr. Wise for attending the meeting tonight, and for his accuracy in what I had to say to him. She felt that he did not understand that the removal of the Invocation line item in that Council has chosen a leader to the Council, that being Mr. Leone. Mr. Leone decided that it should be taken off the agenda for his reasons. Mrs. Loll further commented that the only other opportunity she has to do this is under the "Other Reports by Council" and that is what she has chosen to do. She stated that she is welcoming to bring other people in and they would have three minutes, without calling, to speak and say a prayer if they wish, during the "Hearing of the Public".

With that said, Mrs. Loll read the following prayer: "This great nation was founded on the belief in God and we need to continue that through our lives and how we live them. We pray that our children get exposed to some understanding of right and wrong, that they find someone in their lives with a strong belief in doing right. We ask that dysfunctional and fractured families be healed. We ask this to strengthen our citizens and our small part of the world. Amen."

Mr. Leone commented to Mr. Wise that Mrs. Loll was correct in that he is the one who took the invocation off of the agenda. He further commented that four members of Council could easily put it back on the agenda. He wanted to go back and look at the purpose of the invocation in the first place, which was not for Council members to speak on any type of religion, it was for Council to allow others to come in and speak whether they are of a different religion, faith, or no religion. He reiterated that four members of Council can ask to put it back on and it would be put back on the agenda. The guidelines have to be set as far as an invocation is concerned.

Mr. Breneman reported that on the agenda, prior to the Reports section on the agenda, the priority is to the Hearing of the Public. Everything that has been stated by members of the public is noted in the minutes and as a reminder, Council does its due diligence regarding this.

Mr. Breneman then discussed Veterans Court which recently started. There is a growing list of mentors for the veterans and would like anyone who knows a veteran, encourage them to contact the Department of Veterans Affairs or him and become mentors in this program. It is key to have a large variety of mentors mainly because they try to match peers to peers.

January 27, 2015

Mr. Breneman then thanked the Administration for listening to the veterans throughout Erie County. The County Executive has come out on a few occasions and listened to veteran issues. He supports any progress that the Administration takes towards including the veteran population in the workforce development efforts and advancing the social and economic resiliency of Erie County.

**Motion to Amend
Agenda**

Dr. Foust made a motion to amend the agenda and move Ordinances 11, 12, and 13, 2015, to second readings, and add Resolution Number 8, 2015, to the agenda. This was seconded by Mr. Fatica and carried in a unanimous roll call vote.

OLD BUSINESS

**Ord. 2, 2015 –
Gen. Fund Waiver
Of Purch. Code for
Next Gen. Radio
Consulting Contract**

Mr. Maloney gave a second reading of Ordinance Number 2, 2015, “2015 General Fund Budget Waiver of Purchasing Code for Next Generation Radio System Consulting Contract”. This was moved by Dr. Foust and seconded by Mr. DiMattio.

Dr. Foust then moved to amend the ordinance to include revisions in the contract as recommended by Attorney Talarico. This was seconded by Mr. DiMattio and carried in a unanimous roll call vote.

Ordinance Number 2, 2015, as amended, carried in a unanimous roll call vote.

**Ord. 7, 2015 – OCY
Waiver of Pers. Code
For OCY Admin.**

Mr. Maloney gave a second reading of Ordinance Number 7, 2015, “2015 Children & Youth Services Fund Budget Revised Expenditures of \$3,402 for C&Y Administration”. This was moved by Dr. Foust and seconded by Mr. Fatica.

Dr. Foust moved to amend the title to “2015 Children & Youth Services Fund Budget Waiver of Personnel Code for C & Y Administration”, along with changing the amount in the exhibit amount to \$73,142. This was seconded by Mr. Fatica and the amendment carried in a unanimous roll call vote.

Ordinance Number 7, 2015, as amended, then carried in a unanimous roll call vote.

NEW BUSINESS

**Ord. 10, 2015 –
App. & Adopting
Amend. To Art.
Of Inc. of ECCCA**

Mr. Maloney gave a first reading of Ordinance Number 10, 2015, “Approving and Adopting Amended and Restated Articles of Incorporation of the Erie County Convention Center Authority (The ‘Authority’) in the Form of Exhibit A Attached Hereto, and Authorizing the Filing Thereof in Accordance with the Provisions of Act 148 of 1999, As Amended and Supplemented, Known as the ‘Third Class County Convention Center Authority Act’ (Alternative Provision), 16 P.S. §2399.51 et.seq. (The ‘Act’)”.

January 27, 2015

**Ord. 11, 2015 – Gen.
Fund SA of \$3,241
For Waiver of Pers.
Code for Sup. Of
Custody Conc.**

Mr. Maloney gave a second reading of Ordinance Number 11, 2015, “Ninth 2015 General Fund Budget Supplemental Appropriation of \$3,241 for Waiver of Personnel Code for Supervisor of Custody Conciliation Position”. This was moved by Dr. Foust, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Ord. 12, 2015 –
Prison Pay Plan**

Mr. Maloney gave a second reading of Ordinance Number 12, 2015, “2015 Prison Pay Plan”. This was moved by Mr. DiMattio, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Ord. 13, 2015 –
Gen. Fund SA of
\$8,557 for Correction
Of Asst. PD Salary**

Mr. Maloney gave a second reading of Ordinance Number 13, 2015, “Tenth 2015 General Fund Budget Supplemental Appropriation of \$8,557 for Correction of Assistant Public Defender Salary”. This was moved by Mr. Horton, seconded by Mr. Breneman, and carried in a unanimous roll call vote.

RESOLUTIONS

**Res. 5, 2015 –
Appr. Solicitor
Contract in
Coroner’s Ofc.**

Mr. Maloney gave a reading of Resolution 5, 2015, “Approving Solicitor Contract Submitted by the Office of the Coroner”. This was moved by Mr. Breneman, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Res. 6, 2015 –
Appt. of Kenneth
Gamble as Clerk
Of Records**

Mr. Maloney gave a reading of Resolution 6, 2015, “Appointment of Kenneth J. Gamble as Erie County Clerk of Records”. This was moved by Dr. Foust, seconded by Mr. Fatica, and carried in a unanimous roll call vote.

**Res. 7, 2015 –
Erie Co. Future
Land Use Map**

Mr. Maloney gave a reading of Resolution 7, 2015, “Erie County Future Land Use Map”. This was moved by Mr. Breneman, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**BOARD &
AUTHORITY
APPOINTMENTS**

Mr. DiMattio moved to reappoint Robert Currie to a four-year term on the Human Relations Commission Board to represent his District. This was seconded by Dr. Foust and carried in a unanimous roll call vote.

Dr. Foust moved to reappoint Harry Eighmy to his first full five-year term on the Erie County Redevelopment Authority as a countywide representative. This was seconded by Mr. DiMattio and carried in a unanimous roll call vote.

January 27, 2015

**SALE OF
PARCELS**

Dr. Foust moved to approve the Sale of Parcel from Repository at Unsold Property at Index Number #05-028-111.0-001.02. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

There being no further business, the meeting adjourned at 7:47 p.m.

Deneé M. Breter, Council Secretary
