

MINUTES

Erie County Council

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André R. Horton, Chairman
Carl Anderson, III, Vice Chairman
Kim Clear
Scott Rastetter
Mary Rennie
Ellen Schauerman
Brian Shank

REGULAR MEETING MINUTES

Tuesday, September 8, 2020

PLEDGE OF ALLEGIANCE

OPTIONAL PRAYER OR INVOCATION

Mrs. Schauerman led the invocation: God gave us the gift of life; it is up to us to give ourselves the gift of living well.

ROLL CALL

Members Present: Mr. Anderson; Mrs. Clear; Mr. Horton; Mr. Rastetter; Mrs. Rennie; Mrs. Schauerman; Mr. Shank

Also Present: Douglas R. Smith, James Sparber, Tracey Fugagli, Thomas Talarico; Joe Maloney, County Executive Kathy Dahlkemper, Nicole Inan

HEARING OF THE PUBLIC

Councilman Horton called for the Hearing of the Public; however, technical difficulties did not allow participants to communicate.

MINUTES FROM PREVIOUS MEETING

August 11, 2020 - Regular Meeting

Kim Clear moved to approve the minutes from the August 11th and August 31st Council Meetings. This was seconded by Mary Rennie and carried in a 7 - 0 vote.

August 25, 2020 - Special Meeting

Kim Clear moved to approve the minutes from the August 25, 2020 Special Meeting. This was seconded by Brian Shank. Mr. Anderson asking to amend to include any additional remarks from caucus that were made on behalf of their respective nominees; Mr. Smith offered to include a written note from each

August 31, 2020 - Special Meeting Reconvened

Council Person is desired. Amendment was passed 7-0. At the time of this entry, no additional documents received.

REPORTS OF COUNTY OFFICIALS

County Executive and/or her Designee

County Executive Dahlkemper spoke on behalf of the Racism Resolution on the agenda: For too long the issues of inequity concerning people of color, especially the Black-African American, has existed in Erie County and across the nation. The Covid-19 pandemic has further proved the disparities for our underserved community. Partnering between County Council and the Administration can be powerful and this Resolution will be no exception. She emphasized the importance of addressing racism in our community, including healthcare, safe and affordable housing, well-paying jobs, business ownership opportunities, educational opportunities for all residents. In order to effect change, we need to start with positive policy changes and to uphold our mission, vision, and values of Erie County Government.

Finance Committee -Mrs. Clear

Finance Chairperson Clear reported that the Finance Committee met on Thursday, September 3rd; bringing forth Old Business items A through F, and New Business Items A through R.

Personnel Committee - Mrs. Rennie

Personnel Chairperson Rennie reported that the Personnel Committee met on Thursday, September 3rd; bringing forth no items for discussion.

Other

Chairman Horton stated that he is pleased and proud to partner with the Administration and the colleagues of County Council who have expressed support of the Racism Resolution. He stated that this is not a total reaction from the national discourse that has illuminated matters; rather, it is more so the culmination of conversations that he and the County Executive have had over the years. He implored Council to "Make Erie 'Eriesitable' for all."

OLD BUSINESS

Second Reading of Ordinance Number 43, 2020, "Second 2020 Planning Fund Budget Supplemental Appropriation of \$51,323.57 Municipal Stormwater Assistance

Mr. Smith gave a Second Reading of Ordinance Number 43, 2020, "Second 2020 Planning Fund Budget Supplemental Appropriation of \$51,323.57 Municipal Stormwater Assistance Program Grant and New Line Item for Feasibility Study in Millcreek Township." This was moved by Ellen Schauerman, seconded by Scott Rastetter and carried in a 7 - 0 vote.

Program Grant and New Line Item for Feasibility Study in Millcreek Township" (Rec'd 1st Reading 8/11/20) (Finance Committee)

Second Reading of Ordinance Number 44, 2020, "Third 2020 Planning Fund Budget Supplemental Appropriation of \$51,323.57 Municipal Stormwater Assistance Program Grant and New Line Item for Feasibility Study in City of Erie" (Rec'd 1st Reading 8/11/20) (Finance Committee)

Mr. Smith gave a Second Reading of Ordinance Number 44, 2020, "Third 2020 Planning Fund Budget Supplemental Appropriation of \$51,323.57 Municipal Stormwater Assistance Program Grant and New Line Item for Feasibility Study in City of Erie." This was moved by Carl Anderson, seconded by Mary Rennie and carried in a 7 - 0 vote.

Second Reading of Ordinance Number 45, 2020, "Second 2020 Children & Youth Services Fund Budget Supplemental Appropriation of \$400,000 and New Line Items for Family First Transition Act Grant"(Rec'd 1st Reading 8/11/20) (Finance Committee)

Mr. Smith gave a Second Reading of Ordinance Number 45, 2020, "Second 2020 Children & Youth Services Fund Budget Supplemental Appropriation of \$400,000 and New Line Items for Family First Transition Act Grant." This was moved by Carl Anderson, seconded by Ellen Schauerman and carried in a 7 - 0 vote.

Second Reading of Ordinance Number 51, 2020, "Twenty-Fourth 2020 General Fund Budget Supplemental Appropriation of \$125,000 for Additional Expenses for the Erie County Community

Mr. Smith gave a Second Reading of Ordinance Number 51, 2020, "Twenty-Fourth 2020 General Fund Budget Supplemental Appropriation of \$125,000 for Additional Expenses for the Erie County Community College." This was moved by Carl Anderson, seconded by Kim Clear.

Mr. Anderson once again remind the public and each other that these funds are being taken from the Gaming Revenue Fund. All money that we deal with is tax payer money, but this is not being taken out of the property tax-paying revenue that comes from Erie County and the General Fund Budget, rather the money

College" (Rec'd 1st Reading 8/11/20) (Finance Committee)

that has been set aside by Gaming Revenue for transitional and big idea projects for Erie County. All funds have come out of the Gaming Revenue Fund. He added, that although the PA Department of Education approved the Plan, there are others state-wide who are challenging the College, thus the legal counsel is necessary to continue being paid. He is hopeful that there will be funds to revert back to the Gaming Revenue Fund as an expense item.

Chairman Horton questioned whether these funds included professional service fees to pay the Solicitor and the CPA. Mr. Anderson suggested it put it into our professional fund; however, the money still owed from that line about \$40,000 from Post & Schell, and another \$10,000 for that of Pastor Roy Church for expert witness fees, in addition of potential additional litigation costing \$50,000. Vote carried 7-0.

Second Reading of Ordinance Number 52, 2020, "First 2020 Gaming Fund Budget Supplemental Appropriation of \$125,000 for Transfer to the General Fund for the Community College" (Rec'd 1st Reading 8/11/20) (Finance Committee)

Mr. Smith gave a Second Reading of Ordinance Number 52, 2020, "First 2020 Gaming Fund Budget Supplemental Appropriation of \$125,000 for Transfer to the General Fund for the Community College." This was moved by Carl Anderson, seconded by Kim Clear. Mr. Anderson clarified that this is a companion Ordinance to Ordinance 51, 2020 to transfer the monies from the Gaming and Revenue account to then make the funds available for payment. Chairman Horton added that Attorney Talarico, County Solicitor Perhaps, and He have already discussed the need for that counsel to differentiate fees as professional services to the Community College as opposed to those of the County.

Attorney Talarico stated that the petition for the NPRC to file appeal expires the Ninth of September. The substance of the motion has to do with Mr. Scarnatti not having standing as a State Legislature, to be an affected party in order to quash. There was prior case law in which Mr. Scarnatti had tried to intervene and was not a party for jurisdictional purposes in front of Commonwealth Court.

Vote carried 7-0.

Resolution Number 37, 2020 "Designating The Northwest Pennsylvania Regional Planning And Development Commission As The Agency to Submit a Request to the Pennsylvania Department of Economic and

Mr. Smith gave a reading of Resolution Number 37, 2020 "Resolution Number 37, 2020 "A Resolution Extending the Term of Exemptions, Deductions, Abatement 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 Fairview Township, Erie County Pennsylvania, Upon Certain Terms & Conditions. "This

Community Development (DCED) to Seek an Extension of the Term of Keystone Opportunity Zone Benefits as it Relates to Certain Fairview Township Parcels that are Presently Designated as Keystone Opportunity Zones (KOZ), in the Fairview Business Park, Erie County, Pennsylvania" (Tabled 8/11/20) (Finance Committee) was moved by Carl Anderson, seconded by Ellen Schauerman. Mrs. Schauerman stated for the record that Fairview School District and Fairview Township have already shown their support for this. Vote carried 7 - 0.

NEW BUSINESS Councilwoman Clear moved to Amend the Agenda to have Ordinances 58, 59, 60, & 61 to Second Readings and to Group the Sale of all Parcels. This was seconded by Mr. Anderson and approved 7-0.

First Reading of Ordinance Number 57, 2020" Second 2020 CARES Fund Budget Supplemental Appropriation of a \$500,000 Grant for VisitErie Recovery Marketing Plan" (Finance Committee) Mr. Smith gave a First Reading of Ordinance Number 57, 2020" Second 2020 CARES Fund Budget Supplemental Appropriation of a \$500,000 Grant for VisitErie Recovery Marketing Plan."

First Reading of Ordinance Number 58, 2020, "2020 Children and Youth Services Fund Budget Revised Expenditures of \$25,000 for the Creation of Expense Line Item due to Court Ordered Placements" (Finance Committee) Mr. Smith gave a second Reading of Ordinance Number 58, 2020, "2020 Children and Youth Services Fund Budget Revised Expenditures of \$25,000 for the Creation of Expense Line Item due to Court Ordered Placements." This was moved by Carl Anderson, seconded by Kim Clear and carried in a 7 - 0 vote.

First Reading of Ordinance Number 59, 2020, "First HealthChoices Fund Budget Supplemental Appropriation of \$10,631,499 for Mr. Smith gave a second Reading of Ordinance Number 59, 2020, "First 2020 HealthChoices Fund Budget Supplemental Appropriation of \$10,631,499 for

2020 HealthChoices Fund Budget Supplemental Appropriation of \$10,631,499 for Additional Medical Assistance Funds for Calendar Year 2020" (Finance Committee)

Additional Medical Assistance Funds for Calendar Year 2020." This was moved by Carl Anderson, seconded by Scott Rastetter.

Mr. Anderson commended the Department of Human Services, the Administration, and County Executive Dahlkemper on their work during the COVID Crisis. Chairman Horton echoed the comments of Mr. Anderson and added that Erie County was one of ten of the counties that is blessed enough to have a Health Department locally, helping assist with response, rather than react, to the pandemic.

Carried in a 7 - 0 vote.

First Reading of Ordinance Number 60 "2020 General Fund Budget Revised Expenditures of \$11,681 for Creation of New Line Items in the DUI Program Bureau" (Finance Committee)

Mr. Smith gave a Second Reading of Ordinance Number 60 "2020 General Fund Budget Revised Expenditures of \$11,681 for Creation of New Line Items in the DUI Program Bureau." This was moved by Carl Anderson, seconded by Scott Rastetter and carried in a 7 - 0 vote.

First Reading of Ordinance Number 61, 2020, "Twenty-Seventh 2020 General Fund Budget Supplemental Appropriation of \$187,999 for Additional Drug Forfeiture Revenue" (Finance Committee)

Mr. Smith gave a Second Reading of Ordinance Number 61, 2020, "Twenty-Seventh 2020 General Fund Budget Supplemental Appropriation of \$187,999 for Additional Drug Forfeiture Revenue." This was moved by Carl Anderson, seconded by Brian Shank and carried in a 7 - 0 vote.

Resolution Number 39, 2020, "Feasibility Assessment /Planning for New Parks and Recreation Coordinator Position" (Finance Committee)

Mr. Smith gave a reading of Resolution Number 39, 2020, "Feasibility Assessment /Planning for New Parks and Recreation Coordinator Position." This was moved by Ellen Schauerma, seconded by Kim Clear.

Mr. Shank voiced that he will not be supporting this Resolution, for reason that it is presented as a "new position."

Mr. Rastetter stated that he would accept the feasibility assessment; however, an added position he also will need to vote no until there is money shown to support it. He suggested that the salary and the details of the position would need further laid out.

Mrs. Schauerman clarified that Ms. Stempka had previously communicated that this position would be covered by a grant once it was approved. Mrs. Clear added that the Resolution was needed in order to file for the application to receive the grant. Her understanding is that once the grant ends, so does the position.

Mrs. Rennie clarified that the grant will only cover the cost of the feasibility study, and does not cover the position in any way. There has been nothing decided in whom would take on those duties.

Chairman Horton voiced that it is a necessary step in a process for them to be considered for a grant, and that there is not currently any intention of hiring.

Attorney Talarico offered that the Resolution is ambiguous, and that in title it reads as the Administration intends on hiring a Parks & Recreation Coordinator. He emphasized that while it is not a funding Resolution, it still may offer opportunity for them to hire. He recommended that the Resolution language be amended to not include the position if they so choose.

County Executive Dahlkemper clarified that it is not her understanding that this Resolution is to hire, rather to explore the possibility of a position such as this being warranted. If a position would be deemed appropriate, an Ordinance would be sent for consideration; that person would be utilized as a source for the entire region.

Carried in a 6-1 vote.

Resolution Number 40, 2020, "Naming Mark E. Schau, Chief County Detective as Signatory Authority for Electronic Access Agreement for Pennsylvania Crash Information Tool on Behalf of Erie County" (Finance Committee)

Mr. Smith gave a reading of Resolution Number 40, 2020, "Naming Mark E. Schau, and Chief County Detective as Signatory Authority for Electronic Access Agreement for Pennsylvania Crash Information Tool on Behalf of Erie County." This was moved by Carl Anderson, seconded by Scott Rastetter and carried in a 7 - 0 vote.

Resolution Number 41, 2020 " Approval of Real Estate Purchase Agreement for 210 East 2nd Street for Public Defender Office"

Mr. Smith gave a reading of Resolution Number 41, 2020 "Approval of Real Estate Purchase Agreement for 210 East 2nd Street for Public Defender Office." This was moved by Carl Anderson, seconded by Mary Rennie.

Mr. Shank inquired as to whether the assessment on the pre-existing properties

(Finance Committee)

owned by the County was available, and ultimately how much it will cost the taxpayers for renovations, etc.

Mr. Rastetter states that he has been asked whether all other options have been exhausted. He echoed Mr. Shank's concerns regarding total cost, CARES act qualification, and the reason for the move. He agrees that this should wait until the assessment comes back for the County properties.

Mr. Anderson clarified that Council did receive an email from the architect regarding this building, with an approximate total of \$240,000 for immediate renovations. Mr. Anderson suggested that capital budget money may have been able to be used for this purchase, which would have freed up more money in the COVID money available. What makes this property attractive is its distance to the Courthouse, being in the general downtown area, and that it is already off the tax roles as it was previously owned by a non-profit. This move is imperative in offering the District Attorneys more space, as well as in the expansion of the Voter Registration Office with the move of Operations to the DA's current building. He reiterated that if the purchase price or the renovations could come out of the capital budget, that may assist in alleviating concerns in the utilization of taxpayer money on this building.

In response to Mr. Anderson's comments, Mr. Rastetter clarified that the email from the architect was an "unseen" estimate taken off of an old floor plan, not a contractor approval for refurbishment; the estimate only covered basic security.

County Executive Dahlkemper clarified that the property currently owned by the Department of Human Services is currently being reconsidered because of space constraints. The District Attorney's Office is also having spatial issues, and for them to be in close proximity to the Courthouse is imperative. There was an estimate that shows paint, flooring, etc. that was sent out last week. In comparison to a building in the same location with similar square footage, this property was considerably less and also has parking. She believes these are the best options at this time given the social distancing requirements.

Mrs. Schauerman shared her concern over using COVID money on a building, when it could be used to help local businesses and people in the community.

Vote carried in a 4 - 3 vote.

**Resolution Number 42,
2020, "Resolution
Approving The 2020
Community Development
Block Grant- Covid 19**

Mr. Smith gave a reading of Resolution Number 42, 2020, "Resolution Approving The 2020 Community Development Block Grant- Covid 19 Application And Authorizing Its Submission To The Pennsylvania Department Of Community And Economic Development." This was moved by Kim Clear,

**Application And
Authorizing Its Submission
To The Pennsylvania
Department Of
Community And Economic
Development" (Finance
Committee)**

seconded by Mary Rennie and carried in a 7 - 0 vote.

**Resolution Number 43,
2020 "Declaring Racism a
Public Health Crisis in Erie
County" (Finance
Committee)**

Mr. Smith gave a reading of Resolution Number 43, 2020 "Declaring Racism a Public Health Crisis in Erie County." This was moved by Carl Anderson, seconded by Kim Clear. Mr. Anderson motioned to strike out the language of the resolution as suggested by Solicitor Talarico, add the language that Solicitor Talarico, and to add an additional WHEREAS as offered by Councilwoman Rennie; this was seconded by Kim Clear.

Mrs. Clear looks forward to eliminating the public health crisis of racism in Erie County.

Mr. Rastetter expressed concerned over there being no solutions or plans being put forth, and he voiced concern with the County Executive having full power on this.

Mr. Anderson clarified that the language that was struck out and changed in the Ordinance could have potentially committed Council financially to action steps. In addition, it keeps in place the action steps the County Executive, Council, and others in the community would be working on and towards. Funding of any of those plans would need to come to Council for approval.

Chairman Horton stated that this Resolution is co-sponsored by the County Executive, Administration, and himself. He emphasized that we all suffer by racism.

The amendment to the Resolution was carried in a 5 - 2 vote.

Resolution, as amended passed 5-2.

*Amended Resolution Available for viewing online and as an addition to the original agenda.

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 14-010-016.0-
105.00**

On the sale of all parcels in one motion, Mr. Anderson motioned, Mrs. Clear seconded, and carried 7 - 0.

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 14-010-032.0-
225.00**

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 18-050-
017.0220.00**

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 18-050-021.0-
120.00**

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 18-050-033.0-
127.00**

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 18-050-021.0-
313.00**

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 19-060-029.0-
108.00**

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 47-026-084.0-
076.00**

ADJOURNMENT

Chairman Horton adjourned the meeting at 5:46pm

**The next Finance and Personnel Committee Meetings are scheduled for Thursday, September 17, 2020 at 4 pm. The next Regular Meeting of Council is scheduled for 4 pm on Tuesday, September 22, 2020. Attendance will be open to the public via zoom conference until further notice. Details will be published on the County website;
www.eriecountypa.gov.**