

MINUTES

Erie County Council

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

REGULAR MEETING MINUTES

**Tuesday, September 28, 2021
Called to order 6:17pm**

PLEDGE OF ALLEGIANCE

Chairman Anderson led the Pledge of Allegiance.

OPTIONAL PRAYER OR INVOCATION

Councilwoman Schauerma led the optional invocation: In a society that has you counting money, pounds, calories, and steps, be a rebel and count your blessings instead.

ROLL CALL

Members Present: Chairman Anderson; Vice Chairman Clear; Mr. Horton; Mr. Rastetter; Mrs. Schauerma; Mr. Shank; Mrs. Rennie (via phone)

Also Present: Douglas R. Smith, James Sparber, Erika Knight; Thomas Talarico; Nicole Inan; Amy Swartzfager

HEARING OF THE PUBLIC

Chairman Anderson acknowledged that Council will be intermittently not wearing masks while speaking at this meeting, as there are members of the deaf community who have made this request. He apologized on behalf of Council & County Government for the lack of an interpreter being present. Council staff worked diligently trying to locate an interpreter for this meeting, but it was fruitless on the notice given. Chairman Anderson recognized the concern of the public, and thanked them for bringing it further to Council's attention.

Members of the Public Who Called Ahead, Receiving 5 Minutes

Michelle Repman

Michelle Repman, Washington Township - (provided handout of documents to Council for their review). Spoke on science on masking due to Covid-19 and its effects on children. She referenced the definition of Child Endangerment according to PA Title 18 (4304). She referenced the definition of Child Abuse, as listed in the Pennsylvania Child Protective Services Law, specifically (b.1)(3) and subsection (v) regarding *causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act and (v) Interfering with the breathing of a child*. Repman called the mask mandate on children unconstitutional, in violation of both the First and

Ninth Amendments. Additionally, she offered that masks do not offer protection against viruses, citing scientific documentation from the CDC regarding the size of virus particles and the pores in masks. Additionally, children have been proven not to be drivers of virus transmission.

Jill Wallace

Did not appear.

Lou Aliota

Lou Aliota, Millcreek Twp. - Spoke to his belief of a crisis in leadership and governance. Questioned the potential consequences of violating a Sworn Oath of Office. He cited Title 18USC242 Deprivation of Rights, under the color of law, he noted it is \$250k per offense. He stressed Council's fiduciary duty not to work in concert with the trespass of guaranteed and protected rights, including misrepresentation of facts and falsification of documents. He claimed that under the current circumstances, Erie County health orders fit the definition of Domestic Terrorism; he cited 18USC2331 *to intimidate and to coerce a civilian population*. Mr. Aliota expressed his concern about the lack of response provided to him regarding a right-to-know request to the Department of Health and Open Records Officer, Attorney Richard Perhacs. Aliota stated that he had inquired about statistics and had not been provided with such from public documents used to publish the graphs at the Department of Health. He stated, that because of the lack of response, he will now appeal and it will cost even more tax payer dollars. His request is data sheets on already published information, minus the HIPPA protected information such as names of individuals. He expressed a time in which forcing people to cover their nose and mouth broke their will and individuality and depersonalized them. He expressed that without a face, we don't exist as independent beings.

Members Wishing to Speak and Did Not Call Ahead, Receiving 3 Minutes

Brenton Davis, Millcreek Township - Met with members of the deaf community recently and it is apparent the lack of resources available for the deaf population in Erie County when it comes to utilizing County services remotely. He suggested that Council consider a remote i-pad translator that could be made available upon demand.

{There are portions of this timeline that were unable to be documented manually, as no interpreter was available this evening. Approximately 15 members of the deaf population were in attendance. Below are those individuals that provided their names for the record} (*)

*Marcia Siar, expressed the difficulty finding services on short notice. In addition, she expressed how masking makes it more difficult because it eliminates the ability for lip reading. She expressed that deaf individuals cannot always have an interpreter with them.

*Wendy Cabrera, expressed that from the beginning, it is frustrating and difficult when no help is available. She encouraged the County to consider making changes. If effects getting jobs and help with services, because there is a lack of interpretation.

*Kelly Scott, Erie City, noted a significant lack of interpreters in Erie County to assist with services (i.e. WIC, Housing, etc.). He expressed that the County is in violation of Title II Rights. He suggested that departments make plans on how they could communicate with individuals and offer better service to all.

*Susan Bender, expressed the frustration between the hearing communities and deaf communities. She encouraged ADA law to be followed by providing services for the deaf.

Freda Tepfer, Erie; expressed her concerns regarding the HRC Ordinance and by-laws before the Council. Main concern areas including the look-back time from 5 to 10 years in relation to criminal look back. Additionally, there appears a large amount of authority is being given to the director, not the Commission. In the provisions for accountability there is not a clear distinction of how many cases are accounted for, time restriction extensions, and other similar issues. Also, she would like to stress the person-first language (i.e. handicap is not appropriate). She additionally noted that public access should include website accessibility and accessibility to sidewalks.

Chairman Anderson thanked people from the deaf community and those that encouraged their participation tonight. Mr. Anderson spoke in reflection of why the most recent voting system had been chosen - for the accessibility options. This Council has been proactive on many fronts, and they have learned a valuable lesson this evening. Council worked with the County Executive over the past several months is creation of a Diversity Officer and Department. Council is hopeful to include interpreters throughout the courthouse and courts, several languages, including the deaf community, and others. He acknowledged the growing need in Erie County. Additionally, he offered that if anyone is interested in being a part of the process as an interpreter, they are encouraged as such to reach out to Council.

MINUTES FROM PREVIOUS MEETING

**Regular Meeting -
September 14, 2021**

Councilman Horton moved to approve the minutes from the September 14, 2021 Regular Meeting. This was seconded by Kim Clear and carried in a 7 - 0 vote.

REPORTS OF COUNTY OFFICIALS

**County Executive and/or
her Designee**

There was no report provided.

**Finance Committee -Mrs.
Clear**

Finance Chairwoman Clear reported that the Finance Committee met on Thursday September 23, 2021 and submitted to the agenda Old Business items A through C, and New items A through G.

Personnel Committee - Mrs. Rennie	Personnel Chairwoman reported that the Personnel Committee met on September 23, 2021 and are not submitting any items at this time.
Rail Committee Preliminary Report - Committee Chairman Scott Rastetter	Rail Committee Chairman Rastetter asked that this report be held until the next Regular Meeting of Council, October 12, 2021.
Other	
Citation Honoring Empower Erie for their devotion to the establishment of the Erie County Community College.	Foundation of the Erie County Community College Movement WHEREAS, Empower Erie Present Board Members: Chair Timothy McNair, Judi Roth, David Brennan, Robert Casillo, George Espy, Kathy Fatica, Danny Jones, Sam Talarico; Past Members: Ronald DiNicola, Cheryl Rush Dix, Charles Mock, Steve Schillo, Linda Stevenson, Lisa Miller, Carl J. Anderson, III, Andre' R. Horton; Professional Partners: CPA Joe Maloney, Scott Wescott, Kate Phillips & Dr. Roy Church and Interns: Ariel Dodick, Damali Donovan, EJ Fyke, Emily Finke & Zack Schwartz worked tirelessly in their effort to move Erie County forward; standing strong in the fight for a community college for the citizens of Erie County; and WHEREAS, Empower Erie completed a feasibility study, gathering and preparing data for the needs assessment, financial analysis, and sustainability research in relation to the establishment of a dedicated, free-standing community college in Erie County; and WHEREAS, Empower Erie mobilized public awareness and enthusiasm for a stand-alone community college, created forums for open discussion, and provided education of how a community college will shape the future of Erie County; and WHEREAS, Empower Erie built support from key stakeholders for a community college through endorsements and relationships with well over 125 individuals and organizations, including prominent manufacturing groups, clergy, municipalities, and teachers; and WHEREAS, Empower Erie established relationships with local school associations and post-secondary institutions; obtaining endorsements from the Erie School Board, Corry Higher Education, Mercyhurst University, and Edinboro University, among others; and WHEREAS, Empower Erie secure approval of sponsorship and financial commitment from Erie County Council; and WHEREAS, Empower Erie confirmed submission of the College Plan Application by the County Executive Office to the Pennsylvania Board of Education; and WHEREAS, Empower Erie executed a fully integrated media and marketing plan that leveraged a range of communication tools to update the community through newsletters, news blasts, web site postings, social media, content marketing, video, media outreach and direct communications; and WHEREAS, Empower Erie demonstrated the positive economic impact

associated with the creation and operation of a community college for Erie County to Pennsylvania Department of Education during its consideration for funding; and

WHEREAS, on June 11th, 2020 Erie County gained approval of the application for establishment of the Erie County Community College by the Pennsylvania State Board of Education; and

WHEREAS, Empower Erie campaigned to obtain capital funding to utilize resources and local mobilization to focus on the Governor's promise and the State's legal duty to provide funding for the newly established college; and

WHEREAS, on July 8, 2020, Governor Tom Wolf's designated funding for the Commonwealth's 15th community college, "The Erie County Community College," under the Community College Act of 1963; and

NOW THEREFORE BE IT RESOLVED by Erie County Council, who join with a grateful citizenry in recognizing the tireless efforts, fortitude, and determination of the staff and volunteers of Empower Erie in its mission of providing an invaluable resource to the Erie community, the Erie County Community College.

IN WITNESS WHEREOF, we have set our hands and Seal of Erie County on this 21st day of September, 2021.

OLD BUSINESS

Second Reading of Ordinance Number 74, 2021 "American Rescue Plan Fund Budget Revised Expenditures of \$3,500,000 and Removal of Restriction on Funds for the Erie County Diversity, Equity and Inclusion Commission" Rec'd 1st Reading 9-14-21)

This was moved by Kim Clear, seconded by André Horton and carried in a 7 - 0 vote. Chairman Anderson noted to the public that under New Business there will be a companion Ordinance to create and seat the Diversity, Equity and Inclusion Commission.

Possible Sale of a Parcel from the Repository for Unsold Property at Index Number: 18-052-036.0-112.00, Genesee Ave, Lot 285, City of Erie (Tabled 9-14-21)

Councilwoman motioned to remove the item from the table, Seconded by Councilman Horton; carried 7 to 0. Mr. Smith gave a reading of the item. Councilwoman Schauerma moved to approve the sale, Seconded by Councilman Horton and passed 7 to 0.

Possible Sale of a Parcel from the Repository for Unsold Property at Index Number: 18-052-034.0-216.00, Fargo Street, Lot 321, City of Erie (Tabled 9-

Councilwoman motioned to remove the item from the table, Seconded by Councilman Rastetter; carried 7 to 0. Mr. Smith gave a reading of the item. Councilwoman Clear moved to approve the sale, Seconded by Councilwoman Schauerma and passed 7 to 0.

14-21)

NEW BUSINESS

Councilwoman Clear motioned for items A & B to be considered for a 2nd Reading, and Striking item D from the Agenda. Seconded by Councilman Horton and passed 7 to 0.

First Reading of Ordinance Number 80,2021
"Appointment of Members to the Erie County Diversity, Equity and Inclusion Commission"

Mr. Smith gave a Second Reading of Ordinance Number 80, 2021 "Appointment of Members to the Erie County Diversity, Equity and Inclusion Commission" in its entirety.

ORDINANCE NUMBER 80, 2021
 Appointment of Members to the Erie County Diversity, Equity and Inclusion Commission

WHEREAS, on September 14, 2021, pursuant to Ordinance 72, 2021, Erie County Council created and established the Erie County Diversity, Equity and Inclusion Commission; and

WHEREAS, pursuant to Ordinance 72, 2021, the Diversity, Equity and Inclusion Commission shall consist of nine (9) members, two (2) of whom shall be appointed by the County Executive and seven (7) of whom shall be appointed by County Council; and

WHEREAS, each member of County Council shall have one (1) appointment, which appointment may reside outside of the district to which the member of County Council was elected.

NOW THEREFORE pursuant to the Erie County Home Rule Charter, the Administrative Code and Ordinance Number 72, 2021, the district of each member of County Council and the name of each member's appointment to the Diversity, Equity and Inclusion Commission are as follows:

District 1 Kim Clear motioned to nominate Darrell Thorpe, Seconded by Councilman Horton. Councilwoman Clear stated that Mr. Thorpe has 20 years of experience in working to develop DEI. Passed 7 to 0.

District 2 Andre' R. Horton motioned to nominate Tiffany LaVette, Seconded by Councilwoman Schauerma. Councilman Horton stated that Ms. LaVette is a successful business woman and member of NAACP. Passed 7 to 0.

District 3 Mary Rennie motioned to nominate Gwendolyn White, Seconded by Councilwoman Clear. Councilwoman Rennie noted that she works as an Erie Insurance Underwrite Manager, Fellow for CEO Actions for Racial Equity, and serves on various Boards and Advisories. Passed 7 to 0.

Councilwoman Kim Clear motioned to nominate David Gonzalez on behalf of Chairman Anderson's District, Seconded by Councilman Rastetter. Chairman Anderson commented that Gonzalez is an active vocal member of the community. Gonzalez fights daily for the people in this community at the leader of St. Martin Center. Passed 7 to 0.

District 5 Brian Shank motioned to nominate Denise Pekelnicky, Esq., Seconded by Councilwoman Schauerma. Councilman Shank explained that Pekelnicky is

passionate and involved in the equity and inclusion for the bar association, and described it as a true passion of hers.

District 6 Scott Rastetter motioned to nominate Matthew Harris Sr. , Seconded by Councilwoman Clear. Councilman Rastetter commented that Mr. Harris is the President of All About Character Incorporated, and the "Character, be about it, Program".

District 7 Ellen Schauerman motioned to nominate Sarah Carter M.D., Seconded by Councilwoman Clear. Councilwoman Schauerman noted that Dr. Carter is a Professional Trauma Surgeon, who has spent a significant amount of her career focusing on diversity, equality, and inclusion, serving on many panels statewide. Councilwoman Schauerman expressed that Carter encourages and challenges people to interrupt their path of complicity, to lead by example, and to use their privilege and position to put an end to racism. Passed 7 to 0.

FURTHER, the County Executive of Erie County hereby appoints the following persons to the Diversity, Equity and Inclusion Commission:

Councilwoman Kim Clear motioned to nominate Mr. Gerald Blanks on behalf of County Executive Dahlkemper; Seconded by Councilman Horton. Chairman Anderson commented that Mr. Blanks has been an advocate in the black community and those underserved most of his adult career and is a transformative figure in the community. Passed 7 to 0.

Councilwoman Kim Clear motioned to nominate Dr. Adrienne Dixon on behalf of County Executive Dahlkemper; Seconded by Councilwoman Schauerman. Chairman Anderson noted Dr. Dixon as a longtime leader and educator in the community. She addresses the racial divide and lack of inclusion in the community head on. Dr. Dixon is the President of Sarah Reed. Passed 7 to 0.

This Ordinance shall be effective immediately upon adoption.

Councilman Horton motioned that the Ordinance be passed with the names as nominated, Seconded by Councilwoman Clear.

Chairman Anderson congratulated his colleagues, the County Executive, and all of the people of Erie County. He expressed that the community is moving forward with a vision, and most importantly in unity. Diversity, Equity, and Inclusion are just three separate words unless put together and in unity. In the last year and a half, everyone has gone through difficult times, but that is not a comparison for what many people have had to endure for decades. As the commission is moved forward, we look to the future.

Passed 7 to 0.

First Reading of Ordinance Mr. Smith gave a Second Reading of Ordinance Number 81, 2021, "Thirtieth

**Number 81, 2021,
"Thirtieth 2021 General
Fund Budget Supplemental
Appropriation of \$15,000
for Hamot Health
Foundation Grant"**

2021 General Fund Budget Supplemental Appropriation of \$15,000 for Hamot Health Foundation Grant". This was moved by Kim Clear, seconded by André Horton and carried in a 7 - 0 vote.

**First Reading of Ordinance
Number 82, 2021
"Amending Ordinance 45,
2018 to Revise the Erie
County Human Relations
Commission Ordinance"
(Finance
Committee)(Attached)**

Mr. Smith gave a First Reading of Ordinance Number 82, 2021 "Amending Ordinance 45, 2018 to Revise the Erie County Human Relations Commission Ordinance"

**First Reading of Ordinance
Number 83,
2021"Approving Revisions
to the Bylaws of the Human
Relations Commission"
(Finance Committee)
(Attached)**

Item struck from the agenda.

**Resolution Number 38,
2021 " Approving an
Agreement between the
Erie County Department of
Health and Thirteen Erie
County School Districts to
Support Enhanced
Pandemic Coordination,
Mitigation and Education"**

Mr. Smith gave a reading of Resolution Number 38, 2021 " Approving an Agreement between the Erie County Department of Health and Thirteen Erie County School Districts to Support Enhanced Pandemic Coordination, Mitigation and Education"

This was moved by Kim Clear, seconded by Scott Rastetter. Councilwoman Clear motioned, upon counsel of Solicitor Talarico, to amend the work statement "in subcontractor A section" to read: *Subcontractor shall appoint its Lead Community Health Worker not later than October 10th, 2021 and notify the Erie County Public Health Department by October 15, 2021." Amendment Seconded by Councilman Horton. Passed 7 to 0.*

Resolution, as amended, passed 7 to 0.

**Possible Sale of a Parcel
from the Repository for
Unsold Property at Index
Number: 21-054-092.2-
001.78, 6621 West Ridge
Road, Lot 14, Fairview
Township**

Mr. Smith gave a reading of the Possible Sale of a Parcel from the Repository for Unsold Property at Index Number: 21-054-092.2-001.78, 6621 West Ridge Road, Lot 14, Fairview Township. This was moved by Kim Clear, seconded by Ellen Schauerma and carried in a 7 - 0 vote.

Possible Sale of a Parcel from the Repository for Unsold Property at Index Number: 18-051-001.0-121.00, 1209 E 21st Street, City of Erie.

Mr. Smith gave a reading of the Possible Sale of a Parcel from the Repository for Unsold Property at Index Number: 18-051-001.0-121.00, 1209 E 21st Street, City of Erie. This was moved by Kim Clear, seconded by Ellen Schauerman and carried in a 7 - 0 vote.

ADJOURNMENT

Chairman Anderson announce the next meetings of Erie County Council:
Finance & Personnel Meeting, October 7, 2021 at 4:00pm; Regular Meeting, October 12, 2021 at 6:00pm.

Councilwoman Clear moved to adjourn at 07:34 PM. Meeting adjourned by Chairman Anderson.

Nicole Inan, Deputy Clerk