

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, October 26, 2021

PLEDGE OF ALLEGIANCE

Chairman Anderson led the Pledge of Allegiance.

OPTIONAL PRAYER OR INVOCATION

Councilman Shank recited a quote from Ronald Reagan: The future doesn't belong to the faint hearted, it belongs to the brave.

ROLL CALL

Members Present: Chairman Anderson; Vice Chairwoman Clear; Mr. Horton; Mr. Rastetter; Mrs. Rennie; Mrs. Schauerma; Mr. Shank

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

HEARING OF THE PUBLIC

Freda Tepfer

Freda Tepfer, Erie City: Presented a letter from Art Leopold to Council about the Human Relations Commission Ordinance. Discussed the improvement of the website for the Human Relations Commission but stated that it is not uniformly accessible. Encouraged the Council members to table Ordinance 82 and Resolution 54 due to the power allowed to the Executive Director, and terminology used in the Ordinance and Bylaws. She urged Council members to look at the accessibility of the Human Relations Commission website, the language of the bylaws and ordinance, and not to vote on them.

Natalie Miller

Natalie Miller, Millcreek: Spoke on the issue of the Constitution and religious exemptions. Voiced that a call to action was due to affirm that the actions of the Erie County Department of Health were in error; and that religious exemptions cannot and will not be removed.

Jeffrey McFadden

Jeffrey McFadden, Erie City: Spoke in support of his fellow 911 Emergency Telecommunicators. He voiced that increased turnover and persistent vacancies are having a negative impact on the level and quality of service public safety can provide for the community and first responders, and on overtime rates and stress levels experienced by existing staff. He referenced the depletion of staff versus

the amount of time and training it takes to have a full staff. He pointed out that people have to have second and third jobs to attain a livable income, and are exiting Erie County jobs for ones that start at equitable rates of pay of the top tier for county telecommunicators. He concluded by stating that the conversation has to include increased pay and retention.

Brian Pitzer

Brian Pitzer, Washington Township, Board member of All Aboard Erie: He suggested that the Ordinance dealing with the creation and funding of a Rail Commission would help to create a strategy for specific infrastructure projects in Erie County. He proposed the funding for the commission could best be used as seed money and/or matching funds for billions of dollars in federal funding and other sources. He discussed the possibility of having routes from Erie to Pittsburgh, Boston, New York, and Chicago. He also discussed the achievability of high speed rails, trams, and streetcars for future mobility. He also mentioned Erie as a prospect for future headquarters of different commissions and think tanks. He concluded that voting tonight is monumentally important to the future of Erie.

Michael Fuhrman

Michael Fuhrman, Erie City, Executive Director All Aboard Erie, Director of the Lakeshore Rail Alliance, a coalition of 8 advocacy organizations in 6 states, whose goal is to petition elected officials to invest in passenger rail: He pointed out investment is the bedrock which a city and the economy depend upon. Support of the Rail Commission would be an investment in Erie County's future because infrastructure is the baseline from which an economy can move. He stated it would be devastating to the image and economy of Erie County to be left out of discussions on rail corridors. He also expressed that cities with well-studied and well-collaborated plans on transit are going to see investment from federal monies. He concluded that transportation is critical, and that the Council needs to think about a 21st century vision of moving people and commodities that is economically and environmentally friendly.

Additional Speakers Receiving 3 Minutes

Shelly Rhoades, Erie City: Spoke regarding the Human Relations Commission Ordinance and Bylaws. She urged the Council to table the Ordinance as well as the Bylaws because of concerns about language used therein. She also expressed that virtual spaces need to be equal and accessible to all, and referenced the Human Relations Commission's website.

Cindy Pervis, Erie City: Spoke on the need for the Council to fully fund the Rail Commission for the good of the economy and workers of Erie County. Expressed that this is the future and encouraged the Council to vote and fully fund the Rail Commission.

Timothy Smith, Erie City: He questioned the Council on the use of federal funds, taxes, and fees, and the bias of the Community College's free tuition. He urged the Council to be conservative, cut costs, reduce government size, and use funds prudently. He hopes to see incoming monies used to reduce county debt.

Christine Coburn, Summit Township: Supported Natalie Miller and religious exemptions, and they should be reinstated.

Martha (inaudible by mask), Erie City: Supported Freda Tepfer and Shelly Rhoades regarding the Human Relations Commission. Also, upon hearing the discussions about the (Rail Commission) she also supported the passing of it as well.

MINUTES FROM PREVIOUS MEETING

October 12, 2021 - Regular Meeting A motion was called by Vice chairwoman Clear, with a second by Councilman Horton to approve the minutes of the meeting on October 12, 2001, and passed 7-0 .

REPORTS OF COUNTY OFFICIALS

County Executive and/or her Designee No report offered at this time.

Finance Committee -Mrs. Clear Finance Chairwoman Clear reported that the Finance Committee met on Thursday, October 21, 2021 and submitted to the agenda: Old Business items A through E, and New Business items A through J.

Personnel Committee - Mrs. Rennie Personnel Chairwoman Rennie reported that the Personnel Committee met on Thursday, October 21, 2021; no items were offered for the agenda at this time.

Citation in Recognition of Kendra Kucharski, Eagle Scout Chairman Anderson announced Kendra Kucharski and yielded to Councilman Horton, as her district representative.
Councilman Horton: He spoke about her achievement of being the first female Eagle Scout from the French Creek Council. He asked her mother to join them as well, because it takes others to support the Eagle Scout for their success, and the presentation is not only to Kendra, but her family and her entire scout troop as well. He asked Mr. Smith to allow him to read the citation to Kendra.

Councilman Horton read the citation in its entirety:

Recognizing Kendra Kucharski, Eagle Scout
WHEREAS, Kendra Kucharski, made history as the first female Eagle Scout in French Creek Council; achieving her goal in Spring of 2021, and officially recognized in October 2021; and
WHEREAS, Kendra, at age 14, is the second youngest scout to rank as Eagle Scout in Troop 37, chartered to St. James Parish; and
WHEREAS, Troop 37 Scout Master, and proud mother, Brigitte Kucharski attests to Kendra earning 47 merit badges and achieving the rank of Life Scout; and

WHEREAS, Kendra's Eagle Scout Project consisted of refurbishing the women's public restroom at St. Nick's Grove; managing 20 laborers; remodeling, pressure washing, and painting the building; organizing and submitting appropriate paperwork; and

WHEREAS, Kendra has demonstrated her commitment to excellence, her high character, and her devotion to singular achievements.

NOW THEREFORE WE THE UNDERSIGNED Members of Erie County Council unite with our colleagues on Erie City Council, with Kendra's parents, Brigitte and Paul Kucharski, French Creek Council Troop 37, friends, and fellow scouts in commending Kendra Kucharski on the receipt of Eagle Scout rank, her dedication to serving the community, her display of civic duty, and her exemplary leadership which prepare her to be a sound future leader.

IN WITNESS WHEREOF, we have set our hands and the Seal of Erie County this 26th day of October, 2021.

Councilman Horton: Presented the citation, and thanked Kendra for being a great representative of what young people should and can become in Erie County.

Chairman Anderson: He also offered congratulations from the County Council, as well as from Erie City Council.

Other

Board of Elections Chairwoman Rennie spoke about the upcoming elections. A reminder was given that next Tuesday, November 2, 2021, is Election Day, and today was the last day to apply for a mail ballot. People that applied for a mail ballot should bring it to the Courthouse to ensure it counts. There is still a need for poll workers and clerks. There are in excess of twenty thousand ballots that have been applied for and sent out, and over eleven thousand have been received at this date.

Chairman Anderson thanked Councilwoman Rennie and the Election Board and staff for the work they have done on behalf of Erie County. He stated their work is vital to our community.

He then made an announcement on the progress of the Diversity, Equity, and Inclusion Commission. He asked Councilman Horton to serve as the Liaison, and Councilwoman Schauerman to serve as the assistant liaison to the Diversity, Equity, and Inclusion Commission.

OLD BUSINESS

Second Reading of Ordinance Number 82, 2021 "Amending Ordinance 45, 2018 to Revise the Erie County Human Relations

Vice Chairwoman Clear made a motion to table Ordinance Number 82, 2021 "Amending Ordinance 45, 2018 to Revise the Erie County Human Relations Commission Ordinance", seconded by Councilman Horton. Passed 7-0.

Commission Ordinance"
(First Reading 9-28-
21)(Finance Committee)

Second Reading of
Ordinance Number 83,
2021 "2022 Revenue/Tax
Claim Fee Schedule
Revision" (First Reading
10-12-21)(Finance
Committee)

Mr. Smith gave a Second Reading of Ordinance Number 83, 2021 "2022 Revenue/Tax Claim Fee Schedule Revision". Motion by Councilwoman Schauerma and seconded by Vice Chairwoman Clear. Passed 7-0

Second Reading of
Ordinance Number 87,
2021, " First 2021 Gaming
Fund Budget Supplemental
Appropriation of
\$4,326,531 in FY 2019
Interactive Gaming Fees
and Approval of
Community Projects"
(First Reading
10/12/21)(Finance
Committee)

Mr. Smith gave a Second Reading of Ordinance Number 87, 2021, " First 2021 Gaming Fund Budget Supplemental Appropriation of \$4,326,531 in FY 2019 Interactive Gaming Fees and Approval of Community Projects". Motion by Vice Chairwoman Clear and seconded by Councilman Rastetter. Passed 7-0

Vice Chairwoman Clear made a motion to vote on each individual line item separately seconded by Councilwoman Schauerma.

Rail Commission (\$1,000,000.00):

Councilman Shank spoke about his support for the Rail Commission, but stated he does not support the amount of 1 million dollars. His constituents have notified him of their opposition. Declared a no vote.

Councilman Horton spoke about his support for the Rail Commission, but stated he does not support the amount of 1 million dollars. His constituents have apprised him of their opposition. He stated their duty is to the people, and they have not done enough for the vulnerable population. Declared a no vote.

Councilwoman Rennie spoke about her support of a Transit Commission. The outcomes of the Rail Commission and its funding of one million dollar are not available, and therefore declared a no vote.

Vice Chairwoman Clear stated that her constituents believe this should be pushed forward, and support it 100% for the betterment of Erie and hope for its future.

Councilman Rastetter stated their job is community building, including human services and the Rail Commission. His constituents have been supportive of this Commission. He stated this Commission is to support new attitudes and intentional approaches for the betterment of the community.

Councilwoman Schauerma stated she had also been offered support by her constituents. She voiced that if action was not taken now, the chance would be lost.

Motion passed 4-3. Councilman Horton changed his vote for the record, and passed 5-2.

Motion by Councilwoman Schauerma, seconded by Vice Chairwoman Clear. Hagan History Center Grant (\$250,000); passed 6-1.

Motion by Vice Chairwoman Clear, seconded by Councilman Horton. Erie County Redevelopment Authority (\$395,677); passed 7-0.

Motion by Vice Chairwoman Clear, seconded by Councilman Horton. Enterprise Fund (\$100,00); passed 7-0.

Chairman Anderson commended the Council members and the County Executive and her administration for their work on this Ordinance. He called it transformational and essential to the community. He spoke on taking this moment in time, in unity, to act now. New energy, a new tomorrow for Union City. Corry community will have a new industry with sustainability. EF will make investments in minorities, women, and new Americans. it believes in people. He stated these are small investments for belief in what our community can be because we are resilient and will persevere. He applauds all us for doing something out of the box, and making a better place for future generations to come.

Second Reading of Ordinance Number 90, 2021 "To Create and Establish the Erie County Rail Future Commission" (First Reading 10-12-21)(Finance Committee)

Mr. Smith gave a Second Reading of Ordinance Number 90, 2021 "To Create and Establish the Erie County Rail Future Commission". Motion by Councilwoman Schauerma, seconded by Vice Chairwoman Clear, passed 6-1.

Motion to amend the face sheet by Vice Chairwoman Clear to add the exhibit added by Solicitor Talarico, and add language "provided any purchase of service agreement entered into by the Commission of 50K or more shall first be approved by the Erie County Council." To add to the ordinance, the money will be in a restricted account and released when the board of the Rail Future Commission is seated.

Seconded by Councilwoman Schauerma

Councilman Rastetter motions to amend the amount to be 100K. Clear does not accept "friendly" counter, as 50K was discussed and decided on by the Council. There is no second to the motion.

Councilman Shank said this is not about control, but checks and balances.

Councilwoman Rennie adds that the Commission won't build trains or tracks, but the things they will buy should be accountable to the County. She would prefer 25K.

Passed 7-0.

Chairman Anderson congratulates the community on using money in a transformative way. Asks Council to get names ready for appointments.

Resolution Number 41, 2021 "Approval of Payment in Lieu of Taxes Agreement between the County of Erie, the City of Erie, the City of Erie School District and the Lutheran Home for the Aged" (Tabled 10/12/21)

Item Remains Tabled, no action taken.

NEW BUSINESS

Motion to move items D through I in one vote.

First Reading of Ordinance Number 92, 2021 "Amending the Administrative Code of 2021, Article II, Section 5, IV (3) (f) and Incorporating the Erie County Rail Future Commission" (Finance Committee) (Attached)

Motion made by Councilwoman Clear to amend the agenda to include items D-I in one motion to vote, move item B to second reading. Seconded by Councilwoman Schauerma. Passed 7-0.

Mr. Smith gave a Second Reading of Ordinance Number 92, 2021 "Amending the Administrative Code of 2021, Article II, Section 5, IV (3) (f) and Incorporating the Erie County Rail Future Commission".

Motion by Councilwoman Clear, seconded by Councilwoman Schauerma. Councilwoman Clear makes a motion to include amendments made earlier, seconded by Councilman Horton. Passed 7-0.

Councilman Horton spoke about why he changed his nay vote to yay, to support his colleagues. Thanked the Solicitor for his advice.

Councilwoman Rennie, now that the Ordinance was passed, it is law. The amendments are housekeeping and must be passed.

Resolution Number 47, 2021 "Approving the Intergovernmental Transfer Agreement Between the PA Department Of Human Services- Office of Long Term Living And the County Of Erie" (Finance Committee)

Mr. Smith gave a reading of Resolution Number 47, 2021 "Approving the Intergovernmental Transfer Agreement Between the PA Department Of Human Services- Office of Long Term Living And the County Of Erie"

Motion made by Councilman Horton, seconded by Councilwoman Clear. Passed 7-0.

Resolution Number 48, 2021 "Exonerating Outstanding County Taxes, Fees and Interest on 317 Peninsula Drive, Lot 44, Millcreek Township, PA; Parcel 33-016-034.2-003.73" (Finance Committee)

Mr. Smith read items D through I for consideration of the vote on one motion.

A motion made by Councilwoman Schauerma, seconded by Councilwoman Clear. Passed 7-0.

Resolution Number 49, 2021 "Exonerating Outstanding County Taxes, Fees and Interest on 317 Peninsula Drive, Lot 25 Millcreek Township, Parcel 33-016.034.1-003.82"

(Finance Committee)

**Resolution Number 50,
2021 "Exonerating
Outstanding County Taxes,
Fees and Interest on 2720
Green Acre Drive,
Millcreek Township, PA,
Parcel 33-56-242.3-101.39"
(Finance Committee)**

**Resolution Number 51,
2021 "Exonerating
Outstanding County Taxes,
Fees and Interest on 3967
W 12th Street, Erie PA,
Parcel 33-026-159.0-
002.57" (Finance
Committee)**

**Resolution Number 52,
2021 "Exonerating
Outstanding County Taxes,
Fees and Interest on 562
Conti Drive, Millcreek
Township, Parcel 33-016-
019.0-268.49" (Finance
Committee)**

**Resolution Number 53,
2021 "Exonerating
Outstanding County Taxes,
Fees and Interest on 5149
Henderson Road, Lot 63,
Millcreek Township, Parcel
33-113-640.1-022.75"
(Finance Committee)**

**Resolution Number 54,
2021 "Approving Revisions
to the Bylaws of the Human
Relations Commission"
(Attached)**

Mr. Smith gave a reading of Resolution Number 54, 2021 "Approving Revisions to the Bylaws of the Human Relations Commission".
Motion by Councilwoman Clear, seconded by Councilwoman Schauerman.
Councilman Horton stated he would vote no due to the Solicitor's comments, as well as the speakers who voted against.
Councilwoman Rennie also stated she would vote no. She has concerns about it.
Councilwoman Clear stated she has reservations due to information provided to them. She acknowledged Councilwoman Schauerman's efforts on this Commission. She suggests tabling the vote.
Chairman Anderson intervenes and speaks about the discussion in the Caucus.

The remedy is to table the Ordinance, and pass the Resolution.

Councilwoman Clear wanted to hear from Councilwoman Schauerman, and thanked her for her service.

Schauerman said it was agreed in the Caucus to pass the resolution because they had tabled the Ordinance, and it would coincide with each other. She apologizes for language within, she thought it had been corrected.

Councilman Horton said it was not decided on in Caucus, and he will vote no.

Chairman Anderson stated commissioners are the judges for the cases brought to the Commission. The budget falls under the staff, and they report to the County Clerk. There was a consensus of the Council to table the Ordinance, passing the By-laws.

Called for a vote. Passed 4-3.

ADJOURNMENT

Councilman Horton moved to adjourn the meeting at 8:41pm. Chairman Anderson adjourned the meeting.

The next Finance/Personnel Committee Meetings are Wednesday November 10, 2021 at 4pm in room 114A, Erie County Courthouse or via zoom. The next Regular Meeting of County Council is Tuesday November 16th, 2021 at 6pm in room 117, County Courthouse.

Members of the public wishing to speak at an upcoming Regular Meeting of Council or those requiring specific accommodation are encouraged to call or email the Council Office at (814) 451-6303 or Councilrequests@eriecountypa.gov.