

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, March 18, 2010

PRESENT: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Council met, a quorum being present.

Reverend Tracy Duncan of Simpson Fletcher Unity Methodist Church was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL
of the meeting of March 11, 2010.

THE MOTION WAS DULY SECONDED AND AGREED TO.

COMMUNICATIONS

The Sergeant-at-Arms presented messages from the Mayor as follows:

- Transmitting a message advising Council that Bill Nos. 090519, 100004 and 100009, which were passed on March 11, 2010, were signed by the Mayor on March 17, 2010. (File No. 100190)

THE COMMUNICATION WAS READ.

- Transmitting a message advising Council that Bill Nos. 090833, 100003, 100006, 100014 and 100063, which were passed on March 4, 2010, were signed by the Mayor on March 17, 2010. (File No. 100191)

THE COMMUNICATION WAS READ.

- Transmitting a bill further amending Bill No. 090325, entitled "An Ordinance approving the Fiscal Year 2010 Capital Budget providing for expenditures for the capital purposes of the Philadelphia Gas Works (including the supplying of funds in connection therewith) subject to certain constraints and conditions, and acknowledging receipt of the Forecast of Capital Budgets for Fiscal Years 2011

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through 2015”, as previously amended by Bill No. 090705, by approving a further amended Capital Budget for Fiscal Year 2010, accompanied by an explanatory letter from the Chairwoman of the Gas Commission. (File No. 100192)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of Public Property on behalf of the City to convey to the Philadelphia Authority for Industrial Development a certain parcel of land with the buildings and improvements thereon situate on the northeasterly side of Cottman Avenue near Shelborne Street, being a portion of the Ryers Station parking lot, for further conveyance to the Southeastern Pennsylvania Transportation Authority, under certain terms and conditions. (File No. 100193)

THE COMMUNICATION WAS READ.

- Transmitting a bill amending Section 19-513 of The Philadelphia Code, entitled “Tax Amnesty Program,” by providing for treatment of additions to tax, and making technical amendments, under certain terms and conditions. (File No. 100194)

THE COMMUNICATION WAS READ.

INTRODUCTION OF BILLS AND RESOLUTIONS

Councilmember Krajewski Introduced the following Bill, Sponsored by Councilmember Krajewski:

- Bill No. 100184:** An Ordinance Amending Section 19-513 of The Philadelphia Code, entitled “Tax Amnesty Program,” by providing for treatment of additions to tax, and making technical amendments, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Tasco Introduced the following Bill for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

- Bill No. 100185:** An Ordinance Amending Section 10-602 of The Philadelphia Code, known as the “Clean Indoor Air Worker Protection Law,” by providing a limited period of time, expiring June 30, 2010, during which a Private Club, as defined, may apply for and obtain a waiver of the provisions of the Section prohibiting smoking in certain places, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES.

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Councilmember Tasco Introduced the following Bill, Sponsored by Councilmember Tasco:

- ☐ **Bill No. 100186:** An Ordinance Further amending Bill No. 090325, entitled “An Ordinance approving the Fiscal Year 2010 Capital Budget providing for expenditures for the capital purposes of the Philadelphia Gas Works (including the supplying of funds in connection therewith) subject to certain constraints and conditions, and acknowledging receipt of the Forecast of Capital Budgets for Fiscal Years 2011 through 2015,” as previously amended by Bill No. 090705, by approving a further amended Capital Budget for Fiscal Year 2010.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Miller Introduced the following Resolution, Sponsored by Councilmember Miller:

- ☐ **Resolution No. 100188:** Resolution Proclaiming The Week of April 18th 2010 as “National Crime Victims' Rights Week.”

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember O'Neill Introduced the following Bill, Sponsored by Councilmember O'Neill:

- ☐ **Bill No. 100187:** An Ordinance Authorizing the Commissioner of Public Property on behalf of the City to convey to the Philadelphia Authority for Industrial Development a certain parcel of land with the buildings and improvements thereon situate on the northeasterly side of Cottman Avenue near Shelbourne Street, being a portion of the Ryers Station parking lot, for further conveyance to the Southeastern Pennsylvania Transportation Authority, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS.

Councilmember Clarke Introduced the following Resolution, Sponsored by Councilmember Clarke:

- ☐ **Resolution No. 100189:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deeds conveying conditional fee simple title to certain City-owned lots or pieces of ground with the buildings and improvements thereon, situate in the Eighteenth, Twenty-ninth and Thirty-second Wards of the City of Philadelphia, pursuant to Chapter 16-400 of

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The Philadelphia Code and authorizing the Redevelopment Authority of the City of Philadelphia to dispose of such properties for rehabilitation and/or improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

REPORTS FROM COMMITTEES

COMMITTEE OF THE WHOLE

- 📄 **Bill No. 100136, as amended:** An Ordinance Amending Chapter 19-3500 of The Philadelphia Code, entitled “General Acute Care Hospital Assessment,” by clarifying its applicability to High Volume Medicaid Hospitals, by revising due dates, by making changes to conform to amendments to State law, and making technical changes, all under certain terms and conditions.

COUNCILMEMBER TASCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100136.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY’S FIRST READING CALENDAR.

COMMITTEE ON LAW AND GOVERNMENT

- 📄 **Bill No. 100121, as amended:** An Ordinance Providing for the submission to the qualified electors of the City of Philadelphia of a proposed amendment of The Philadelphia Home Rule Charter set forth in a Resolution approved by Council relating to restrictions on the political activities of City officers and employees, and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

COUNCILMEMBER GREENLEE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100121.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY’S FIRST READING CALENDAR.

- 📄 **Resolution No. 100139:** Resolution Proposing an amendment to The Philadelphia Home Rule Charter relating to restrictions on the political activities of City officers and employees, and providing for the submission of the amendment to the electors of Philadelphia.

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THE RESOLUTION WAS FAVORABLE RECOMMENDATION; CONSIDERATION AT NEXT STATED COUNCIL MEETING.

COMMITTEE ON STREETS AND SERVICES

📄 **Bill No. 080029:** An Ordinance Authorizing the vacating of Byberry and Bensalem Road from Southampton-Byberry Road to the Philadelphia and Bucks County Line and the vacating of Burling avenue from the Roosevelt Boulevard to a dead-end approximately three thousand nine hundred (3,900) feet southeast of the Roosevelt Boulevard, under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080029.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

📄 **Bill No. 090925:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 248 by placing on the City Plan Saybrook Avenue from Lloyd Street to Seventy-second Street, approximately two-hundred three feet southeast of Woodland Avenue, under certain terms and conditions, including the dedication to the City of the bed of Saybrook Avenue.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 090925.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

📄 **Bill No. 090926:** An Ordinance Authorizing the paving of Saybrook Avenue from Lloyd Street to Seventy-second Street, under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 090926.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

📄 **Bill No. 100102:** An Ordinance Amending Section 2 of an Ordinance (Bill No. 080725) approved November 19, 2008, entitled "An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 120 by striking from the City Plan and vacating Cleveland Street from Girard Avenue to Stiles Street, under certain terms and conditions," by extending the period for compliance with the terms and conditions stated therein.

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PERMIT CONSIDERATION THIS DAY OF BILL NO. 100102.

THE MOTION WAS DULY SECONDED AND AGREED TO.


THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

CONSIDERATION OF THE CALENDAR


BILLS ON FIRST READING

 **Bill No. 100136:** An Ordinance Amending Chapter 19-3500 of The Philadelphia Code, entitled "General Acute Care Hospital Assessment," by clarifying its applicability to High Volume Medicaid Hospitals, by revising due dates, by making changes to conform to amendments to State law, and making technical changes, all under certain terms and conditions.


THE BILL WAS ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR.

 **Bill No. 100121:** An Ordinance Providing for the submission to the qualified electors of the City of Philadelphia of a proposed amendment of The Philadelphia Home Rule Charter set forth in a Resolution approved by Council relating to restrictions on the political activities of City officers and employees, and authorizing the appropriate officers to publish notice and to make arrangements for the special election.


THE BILL WAS ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR.

 **Bill No. 080029:** An Ordinance Authorizing the vacating of Byberry and Bensalem Road from Southampton-Byberry Road to the Philadelphia and Bucks County Line and the vacating of Burling avenue from the Roosevelt Boulevard to a dead-end approximately three thousand nine hundred (3,900) feet southeast of the Roosevelt Boulevard, under certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR.

 **Bill No. 090925:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 248 by placing on the City Plan Saybrook Avenue from Lloyd Street to Seventy-second Street, approximately two-hundred three feet southeast of Woodland Avenue, under certain terms and conditions, including the dedication to the City of the bed of Saybrook Avenue.

THE BILL WAS ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR.

 **Bill No. 090926:** An Ordinance Authorizing the paving of Saybrook Avenue from Lloyd Street to Seventy-second Street, under certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR.

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📄 **Bill No. 100102:** An Ordinance Amending Section 2 of an Ordinance (Bill No. 080725) approved November 19, 2008, entitled “An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 120 by striking from the City Plan and vacating Cleveland Street from Girard Avenue to Stiles Street, under certain terms and conditions,” by extending the period for compliance with the terms and conditions stated therein.

THE BILL WAS ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING..

BILLS ON SECOND READING AND FINAL PASSAGE

Councilmember Tasco

moved that Bill No. 090226 be withdrawn.

THE MOTION WAS DULY SECONDED AND AGREED TO.

📄 **Resolution No. 090226, as amended:** Resolution Providing for the approval by the Council of the City of Philadelphia of a Revised Five Year Financial Plan for the City of Philadelphia covering Fiscal Years 2010 through 2014, and incorporating proposed changes with respect to Fiscal Year 2009, which is to be submitted by the Mayor to the Pennsylvania Intergovernmental Cooperation Authority (the "Authority") pursuant to the Intergovernmental Cooperation Agreement, authorized by an ordinance of this Council approved by the Mayor on January 3, 1992 (Bill No. 1563-A), by and between the City and the Authority.

THE RESOLUTION WAS WITHDRAWN.

WHICH WAS READ.

📄 **Bill No. 090852, as amended:** An Ordinance Amending Chapter 14-1800 of The Philadelphia Code, entitled “Zoning Board of Adjustment,” to provide that the Zoning Board of Adjustment shall require any person seeking a variance from the terms of Title 14 to be current in payments of all taxes imposed under Title 19, under certain terms and conditions.

THE BILL WAS READ.

DISCUSSION - BILL NO. 090852 - COUNCILMEMBERS KENNEY, RIZZO, KENNEY, GREEN, BLACKWELL, CLARKE, JONES, BROWN AND MILLER - (SEE NOTES OF TESTIMONY).


📄 **Bill No. 090852, as amended:** An Ordinance Amending Chapter 14-1800 of The Philadelphia Code, entitled “Zoning Board of Adjustment,” to provide that the Zoning Board of Adjustment shall require any person seeking a variance from

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the terms of Title 14 to be current in payments of all taxes imposed under Title 19, under certain terms and conditions.

Councilmember Rizzo agrees to delay Bill No. 090852 for one week - (see notes of testimony).

THE BILL WAS TABLED.

 **Bill No. 100095:** An Ordinance Amending Section 22-310 of The Philadelphia Code, entitled “Deferred Retirement Option Plan (DROP),” by conforming the City's DROP program to the requirements of Pennsylvania Act No. 44 of 2009 (H.B. 1828), which restricts the DROP eligibility of elected officials.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Nays: 0

SPEECHES

COUNCILMEMBER BROWN, BLACKWELL AND TASCO - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.