

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, March 11, 2010

EXCUSED: 1 - Councilmember Krajewski

PRESENT: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Council met, a quorum being present.

Father Joe Campellone of Father judge High School was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL

of the meeting of March 4, 2010.

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember Tasco requested leave of absence for

Councilmember Krajewski

THE REQUEST WAS GRANTED.

COMMUNICATIONS

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

☐ Transmitting a message advising Council that Bill No. 100005, which was passed by Council on March 4, 2010, was signed by the Mayor on March 5, 2010. (File No. 100174)

THE COMMUNICATION WAS READ.

☐ Transmitting a message advising Council that Bill Nos. 090591 and 090927, which were passed by Council on February 25, 2010, was signed by the Mayor on March 5, 2010. (File No. 100175)

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THE COMMUNICATION WAS READ.

- Transmitting a message advising Council that Bill Nos. 090878, 090879, 100001 and 100002, which were passed by Council on March 4, 201, was signed by the Mayor on March 5, 2010. (File No. 100176)

THE COMMUNICATION WAS READ.

- February 10, 2010

To The President and Members of
The Council of the City of Philadelphia:

Pursuant to Section 4-604 and 2-307 of the Home Rule Charter, I am today transmitting to the Council the recommendations of the City Planning Commission regarding the following bills:

- Bill No. 090839
- Bill No. 090840
- Bill No. 090880
- Bill No. 100003
- Bill No. 100014
- Bill No. 100015

Respectfully
Michael A. Nutter
Mayor (File No. 100177)

THE COMMUNICATION WAS READ.

- Transmitting a resolution appointing Christopher P. McGill to the Board of Directors for the Old City Special Services District. (File No. 100178)

THE COMMUNICATION WAS READ.

- Transmitting a resolution appointing Carolyn Pfeiffer to the Board of Directors for the Old City Special Services District. (File No. 100179)

THE COMMUNICATION WAS READ.

- Transmitting a resolution appointing Michael Yaron, Ph.D., to the Board of Directors for the Old City Special Services District. (File No. 100180)

THE COMMUNICATION WAS READ.

- Transmitting a resolution appointing Albert Taus, AIA, NCARB, to the Board of Directors for the Old City Special Services District. (File No. 100181)

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THE COMMUNICATION WAS READ.

- ☐ Transmitting a resolution appointing Peter C. Rothberg to the Board of Directors for the Old City Special Services District. (File No. 100182)

THE COMMUNICATION WAS READ.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

- ☐ **Bill No. 100156:** An Ordinance Amending Section 14-304 of The Philadelphia Code, entitled “C-3 Commercial District,” amending Section 14-1402 of The Philadelphia Code, entitled “Parking in Residential Districts,” and amending Section 14-1405 of The Philadelphia Code, entitled “Off-street Loading,” all under certain terms and conditions .

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

Councilmember Blackwell Introduced the following Bill, Sponsored by Councilmembers Blackwell and Council President Verna:

- ☐ **Bill No. 100157:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan Nos. 11-S, 42, 269, and 308 by relocating the houselines and curblines of South Street from a point approximately one-hundred seventy feet northwest of Convention Avenue to the northwesterly Pierhead and Bulkhead Line of the Schuylkill River and from the southeasterly Pierhead and Bulkhead Line of the Schuylkill River to Twenty-seventh Street so as to increase the width of South Street for the purpose of constructing a new bridge crossing the Schuylkill River and by placing on the City Plan a variable width right-of-way for drainage purposes adjacent to the southwesterly side of South Street northwest of Schuylkill Avenue and authorizing the opening of the said widened portions of South Street extending through property owned by the City.

THE BILL WAS REFERRED TO THE COMMITTEE ON STREETS AND SERVICES.

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

- ☐ **Resolution No. 100164:** 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 Thirteenth Ward of the City of Philadelphia,

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pursuant to Chapter 16-400 of 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.

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

 **Resolution No. 100165:** Resolution Proclaiming the Month of March 2010 as “National Music Education Month” (aka) “Music in our Schools Month.”

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Sanchez Introduced the following Bill, Sponsored by Councilmembers Sanchez, Green, Rizzo, Greenlee, Blackwell, Reynolds Brown, Miller, Clarke, Kelly, O'Neill and Tasco:

 **Bill No. 100158:** An Ordinance Amending Section 12-1109 of The Philadelphia Code, entitled “Permits Required for Parades, Processions and Assemblages,” by conditioning the issuance of such permits on the applicant's agreement to reimburse the City for additional costs the City incurs as a result of the activity for which the permit is issued, subject to a maximum reimbursement amount; by making such maximum reimbursement amount retroactive; and by requiring refunds to persons who reimbursed the City for costs in excess of such maximum amount, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON LICENSES AND INSPECTIONS.

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

 **Resolution No. 100166:** 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 and Nineteenth Wards of the City of Philadelphia, pursuant to Chapter 16-400 of 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.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Jones Introduced the following Bill, Sponsored by Councilmembers Jones, Blackwell, Goode and Clarke:

- 📄 **Bill No. 100159:** An Ordinance Amending Chapter 21-1100 of The Philadelphia Code, entitled "Community Development," by amending Section 21-1108, entitled "Economic Development," to increase the percentage of funds that must be allocated to economic development, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON HOUSING, NEIGHBORHOOD DEVELOPMENT AND THE HOMELESS.

Councilmember Jones Introduced the following Bill, Sponsored by Councilmembers Jones, Blackwell and Goode:

- 📄 **Bill No. 100160:** An Ordinance Amending Chapter 21-1100 of The Philadelphia Code, entitled "Community Development," by amending Section 21-1105, entitled "City Council Oversight and Plan Approval," all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON HOUSING, NEIGHBORHOOD DEVELOPMENT AND THE HOMELESS.

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

- 📄 **Resolution No. 100167:** Resolution Calling on the Board of Revision of Taxes and the agencies that will replace the BRT if the voters of Philadelphia abolish it, to adopt regulations authorizing a property owner who is appealing an assessment to request an in-person inspection of the outside and inside of his or her property as part of the appeal process; and providing that a property owner who refuses to permit inspection of the inside of his or her property by an assessor shall be precluded from appealing the pending assessment of that property.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

The Ayes and Nays were as follows:

Ayes: 15 - Councilmembers Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Nays: 1 - Councilmember Blackwell

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

📄 **Resolution No. 100168:** Resolution Appointing Christopher P. McGill to the Board of Directors for the Old City Special Services District.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Resolution No. 100169:** Resolution Appointing Carolyn Pfeiffer to the Board of Directors for the Old City Special Services District.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Resolution No. 100170:** Resolution Appointing Michael Yaron, Ph.D., to the Board of Directors for the Old City Special Services District.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Resolution No. 100171:** Resolution Appointing Albert Taus, AIA, NCARB, to the Board of Directors for the Old City Special Services District.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Resolution No. 100172:** Resolution Appointing Peter C. Rothberg to the Board of Directors for the Old City Special Services District.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Bill No. 100161:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-703.2, entitled "Passive Recreation District (REC-P)," by revising the rules and regulations that apply within passive recreation districts, under certain terms and conditions.

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THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- ☐ **Bill No. 100162:** An Ordinance Amending Chapter 4-200.0, Subcode “A” (The Philadelphia Administrative Code) of Title 4 of The Philadelphia Code, entitled “Text of Subcodes,” by amending Section A-906, entitled “Property Maintenance Code Fees,” to increase the license fees charged to own a vacant lot, vacant building or vacant wharf, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Clarke Introduced the following Bill, Sponsored by Councilmembers Clarke, Green, Jones, Goode, Sanchez, Blackwell, DiCicco, Rizzo, Miller, Greenlee, Council President Verna, Reynolds Brown, Tasco, Kelly, O'Neill and Kenney:

- ☐ **Bill No. 100163:** An Ordinance Authorizing the City of Philadelphia to organize an authority to be known as The Philadelphia Energy Authority, pursuant to the terms of the “Municipalities Authorities Act,” of 2001, June 19, P.L. 287, No. 22, as amended, under certain terms and conditions.

THE BILL WAS RE-REFERRED TO THE COMMITTEE ON TRANSPORTATION AND PUBLIC UTILITIES.

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

- ☐ **Resolution No. 100173:** Resolution Recognizing, Honoring, And Celebrating The Guardian Civic League Of Philadelphia On The Occasion Of Its Hosting Of The 2010 National Black Police Association Eastern Region Conference In Philadelphia.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

REPORTS FROM COMMITTEES

COMMITTEE OF THE WHOLE

- ☐ **Resolution No. 100021:** Resolution Confirming the appointment of Sister Mary Scullion as a member of the Board of Ethics, to serve in the term ending November 16, 2010.

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THE RESOLUTION WAS FAVORABLY RECOMMENDED AND ADOPTED.

- ☐ **Resolution No. 100023, as amended:** Resolution Confirming the appointment of Nolan Atkinson as a member of the Board of Ethics, to serve in the term ending November 16, 2014.

THE RESOLUTION WAS FAVORABLY RECOMMENDED AND ADOPTED.

COMMITTEE ON LABOR AND CIVIL SERVICE

- ☐ **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.

COUNCILMEMBER GREEN MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100095.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES

- ☐ **Bill No. 100012:** An Ordinance Amending Title 6 of The Philadelphia Code, entitled “Health Code,” by defining “Supermarkets,” and excluding Supermarkets from the definition of Chain Restaurants, thereby exempting Supermarkets from menu labeling requirements applicable to Chain Restaurants, 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. 100012.

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. 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.

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

- ☐ **Bill No. 100012:** An Ordinance Amending Title 6 of The Philadelphia Code, entitled "Health Code," by defining "Supermarkets," and excluding Supermarkets from the definition of Chain Restaurants, thereby exempting Supermarkets from menu labeling requirements applicable to Chain Restaurants, under certain terms and conditions.

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

BILLS ON SECOND READING AND FINAL PASSAGE

- ☐ **Bill No. 100004:** An Ordinance Authorizing the Bond Committee to sell bonds at public or private negotiated sale, to provide funds toward various capital municipal purposes; providing for appropriations to the Sinking Fund Commission for the payment of such bonds; authorizing agreements to provide credit or payment or liquidity sources for the bonds in connection with issuance of the bonds, and certain other actions; providing for obtaining the consent of the electors to increasing the indebtedness of the City; and fixing a day and providing for arrangements for holding the election for obtaining such consent.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Nays: 0

Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

- ☐ **Resolution No. 090529:** Resolution Proposing an amendment to the Philadelphia Home Rule Charter confirming Council's power to enact ordinances that (i) require City contractors and recipients of City financial assistance to submit and comply with economic opportunity plans addressing the participation of disadvantaged business enterprises and workforce diversity, and (ii) that provide remedies for violations, including debarment from doing business with the City or receiving City financial assistance for a specified period of time; and authorizing Council to specify procedures for such debarments by conferring powers and duties on existing City agencies, including Council, or by creating new agencies for such purposes; and providing for the submission of the amendment of the electors of Philadelphia.

THE RESOLUTION WAS READ.

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THE RESOLUTION WAS ADOPTED.

The Ayes and Nays were as follows:

Nays: 0

Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

 **Bill No. 090519, as amended:** An Ordinance Providing for the submission to the qualified electors of the City of Philadelphia of the proposal set forth in a Resolution approved by Council proposing an amendment of the Philadelphia Home Rule Charter confirming Council's power to enact ordinances that (i) require City contractors and recipients of City financial assistance to submit and comply with economic opportunity plans addressing the participation of disadvantaged business enterprises and workforce diversity, and (ii) that provide remedies for violations, including debarment from doing business with the City or receiving City financial assistance for a specified period of time; and authorizing Council to specify procedures for such debarments by conferring powers and duties on existing City agencies, including Council, or by creating new agencies for such purposes; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Nays: 0

 **Bill No. 100009:** An Ordinance Amending Section 19-2604 of The Philadelphia Code, relating to tax rates and credits for the business privilege tax, by amending the credit for contributions to community development corporations to allow a business that terminated a contribution agreement to remain eligible for future tax credits under the provision that permits two businesses to apply jointly for the tax credit, under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

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Nays: 0

SPEECHES

COUNCILMEMBER JONES, GREEN AND SANCHEZ - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.