

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, February 17, 2005

EXCUSED: 2 - Councilmembers Krajewski and Mariano

PRESENT: 15 - Councilmembers Reynolds Brown, Cohen, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco, Council President Verna, Blackwell, Nutter, Clarke, Miller, Tasco and O'Neill

Council met, a quorum being present.

Reverend Eric Simmons of First Baptist Church of the Paschall was introduced and offered an appropriate prayer.

COUNCILMEMBER BLACKWELL MOVED TO APPROVE THE JOURNAL
of the meeting of February 10, 2005

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember Blackwell requested leave of absence for
Councilmember Krajewski

THE REQUEST WAS GRANTED.

Councilmember Blackwell requested leave of absence for
Councilmember Mariano

THE REQUEST WAS GRANTED.

COMMUNICATIONS

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

- Transmitting a message advising Council that Bill Nos. 040918-A, 040972-A and 040999, which were passed by Council on February 2, 2005, was signed by the Mayor on February 16, 2005. (File No. 050154)

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THE COMMUNICATION WAS READ.

- ☐ Transmitting a resolution approving the City of Philadelphia Amended 9-1-1 Plan, and authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to submit the Amended 9-1-1 Plan to the Pennsylvania Emergency Management Agency (“PEMA”) for review and approval, as required by the Pennsylvania Public Safety Emergency Telephone Act. (File No. 050155)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan No. 231 by striking from the City Plan and vacating the legally open portions of Pechin Street from Cinnaminson Street to Lemonte Street; under certain terms and conditions. (File No. 050156)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to acquire by condemnation or by purchase in lieu of condemnation a certain underground easement through 3111 West Allegheny Avenue, for sewer and drainage purposes, under certain terms and conditions. (File No. 050157)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the Water Commissioner on behalf of the City to enter into an agreement with the owners of the properties and their successors at 3101 through 3131 West Thompson Street for the grant of a right-of-way for water main purposes, under certain terms and conditions. (File No. 050158)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the Water Commissioner on behalf of the City to enter into an agreement with the owner of a property and their successors of private roadways located within the Independence Court Housing Development, located in properties bounded by Christian Street, Queen Street, Swanson Street and the Southeast Right-of-way Line of Interstate 95, for the grant of a right-of-way to the City for drainage, sewer and water main purposes, under certain terms and conditions. (File No. 050159)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the Water Commissioner on behalf of the City to enter into an agreement with the owners of the properties and their successors at 925 through 927, 925 Rear, 923, 923 Rear Number 1, 923 Rear Number 2 and 923 Rear Number 3 South Second Street for the grant of a right-of-way to the City in the bed of a private street, known as Salter Street for drainage, sewer and

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THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan No. 120 by striking from the City Plan and vacating Carlisle Street from Oxford Street to Cecil B. Moore Avenue and by reserving and placing on the City Plan a right of way for drainage purposes, water main purposes, gas main purposes and public utility purposes within the lines of Carlisle Street being stricken from the City Plan and vacated under authority of this Ordinance, under certain terms and conditions. (File No. 050161)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing Vincent and Barbara Termini, 824 Gatemore Road, Bryn Mawr, PA 19010, owners of the property Mr. Joe Café, 1514 S. 8th Street, Philadelphia, PA 19147, their successors and assigns, to construct, own and maintain pedestrian scale light poles, luminaires and underground electrical service, under certain terms and conditions. (File No. 050162)

THE COMMUNICATION WAS READ.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF COUNCIL SO AS TO PERMIT THE IMMEDIATE CONSIDERATION OF ALL RESOLUTIONS.

THE MOTION WAS DULY SECONDED AND AGREED TO.

SPECIAL BUSINESS

Councilmember Kenney

Moved That The Vote By Which Bill No. 040326 Passed Council Be Reconsidered

THE MOTION WAS DULY SECONDED AND AGREED TO.

- ☐ **Bill No. 040326:** An Ordinance Amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” by amending Chapter 22-400, entitled “Disability Benefits” by amending Section 22-401 relating to service-connected disability retirement benefits and Section 22-402 relating to ordinary disability retirement benefits to delete provisions related to a reduction in benefits for gainful employment, all under certain terms and conditions.

THE BILL WAS RECONSIDERED.

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THE BILL AGAIN BEING BEFORE THE COUNCIL, THE QUESTION BEING: SHALL THE BILL NO. 040326 PASS NOTWITHSTANDING THE DISAPPROVAL FO THE MAYOR?

ON THE RECONSIDERATION OF THE VOTE BY WHICH BLL NO. 040326 PASSED COUNCIL, THE CLERK WILL CALL THE ROLL.

📄 **Bill No. 040326:** An Ordinance Amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” by amending Chapter 22-400, entitled “Disability Benefits” by amending Section 22-401 relating to service-connected disability retirement benefits and Section 22-402 relating to ordinary disability retirement benefits to delete provisions related to a reduction in benefits for gainful employment, all under certain terms and conditions.

THE BILL WAS READ.

DISCUSSION - COUNCILMEMBER KENNEY BILL NO. 040326 - DISABILITY PENSION - (SEE NOTES OF TESTIMONY)

📄 **Bill No. 040326:** An Ordinance Amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” by amending Chapter 22-400, entitled “Disability Benefits” by amending Section 22-401 relating to service-connected disability retirement benefits and Section 22-402 relating to ordinary disability retirement benefits to delete provisions related to a reduction in benefits for gainful employment, all under certain terms and conditions.

THE BILL WAS VETO OVERRIDDEN.

The Ayes and Nays were as follows:

Nays: 0

Ayes: 15 - Councilmembers Reynolds Brown, Cohen, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco, Council President Verna, Blackwell, Nutter, Clarke, Miller, Tasco and O'Neill

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

📄 **Bill No. 050131:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 231 by striking from the City Plan and vacating the legally open portions of Pechin Street from Cinnaminson Street to Lemonte Street; under certain terms and conditions.

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

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

📄 **Bill No. 050132-A:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to acquire by condemnation or by purchase in lieu of condemnation a certain underground easement through 3111

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West Allegheny Avenue, for sewer and drainage purposes, under certain terms and conditions.

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

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

- 📄 **Bill No. 050133:** An Ordinance Amending Section 18-201 of The Philadelphia Code, entitled “Leases of Airport Facilities,” by requiring Council approval of rates, charges and fees set forth in certain leases or other agreements relating to the use of City airport facilities, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT.

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

- 📄 **Bill No. 050134:** An Ordinance Authorizing the Water Commissioner on behalf of the City to enter into an agreement with the owners of the properties and their successors at 925 through 927, 925 Rear, 923, 923 Rear Number 1, 923 Rear Number 2 and 923 Rear Number 3 South Second Street for the grant of a right-of-way to the City in the bed of a private street, known as Salter Street for drainage, sewer and water main purposes, under certain terms and conditions.

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

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

- 📄 **Bill No. 050135:** An Ordinance Authorizing the Water Commissioner on behalf of the City to enter into an agreement with the owner of a property and their successors of private roadways located within the Independence Court Housing Development, located in properties bounded by Christian Street, Queen Street, Swanson Street and the Southeast Right-of-way Line of Interstate 95, for the grant of a right-of-way to the City for drainage, sewer and water main purposes, under certain terms and conditions.

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

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

- 📄 **Bill No. 050136:** An Ordinance Amending Section 9-204 of The Philadelphia Code by providing that all permitted vendor locations on both sides of Twelfth

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Street between Arch Street and Chestnut Street shall be assigned only to vendors licensed to sell prepared food, all under certain terms and conditions.

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

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

- 📄 **Bill No. 050137:** An Ordinance Amending Section 9-204 of The Philadelphia Code by providing that all permitted vendor locations on both sides of Eleventh Street between Arch Street and Chestnut Street shall be assigned only to vendors licensed to sell prepared food, all under certain terms and conditions.

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

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

- 📄 **Bill No. 050138:** An Ordinance Amending Section 9-204 of The Philadelphia Code by providing that all permitted vendor locations on both sides of Eighth Street and Ninth Street between Arch Street and Market Street shall be assigned only to vendors licensed to sell prepared food, all under certain terms and conditions.

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

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

- 📄 **Bill No. 050139:** An Ordinance Authorizing the Water Commissioner on behalf of the City to enter into an agreement with the owners of the properties and their successors at 3101 through 3131 West Thompson Street for the grant of a right-of-way for water main purposes, under certain terms and conditions.

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

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

- 📄 **Bill No. 050140:** An Ordinance Authorizing Vincent and Barbara Termini, 824 Gatemore Road, Bryn Mawr, PA 19010, owners of the property Mr. Joe Café, 1514 S. 8th Street, Philadelphia, PA 19147, their successors and assigns, to construct, own and maintain pedestrian scale light poles, luminaires and underground electrical service, under certain terms and conditions.

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

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

- 📄 **Bill No. 050141:** An Ordinance Amending Section 9-204 of The Philadelphia Code by prohibiting vending on both sides of 8th Street, from Chestnut Street to Walnut Street and by permitting vending on both sides of 8th Street, from Market Street to Chestnut Street.

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

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

- 📄 **Bill No. 050142:** 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 Carlisle Street from Oxford Street to Cecil B. Moore Avenue and by reserving and placing on the City Plan a right-of-way for drainage purposes, water main purposes, gas main purposes and public utility purposes within the lines of Carlisle Street being stricken from the City Plan and vacated under authority of this Ordinance, under certain terms and conditions.

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

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

- 📄 **Bill No. 050143:** An Ordinance Amending Section 2 of an Ordinance (Bill No. 020740) approved January 23, 2003, entitled “An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 58 by striking from the City Plan and vacating Olive Street from Percy Street to Tenth Street; by striking from the City Plan and vacating Hutchinson Street from Olive Street to Brown Street and by reserving and placing on the City Plan a right-of-way for drainage purposes, water main purposes and public utility purposes within the bed of Hutchinson Street, under certain terms and conditions,” by extending the time for compliance with the conditions stated therein.

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

RESOLUTIONS

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

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☐ “Firefighters Recognition Day.”

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

☐ **Resolution No. 050145:** Resolution Urging the Mayor to demonstrate his support for the City's non-represented employees by extending to them the same cash bonus that our union represented employees received.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

☐ **Resolution No. 050146:** Resolution Authorizing City Council's Legislative Oversight Committee to hold public hearings on the status and future of the City's municipal pension fund's liabilities and obligations.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON LEGISLATIVE OVERSIGHT.

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

☐ **Resolution No. 050147:** 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, 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.

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Councilmember Nutter Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmembers Nutter, Clarke, Kelly and Rizzo:

Resolution No. 050148: Resolution Authorizing City Council's Committee on Transportation and Public Utilities to hold public hearings to investigate the operations of CSX Transportation [CSXT] in and around the City of Philadelphia and their impact on the public health, safety and welfare of the residents of Philadelphia, and authorizing the issuance of subpoenas by the chair of the committee to compel the attendance of witnesses and the production of documents to the full extent authorized under Section 2-401 of the Home Rule Charter.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON TRANSPORTATION AND PUBLIC UTILITIES.

Councilmember Reynolds Brown Introduced the following Resolution, Sponsored by Councilmember Reynolds Brown:

Resolution No. 050149: Resolution Honoring the National Association of Colored Women's Clubs.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Ramos Introduced the following Resolution, Sponsored by Councilmembers Ramos and Kelly:

Resolution No. 050150: Resolution Honoring Southeastern Pennsylvania Chapter of the American Red Cross and its CEO Tom Foley whose diligent and tireless work has helped hundreds of thousands of people affected by the December 26, 2004 tsunami and recognize the month of March as "Red Cross Month."

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember DiCicco Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmembers DiCicco, Blackwell, Reynolds Brown, Clarke, Tasco, Miller and Ramos:

Resolution No. 050151: Resolution Honoring Dr. Stefano Mistretta as the new Consul General of Italy in Philadelphia.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 050152:** 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, Twentieth, Twenty-ninth, Thirty-second & Forty-seventh 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.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 050153:** Resolution Authorizing City Council's Committee on Public Property and Public Works to hold public hearings on the status of land lines and other means to support the need of the City for data transmission, communication, and public safety and security; and, in furtherance of such hearing, authorizing the issuance of subpoenas to compel the attendance of witnesses and the production of documents to the full extent authorized under section 2-401 of the Home Rule Charter.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS.

REPORTS FROM COMMITTEES

COMMITTEE OF THE WHOLE

- 📄 **Resolution No. 050078:** Resolution Reappointing Howard Wurzak to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

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THE RESOLUTION WAS FAVORABLE RECOMMENDATION; CONSIDERATION AT END OF CALENDAR.

- ☐ **Resolution No. 050079:** Resolution Appointing Michael Woodward to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

THE RESOLUTION WAS FAVORABLE RECOMMENDATION; CONSIDERATION AT END OF CALENDAR.

- ☐ **Resolution No. 050080:** Resolution Appointing H. James Tollett, III to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

THE RESOLUTION WAS FAVORABLE RECOMMENDATION; CONSIDERATION AT END OF CALENDAR.

- ☐ **Resolution No. 050081:** Resolution Appointing Rev. Timothy R. Lannon, S.J. to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

THE RESOLUTION WAS FAVORABLE RECOMMENDATION; CONSIDERATION AT END OF CALENDAR.

CONSIDERATION OF THE CALENDAR

BILLS ON SECOND READING AND FINAL PASSAGE

- ☐ **Bill No. 041072:** An Ordinance Amending Chapter 19-2600 of The Philadelphia Code, entitled “Business Privilege Taxes,” by providing for the calculation of the credit against net profits tax based upon net income tax liability, where a credit is received against net income tax for contributions to community development corporations undertaking economic development activities within the City of Philadelphia; all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 15 - Councilmembers Reynolds Brown, Cohen, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco, Council President Verna, Blackwell, Nutter, Clarke, Miller, Tasco and O'Neill

Nays: 0

RESOLUTIONS

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☐ **Resolution No. 050078:** Resolution Reappointing Howard Wurzak to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

THE RESOLUTION WAS ADOPTED.

☐ **Resolution No. 050079:** Resolution Appointing Michael Woodward to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

THE RESOLUTION WAS ADOPTED.

☐ **Resolution No. 050080:** Resolution Appointing H. James Tollett, III to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

THE RESOLUTION WAS ADOPTED.

☐ **Resolution No. 050081:** Resolution Appointing Rev. Timothy R. Lannon, S.J. to the Board of Directors of the City Avenue Special Services District of Philadelphia and Lower Merion.

THE RESOLUTION WAS ADOPTED.

COUNCILMEMBER TASCO MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.