City of Philadelphia
Meeting Minutes (Short)
CITY COUNCIL

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Thursday, September 15, 2011 **10:00 AM** **Room 400**

COUNCIL SESSION INFORMATION IN PROGRESSS

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

1

Council met, a quorum being present.

Pastor Elonzie Knight of Common Ground Ministries was introduced and offered an appropriate prayer.

1

of the meeting of September 8, 2011.

A motion was made by Councilmember Tasco to APPROVE THE JOURNAL. The motion carried unanimously.

2 COMMUNICATIONS

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

110622 **Transmitting a message advising Council that Bill No. 110480, which was passed by Council on September 8, 2011, was signed by the Mayor on September 14, 2011. (File No. 110622)**

READ

110623 **Transmitting a bill amending Bill No. 110135 (approved June 24, 2011), entitled "To adopt a Capital Program for the six Fiscal Years 2012-2017 inclusive," by adding and revising certain projects, amounts and sources, under certain terms and conditions, accompanied by an explanatory letter from the Executive Director of the Philadelphia City Planning Commission. (File No. 110623)**

READ

110624 **Transmitting a bill amending Bill No. 110136 (approved June 24, 2011), entitled "To adopt a Fiscal 2012 Capital Budget," by adding and revising certain projects, amounts and sources, under certain terms and conditions, accompanied by an explanatory letter from the Philadelphia City Planning Commission. (File No. 110624)**

READ

110625 **Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan No. 118 by striking from the City Plan and vacating Clifton Street from Montgomery Avenue to Berks Street, under certain terms and conditions, accompanied by an explanatory letter from the Streets Commissioner. (File No. 110625)**

READ

110626 **Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan Nos. 292 and 321 by striking from the City Plan Delaware Avenue from Pennypack Street to its terminus approximately five-thousand five-hundred feet southwestwardly therefrom, accompanied by an explanatory letter from the Streets Commissioner. (File No. 110626)**

READ

110627 **Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan No. 18-S by striking from the City Plan and vacating the legally open portions of Shedwick Street from Reed Street to Wharton Street, and reserving and placing on the City Plan a right of way for public utility purposes within the lines of a portion of Shedwick Street being stricken and authorizing acceptance of the grant to the City of the said right of way, under certain terms and conditions, accompanied by an explanatory letter from the Streets Commissioner. (File No. 110627)**

READ

110628 **Transmitting a bill authorizing 4511 M & T Inc. to construct, own and maintain an open air sidewalk café at 4511-4513 Baltimore Avenue, under certain terms and conditions, accompanied by an explanatory letter from the Streets Commissioner. (File No. 110628)**

READ

110629 **Transmitting a bill authorizing Milk & Honey LLC to construct, own and maintain an open air sidewalk café at 4435 Baltimore Avenue, under certain terms and conditions, accompanied by an explanatory letter from the Streets Commissioner. (File No. 110629)**

READ

110630 **Transmitting a bill authorizing Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P., owners of the Bourse Building, 111 S. Independence Mall East, Philadelphia, Pennsylvania, to legalize various encroachments within the city right of way, located on the south footway of Ludlow Street between Fourth Street and Fifth Street; the west footway of Fourth Street between Ranstead Street and Ludlow Street; and the north footway of Ranstead Street between Fourth Street and Fifth Street; under certain terms and conditions, accompanied by an explanatory letter from the Streets Commissioner. (File No. 110630)**

READ

3 INTRODUCTION OF BILLS AND RESOLUTIONS

110608 **An Ordinance authorizing Milk & Honey LLC to construct, own and maintain an open-air sidewalk café at 4435 Baltimore Avenue, under certain terms and conditions.**

A motion was made by Councilmember Blackwell that this matter be Introduced and Referred to the Committee on Streets and Services. The motion carried unanimously.

110609 **An Ordinance authorizing 4511 M & T Inc. to construct, own and maintain an open-air sidewalk café at 4511-4513 Baltimore Avenue, under certain terms and conditions.**

A motion was made by Councilmember Blackwell that this matter be Introduced (By Request) and Referred to the Committee on Streets and Services. The motion carried unanimously.

110610 **An Ordinance enacting a new Chapter 9-3600 of The Philadelphia Code, entitled "Bouncers," to require that bouncers employed at covered establishments be registered and receive proper training, to prohibit employers from employing unregistered or untrained bouncers and to permit employers to refuse to hire bouncers with certain past criminal convictions; all under certain terms and conditions.**

A motion was made by Councilmember Greenlee that this matter be Introduced and Referred to the Committee on Licenses and Inspections. The motion carried unanimously.

110611 **An Ordinance authorizing the revision of lines and grades on a portion of City Plan Nos. 292 and 321 by striking from the City Plan Delaware Avenue from Pennypack Street to its terminus approximately five-thousand five-hundred feet southwestwardly therefrom.**

A motion was made by Councilmember Krajewski that this matter be Introduced and Referred to the Committee on Streets and Services. The motion carried unanimously.

110612 **An Ordinance amending Bill No. 110136 (approved June 24, 2011), entitled "An Ordinance to adopt a Fiscal 2012 Capital Budget," by adding and revising certain projects, amounts and sources, under certain terms and conditions.**

A motion was made by Councilmember Tasco that this matter be Introduced (By Request) and Referred to the Committee on Finance. The motion carried unanimously.

110613 **An Ordinance amending Bill No. 110135 (approved June 24, 2011), entitled "An Ordinance to adopt a Capital Program for the six Fiscal Years 2012-2017 inclusive," by adding and revising certain projects, amounts and sources, under certain terms and conditions.**

A motion was made by Councilmember Tasco that this matter be Introduced (By Request) and Referred to the Committee on Finance. The motion carried unanimously.

110614 **An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 18-S by striking from the City Plan and vacating the legally open portions of Shedwick Street from Reed Street to Wharton Street, and reserving and placing on the City Plan a right-of-way for public utility purposes within the lines of a portion of Shedwick Street being stricken and authorizing acceptance of the grant to the City of the said right-of-way, under certain terms and conditions.**

A motion was made by Councilmember Tasco that this matter be Introduced and Referred to the Committee on Streets and Services. The motion carried unanimously.

110617 **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 Eleventh and Twelfth 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.**

A motion was made by Councilmember Miller that this matter be Introduced and Ordered Placed On Next Week's Final Passage Calendar. The motion carried unanimously.

110618 **Resolution recognizing September 2011 as Childhood Cancer Awareness Month in honor of childhood cancer patients, care givers, survivors and those children who have succumbed to the disease.**

A motion was made by Councilmember Miller that this matter be Introduced and Ordered Placed On Next Week's Final Passage Calendar. The motion carried unanimously.

110619 **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 Seventh 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.**

A motion was made by Councilmember Sanchez that this matter be Introduced and Ordered Placed On Next Week's Final Passage Calendar. The motion carried unanimously.

110620 **Resolution supporting President Obama's urgent American Jobs Act and calling on Mayor Nutter to establish complementary job creation programs at the local level.**

A motion was made by Councilmember Jones that this matter be Introduced and Ordered Placed On Next Week's Final Passage Calendar. The motion carried unanimously.

110621 **Resolution recognizing Smith Playground and Playhouse.**

A motion was made by Councilmember Reynolds Brown that this matter be Introduced and Ordered Placed On Next Week's Final Passage Calendar. The motion carried unanimously.

110615 **An Ordinance authorizing Bourse Mall Associates, L.P. and Bourse Tower Associates, L.P., owners of the Bourse Building, 111 S. Independence Mall East, Philadelphia, Pennsylvania, to legalize various encroachments within the City right-of-way, located on the south footway of Ludlow Street between Fourth Street and Fifth Street; the west footway of Fourth Street between Ranstead Street and Ludlow Street; and the north footway of Ranstead Street between Fourth Street and Fifth Street; under certain terms and conditions.**

A motion was made by Councilmember DiCicco that this matter be Introduced and Referred to the Committee on Streets and Services. The motion carried unanimously.

110616 **An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 118 by striking from the City Plan and vacating Clifton Street from Montgomery Avenue to Berks Street, under certain terms and conditions.**

A motion was made by Councilmemer Clarke that this matter be Introduced and Referred to the Committee on Streets and Services. The motion carried unanimously.

4 REPORTS FROM COMMITTEES

4 COMMITTEE OF THE WHOLE

110546 **An Ordinance amending Chapter 20-500 of The Philadelphia Code, entitled "Councilmanic Districts," by revising the boundaries of the Councilmanic Districts, under certain terms and conditions.**

A motion was made by Councilmember Tasco that this matter be SUSPEND THE RULES OF THE COUNCIL. The motion carried unanimously.

110546 **An Ordinance amending Chapter 20-500 of The Philadelphia Code, entitled "Councilmanic Districts," by revising the boundaries of the Councilmanic Districts, under certain terms and conditions.**

ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR

110547 **An Ordinance amending Chapter 20-500 of The Philadelphia Code, entitled "Councilmanic Districts," by revising the boundaries of the Councilmanic Districts, under certain terms and conditions.**

A motion was made by Councilmember Tasco that this matter be SUSPEND THE RULES OF THE COUNCIL. The motion carried unanimously.

110547 **An Ordinance amending Chapter 20-500 of The Philadelphia Code, entitled "Councilmanic Districts," by revising the boundaries of the Councilmanic Districts, under certain terms and conditions.**

ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR

SPECIAL BUSINESS

5 CONSIDERATION OF THE CALENDAR

7 PUBLIC COMMENT

The following persons provided public comment on September 15, 2011:

Name and Comment Subject

Daniel Kutner (110588)
Reverend Bill Borror (110588)
Reverend Cindy Jarvis (110588)
Marc Zucker (110588)
Tom Tropp (110588)
Marwan Kriedie (110588)
Myles Gordon (110588)
Susan Landau (110588)
Howard Katzoff (110588)
Brett Goldman (110588)
Robert Zuritsky (110181-AA)

See Notes of Testimony for full comment.

BILLS ON FIRST READING

110546 **An Ordinance amending Chapter 20-500 of The Philadelphia Code, entitled "Councilmanic Districts," by revising the boundaries of the Councilmanic Districts, under certain terms and conditions.**

ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR

110547 **An Ordinance amending Chapter 20-500 of The Philadelphia Code, entitled "Councilmanic Districts," by revising the boundaries of the Councilmanic Districts, under certain terms and conditions.**

ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR

8 BILLS AND RESOLUTIONS ON FINAL PASSAGE

110567 **Resolution authorizing City Council's Joint Committees on Legislative Oversight and Education to hold public hearings on establishing a Philadelphia School Construction Commission to conduct a needs assessment and use and capacity study of Philadelphia's Public School buildings and to further make recommendations to enhance the environment within the school buildings to foster a safer and more stimulating learning environment.**

ADOPTED & REFERRED to Committees on Legislative Oversight and Education

110568 **Resolution recognizing, honoring and thanking Reverend Ed Hallinan for his dedication and contributions to St. Martin de Porres Catholic Church, its parishioners, and the City of Philadelphia.**

ADOPTED

110569 **Resolution honoring and Congratulating Peter S. Longstreth on the Occasion of his Retirement from the Philadelphia Industrial Development Corporation after Ten Years of Service as President.**

ADOPTED

110570 **Resolution also naming Chestnut Street from Thirty-First Street to Thirty-Third Street "Papadakis Place."**

ADOPTED

110571 **Resolution approving the Drexel University Proposed Revision to its Institutional Development District Master Plan Pursuant to Chapter 14-1107(c) of The Philadelphia Code Relating to, "Zoning and Planning."**

ADOPTED

110573 **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 Thirty-sixth 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.**

ADOPTED

110574 **Resolution amending Resolution No. 110453, approving the annual Program Statement and Budget for the expenditure of the Neighborhood Transformation Initiative (NTI) Bond Proceeds for Fiscal Year 2012.**

ADOPTED

110575 **Resolution declaring October as "Domestic Violence Awareness Month."**

ADOPTED

110577 **Resolution recognize, Honor, And Celebrate Zarifa Roberson - For her innovative and urban style creation of I.D.E.A.L. Magazine which is geared for young people with disabilities.**

ADOPTED

110578 **Resolution proclaiming September 23rd thru October 1st of 2011 as "Praise is the Cure Week" in Philadelphia.**

ADOPTED

110579 **Resolution proclaiming the weeks of October 3, 2011 and October 10, 2011 as "State of Young Philly Weeks," and honoring Young Involved Philadelphia.**

ADOPTED

110580 **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 Fifty-second 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.**

ADOPTED

110581 **Resolution acknowledging and honoring the Philadelphia Anti-Drug/Anti-Violence Network (P.A.A.N.) for their ongoing work and commitment to promote community safety through services that reduce drug abuse and violence as well as to help at-risk youth develop positive alternatives that will return them to the mainstream of society.**

ADOPTED

110582 **Resolution acknowledging and commending the City's Managing Director's Office of Emergency Management and all the City departments for their exemplary performance in response to Hurricane Irene, in the aftermath of an earthquake and followed by a tropical storm.**

ADOPTED

110583 **Resolution authorizing the Committee on Education to hold hearings to investigate the care of school property policy for the School District of Philadelphia as it relates to the distribution, collection and return of textbooks and to evaluate and determine best practices for further efficiencies.**

ADOPTED & REFERRED to Committee on Education

110584 **Resolution authorizing Council's Committee on Public Health and Human Services to hold public hearings for the purpose of examining existing programs and services available to at-risk adolescent girls; examining methods of continuing and strengthening such programs and developing new programs; and exploring potential sources of funding, in order to encourage young women to follow pathways that lead to the completion of their educations, economic independence and good citizenship.**

ADOPTED & REFERRED to Committee on Public Health and Human Services

110585 **Resolution recognizing Temple University's Temple 20/20 Scholarship Program.**

ADOPTED

110586 **Resolution designating the week of Monday, October 3 through Monday, October 10, 2011 as "Christopher Columbus/Italian American Heritage Week" in the City of Philadelphia. This is done in celebration of the festivities commemorating Columbus' historic voyage to the New World and honoring Joe Piscopo as Grand Marshall of the 2011 Philadelphia Columbus Day Parade.**

ADOPTED

110587 **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 Thirty-first and Thirty-ninth 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.**

ADOPTED

110588 **Resolution supporting United States Senate Resolution 185 and United State House Resolution 268 - Reaffirming the Commitment of the United States to a Negotiated Settlement of the Israeli-Palestinian Conflict.**

A motion was made that this matter be ADOPTED. The motion carried by the following vote:

Votes: Ayes: 14 - Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Kelly, Kenney, Krajewski, Miller, Reynolds Brown, Rizzo and Tasco
Nays: 2 - Jones and Sanchez
Abstain: 1 - O'Neill

110590 **Resolution recognizing, Honoring, and Thanking CISV, formerly Children's International Summer Village, through its local chapter, CISV Philadelphia-on the occasion of its 60th Anniversary-in furtherance of the CISV mission that "peace is possible through friendship-and that the real difference can be made by starting with children," and celebrating September 21st as "Peace One Day" and "International Day of Peace."**

ADOPTED

100200-AA **An Ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-231, entitled "Residential District Rules and Exceptions," by providing for restrictions on placement, installation and maintenance of certain satellite dishes and antennas, under certain terms and conditions.**

READ

COUNCILMEMBER CLARKE MOVED TO AMEND BILL NO. 100200-A (SEE FILE).

COUNCILMEMBER CLARKE MOVED FOR THE ADOPTION OF THE AMENDMENT.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE AMENDMENT TO BILL NO. 100200-A WAS ADOPTED.

100200-AA **An Ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-231, entitled "Residential District Rules and Exceptions," by providing for restrictions on placement, installation and maintenance of certain satellite dishes and antennas, under certain terms and conditions.**

AMENDED

100200-AA **An Ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-231, entitled "Residential District Rules and Exceptions," by providing for restrictions on placement, installation and maintenance of certain satellite dishes and antennas, under certain terms and conditions.**

ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.

110181-AA **An Ordinance amending Chapter 19-1200 of The Philadelphia Code, entitled "Parking Tax," by providing for scheduled reductions in the rate of the tax beginning in Fiscal Year 2012, and by making certain technical amendments, all under certain terms and conditions.**

A motion was made that this matter be READ AND PASSED. The motion carried by the following vote:

Votes: Ayes: 12 - Blackwell, Council President Verna, DiCicco, Goode, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, Rizzo and Tasco
Nays: 5 - Clarke, Green, O'Neill, Reynolds Brown and Sanchez

9 BILLS AND RESOLUTIONS ON SECOND READING AND FINAL PASSAGE

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.**

ORDER THE BILL PLACED ON NEXT WEEK'S SUSPENSION CALENDAR

110441 **An Ordinance authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to convey to the Philadelphia Authority for Industrial Development, a parcel of land located at 1628 Fitzwater Street, for further conveyance, under certain terms and conditions.**

A motion was made that this matter be READ AND PASSED. The motion carried by the following vote:

Votes: Ayes: 17 - Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco
Nays: 0

SPECIAL BUSINESS

moved that the vote by which Bill No.110443 passed council be reconsidered.

A motion was made by Councilmember Tasco
{\rtf1\ansi\ansicpg1252\deff0\deflang1033{\fonttbl{\f0\fnil\fcharset0 MS Sans Serif;}}
\viewkind4\uc1\pard\f0\fs17 moved that the vote by which Bill No.110443 passed council be reconsidered.
\par }. The motion carried unanimously.

110443 **An Ordinance amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by amending the options for retirement benefits; in particular, amending Section 22-310, entitled "Deferred Retirement Option Plan (DROP)," by making various changes to DROP to reduce its costs, including, but not limited to, changing eligibility requirements and the interest credited to DROP accounts; adding a new option for retirees to take a lump sum benefit at retirement, in exchange for an actuarial reduction of their regular monthly pension; and making conforming amendments to other provisions; all under certain terms and conditions.**

RECONSIDERED

THE BILL AGAIN BEING BEFORE THE COUNCIL, THE QUESTION BEING: SHALL THE BILL NO. 110443 PASS NOTWITHSTANDING THE DISAPPROVAL OF THE MAYOR?

ON THE RECONSIDERATION OF THE VOTE BY WHICH BILL NO. 110443 PASSED COUNCIL, THE CLKER WILL CALL THE ROLL.

110443 **An Ordinance amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by amending the options for retirement benefits; in particular, amending Section 22-310, entitled "Deferred Retirement Option Plan (DROP)," by making various changes to DROP to reduce its costs, including, but not limited to, changing eligibility requirements and the interest credited to DROP accounts; adding a new option for retirees to take a lump sum benefit at retirement, in exchange for an actuarial reduction of their regular monthly pension; and making conforming amendments to other provisions; all under certain terms and conditions.**

A motion was made that this matter be VETO OVERRIDDEN. The motion carried by the following vote:

Votes: Ayes: 17 - Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco
Nays: 0

14

A motion was made by Councilmemer Clarke to ADJOURN. The motion carried unanimously.