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2

COUNCIL OF THE CITY OF PHILADELPHIA

3

STATED MEETING

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5

Room 400, City Hall

6

Philadelphia, Pennsylvania

7

Tuesday, May 25, 2004, 3:40 p.m.

8

9

PRESENT:

10

COUNCIL PRESIDENT ANNA C. VERNA

11

COUNCILWOMAN BLONDELL REYNOLDS BROWN

12

COUNCILMAN DAVID COHEN

13

COUNCILMAN W. WILSON GOODE, JR.

14

COUNCILMAN JACK KELLY

15

COUNCILMAN JAMES F. KENNEY

16

COUNCILMAN JUAN F. RAMOS

17

COUNCILMAN FRANK RIZZO

18

COUNCILMAN FRANK DI CICCIO

19

COUNCILWOMAN JANNIE L. BLACKWELL

20

COUNCILMAN MICHAEL A. NUTTER

21

COUNCILMAN DARRELL L. CLARKE

22

COUNCILWOMAN JOAN L. KRAJEWSKI

23

COUNCILMAN RICHARD T. MARIANO

24

COUNCILWOMAN DONNA REED MILLER

25

COUNCILWOMAN MARIAN B. TASCIO

COUNCILMAN BRIAN J. O'NEILL

PATRICIA RAFFERTY, CHIEF CLERK

- - -

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1 5/25/04 - STATED - COMMUNICATIONS

2 COUNCIL PRESIDENT VERNA:

3 Council will please come to order.

4 I would like to announce that
5 Resolution No. 040276 scheduled for today is
6 recessed until Monday, May 31st at 12:00 noon.

7 At this time, the Chair requests
8 that the Sergeant-at-Arms deliver to the Chief
9 Clerk any additional messages from the Mayor
10 that have been received since Council recessed
11 on May 20th.

12 The Chief Clerk will please read the
13 messages from the Mayor.

14 THE CHIEF CLERK: To the
15 President and Members of the Council of the
16 City of Philadelphia, I am pleased to advise
17 you that on May 24, 2004 I signed all of the
18 Bills that were passed by Council at its
19 session on May 13, 2004.

20 COUNCIL PRESIDENT VERNA: Thank
21 you. The messages will be printed in the
22 Journal.

23 The Clerk will please read any other
24 communications in her possession.

25 THE CHIEF CLERK: That's all I

1 5/25/04 - STATED - INTRO. OF BILLS

2 have, Madam President.

3 COUNCIL PRESIDENT Verna: Thank
4 you.

5 I am told that Councilwoman
6 Blackwell and Councilman Clarke have requested
7 the opportunity to introduce additional Bills
8 and Resolutions at this time. Without
9 objection, the Chair recognizes Councilwoman
10 Blackwell for additional introduction of Bills
11 and Resolutions.

12 COUNCILWOMAN BLACKWELL: Thank
13 you, Madam President.

14 I introduce one Bill and one
15 Resolution. The Bill is co-signed by
16 Councilwoman Blondell Reynolds Brown. So we
17 both introduce it.

18 COUNCIL PRESIDENT Verna: Thank
19 you.

20 COUNCILWOMAN BLACKWELL: Thank
21 you.

22 COUNCIL PRESIDENT Verna: The
23 Clerk will please read the title of the Bill.

24 THE CHIEF CLERK: An ordinance
25 creating the Philadelphia Housing Trust Fund,

1 5/25/04 - STATED - INTRO. OF BILLS

2 all under certain terms and conditions.

3 COUNCIL PRESIDENT VERNA: The
4 Bill will be referred to the appropriate
5 committee.

6 THE CHIEF CLERK: And a
7 Resolution authorizing the Commissioner of
8 Public Property to execute and deliver to the
9 Redevelopment Authority deeds located in the
10 46th Ward of the City of Philadelphia.

11 COUNCIL PRESIDENT VERNA: The
12 Chair recognizes Councilwoman Blackwell.

13 COUNCILWOMAN BLACKWELL: I move
14 for the adoption of the Resolution.

15 (Duly seconded.)

16 COUNCIL PRESIDENT VERNA: It
17 has been --

18 COUNCILMAN COHEN: May I ask
19 for a point of order?

20 COUNCIL PRESIDENT VERNA: Yes,
21 sir.

22 COUNCILMAN COHEN: Could I hear
23 that Resolution again. I couldn't make out
24 any words.

25 COUNCIL PRESIDENT VERNA: The

1 5/25/04 - STATED - INTRO. OF BILLS

2 Chief Clerk will please read the title of the
3 Resolution.

4 THE CHIEF CLERK: A Resolution
5 authorizing the Commissioner of Public
6 Property to execute and deliver to the
7 Redevelopment Authority of the City of
8 Philadelphia deeds located in the 46th Ward of
9 the City of Philadelphia.

10 COUNCIL PRESIDENT VERNA: The
11 Chair again recognizes Councilwoman Blackwell.

12 COUNCILWOMAN BLACKWELL: Thank
13 you, Madam President.

14 I move for the adoption of the
15 Resolution.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and properly seconded that the
19 Resolution be adopted.

20 All in favor will indicate by saying
21 aye.

22 (Aye.)

23 COUNCIL PRESIDENT VERNA: Those
24 opposed?

25 (No response.)

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2 COUNCIL PRESIDENT VERNA: The
3 ayes have it, and the Resolution is adopted.

4 Is Councilman Clarke in the room?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: Is
7 Councilman Clarke present?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: Are
10 there any other members who wish to make
11 additional introductions of Bills and
12 Resolutions at this time?

13 (No response.)

14 COUNCIL PRESIDENT VERNA: The
15 Chair recognizes Councilman Clarke.

16 (Brief discussion between
17 Council President Verna and Councilman
18 Clarke.)

19 COUNCIL PRESIDENT VERNA: At
20 this time, the Chair recognizes Councilwoman
21 Blackwell for an additional report from the
22 Committee of the Whole.

23 COUNCILWOMAN BLACKWELL: Thank
24 you, Madam President.

25 The Committee on the Whole reports

1 5/25/04 - STATED - INTRO. OF BILLS

2 out 17 Bills with a favorable recommendation.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 The Chief Clerk will please read the
6 report.

7 THE CHIEF CLERK: To the
8 President and Members of the Council of the
9 City of Philadelphia, the Committee of the
10 Whole Council, to which was referred Bill No.
11 040009 entitled, An ordinance amending Chapter
12 19-1500 of The Philadelphia Code entitled Wage
13 and Net Profits Tax by decreasing the rates of
14 the tax by making technical amendments,
15 changing the effective dates for rate changes
16 and repealing certain provisions; and

17 Bill No. 040010 entitled, An
18 ordinance amending Section 19-2604 of The
19 Philadelphia Code relating to tax rates,
20 credits and alternate tax computation for the
21 business privilege tax; and

22 Bill No. 040012 entitled, An
23 ordinance amending Chapter 19-2600 of The
24 Philadelphia Code entitled Business Privilege
25 Taxes by amending the definition of net income

1 5/25/04 - STATED - INTRO. OF BILLS

2 to determine the net income of unincorporated
3 businesses by allowing deductions of payments
4 to certain proprietors or partners; and

5 Bill No. 040021 entitled, An
6 ordinance amending Chapter 19-500 of The
7 Philadelphia Code entitled Taxes and Rents
8 General by providing for uniform time
9 limitations on collections, examinations and
10 assessments; and

11 Bill No. 040022 entitled, An
12 ordinance amending Chapter 19-1300 of The
13 Philadelphia Code entitled Real Estate Taxes
14 by providing that no change by the Board of
15 Revision of Taxes to the ratios it uses to
16 calculate assessed value shall be effective
17 unless Council by ordinance adjust real estate
18 tax rates so that such change is revenue
19 neutral; and

20 Bill No. 040255 entitled, An
21 ordinance adopting the operating budget for
22 fiscal year 2005; and

23 Bill No. 040257 entitled, An
24 ordinance to adopt a capital program for six
25 fiscal years, 2005 to 2010 inclusive; and

1 5/25/04 - STATED - INTRO. OF BILLS

2 Bill No. 040258 entitled, An
3 ordinance to adopt a fiscal 2005 capital
4 budget; and

5 Bill No. 040259 entitled, An
6 ordinance amending Section 19-1801 of The
7 Philadelphia Code entitled Authorization of
8 Tax to further authorize the Board of
9 Education of the School District of
10 Philadelphia to impose a tax on real estate
11 within the City of Philadelphia; and

12 Bill No. 040260 entitled, An
13 ordinance amending Chapter 19-1800 of The
14 Philadelphia Code entitled School Tax
15 Authorization by amending tax 19-1804 entitled
16 Authorization of Net Income Tax; and

17 Bill No. 040262 entitled, An
18 ordinance amending Chapter 19-1800 of The
19 Philadelphia Code entitled School Tax
20 Authorization by amending Section 19-1806 to
21 further authorize the Board of Education of
22 the School District of Philadelphia to impose
23 a tax on the use or occupancy of real estate
24 within the School District of Philadelphia;
25 and

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2 Bill No. 040313 entitled, An
3 ordinance amending Chapter 19-2600 of The
4 Philadelphia Code entitled Business Privilege
5 Taxes by making permanent and clarifying the
6 pilot program under which a job creation tax
7 credit will be given to certain businesses
8 that create new jobs within the City of
9 Philadelphia; and

10 Bill No. 040397 entitled, An
11 ordinance amending Chapter 19-1500 of The
12 Philadelphia Code entitled Wage and Net
13 Profits Tax by decreasing in six stages the
14 rates of the tax imposed upon certain
15 low-income persons, providing for refunds of
16 excess taxes paid and directing the Revenue
17 Department to prepare forms for use by
18 eligible taxpayers seeking such refunds; and

19 Bill No. 04021 entitled, An
20 ordinance amending Titles 3 and 6 of The
21 Philadelphia Code, the Air Management Code and
22 Health Code respectfully by increasing the
23 fees or establishing new fees for various
24 health-related licenses; and

25 Bill No. 040422 entitled, An

1 5/25/04 - STATED - INTRO. OF BILLS
2 ordinance amending Title 9 of The Philadelphia
3 Code entitled Regulation of Businesses, Trades
4 and Professions by adding a new section
5 establishing a fee schedule for reinspections
6 conducted by the Department of License and
7 Inspections.

8 COUNCIL PRESIDENT VERNA: May I
9 see the Chief Clerk at the side-bar, please.

10 (Pause.)

11 THE CHIEF CLERK: And Bill No.
12 040019 entitled, An ordinance amending Chapter
13 19-1400 of The Philadelphia Code entitled
14 Realty Transfer Taxes by amending the
15 definition of value to include deeds in lieu
16 of foreclosure; and

17 Bill No. 040423 entitled, An
18 ordinance amending Section 11-203 of The
19 Philadelphia Code entitled Sewer and Water
20 Pipe and Other Underground Service by
21 increasing permit fee charges for breaking and
22 excavating of any paved macadamized street,
23 under certain terms and conditions,
24 respectfully reports it has considered the
25 same and returns the attached Bills to Council

1 5/25/04 - STATED - INTRO. OF BILLS

2 with a favorable recommendation.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 The Chair recognizes Councilwoman
6 Blackwell.

7 COUNCILWOMAN BLACKWELL: Thank
8 you, Madam President.

9 I move that the Rules of Council be
10 suspended so as to permit first reading this
11 day of Bill Nos. 040009, 10, 12, 19, 21, 22,
12 55 -- 040255, 257, 258, 259, 260, 262, 313,
13 397, 040421, 422 and 423.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: Do I
16 hear a second?

17 It has been moved and properly
18 seconded that the Rules of Council be
19 suspended so as to permit first reading this
20 day of the Bills just reported from the
21 Committee of the Whole.

22 All in favor will indicate by saying
23 aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 5/25/04 - STATED - 1ST READING

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The
5 ayes have it, and the motion carries.

6 The Chief Clerk will please read the
7 Bills reported from the Committee of the
8 Whole.

9 THE CHIEF CLERK: Bill No.
10 040009, an ordinance amending Chapter 19-1500
11 of The Philadelphia Code entitled Wage and Net
12 Profits Tax.

13 COUNCIL PRESIDENT VERNA: The
14 Chair agrees.

15 THE CHIEF CLERK: And Bill No.
16 040010, an ordinance amending Section 19-2604
17 of The Philadelphia Code relating to tax
18 rates, credits and alternate tax computation
19 for business privilege tax.

20 COUNCIL PRESIDENT VERNA: The
21 Chair agrees.

22 THE CHIEF CLERK: And Bill No.
23 040012, an ordinance amending Chapter 19-2600
24 of The Philadelphia Code entitled Business
25 Privilege Taxes by amending the definition of

1 5/25/04 - STATED - 1ST READING

2 net income to determine the net income of
3 unincorporated businesses by allowing
4 deductions of payments to certain proprietors
5 or partners.

6 COUNCIL PRESIDENT VERNA: The
7 Chair agrees.

8 THE CHIEF CLERK: And Bill No.
9 040019, an ordinance amending Chapter 19-1400
10 of The Philadelphia Code entitled Realty
11 Transfer Taxes by amending the definition of
12 value to include deeds in lieu of foreclosure.

13 COUNCIL PRESIDENT VERNA: The
14 Chair agrees.

15 THE CHIEF CLERK: And Bill No.
16 040021, an ordinance amending Chapter 19-500
17 of The Philadelphia Code entitled Taxes and
18 Rents General by providing for uniform time
19 limitations on collections, examinations and
20 assessments.

21 COUNCIL PRESIDENT VERNA: The
22 Chair agrees.

23 THE CHIEF CLERK: And Bill No.
24 040022, an ordinance amending Chapter 19-1300
25 of The Philadelphia Code entitled Real Estate

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2 Taxes by providing that no change by the Board
3 of Revision of Taxes to the ratios it uses to
4 calculate assessed value shall be effective
5 unless Council by ordinance adjust real estate
6 tax rates so that such change is revenue
7 neutral.

8 COUNCIL PRESIDENT VERNA: The
9 Chair agrees.

10 THE CHIEF CLERK: And Bill No.
11 040255, an ordinance adopting the operating
12 budget for fiscal year 2005.

13 COUNCIL PRESIDENT VERNA: The
14 Chair agrees.

15 THE CHIEF CLERK: And Bill No.
16 040257, an ordinance to adopt a capital
17 program for six fiscal years, 2005 to 2010
18 inclusive.

19 COUNCIL PRESIDENT VERNA: The
20 Chair agrees.

21 THE CHIEF CLERK: And Bill No.
22 040258, an ordinance to adopt a fiscal 2005
23 capital budget.

24 COUNCIL PRESIDENT VERNA: The
25 Chair agrees.

1 5/25/04 - STATED - 1ST READING

2 THE CHIEF CLERK: And Bill No.
3 040259, an ordinance amending Section 19-1801
4 of The Philadelphia Code entitled
5 Authorization of Tax to further authorize the
6 Board of Education of the School District of
7 Philadelphia to impose a tax on real estate
8 within the City of Philadelphia.

9 COUNCIL PRESIDENT VERNA: The
10 Chair agrees.

11 THE CHIEF CLERK: And Bill No.
12 040260, an ordinance amending Chapter 19-1800
13 of The Philadelphia Code entitled School Tax
14 Authorization.

15 COUNCIL PRESIDENT VERNA: The
16 Chair agrees.

17 THE CHIEF CLERK: And Bill No.
18 040262, an ordinance amending Chapter 19-1800
19 of The Philadelphia Code entitled School Tax
20 Authorization by amending Section 19-1806 to
21 further authorize the Board of Education of
22 the School District of Philadelphia to impose
23 a tax on use on occupancy of real estate
24 within the School District of Philadelphia.

25 COUNCIL PRESIDENT VERNA: The

1 5/25/04 - STATED - 1ST READING

2 Chair agrees.

3 THE CHIEF CLERK: And Bill

4 040313, an ordinance amending Chapter 19-2600
5 of The Philadelphia Code entitled Business
6 Privilege Taxes by making permanent and
7 clarifying the pilot program under which a job
8 creation tax credit will be given to certain
9 businesses that create new jobs within the
10 City of Philadelphia.

11 COUNCIL PRESIDENT VERNA: The
12 Chair agrees.

13 THE CHIEF CLERK: And Bill No.
14 040397, an ordinance amending Chapter 19-1500
15 of The Philadelphia Code entitled Wage and Net
16 Profits Tax by decreasing in six stages the
17 rates of the tax imposed upon certain
18 low-income persons, providing for refunds of
19 excess taxes paid and directing the Revenue
20 Department to prepare forms for use by
21 eligible taxpayers seeking such refunds.

22 COUNCIL PRESIDENT VERNA: The
23 Chair agrees.

24 THE CHIEF CLERK: And Bill No.
25 040421, an ordinance amending Titles 3 and 6

1 5/25/04 - STATED - 1ST READING

2 of The Philadelphia Code, the Air Management
3 Code and Health Code respectfully by
4 increasing fees or establishing new fees for
5 various health-related licenses, permits,
6 certificates, approvals and variances issued
7 by the City.

8 COUNCIL PRESIDENT VERNA: The
9 Chair agrees.

10 THE CHIEF CLERK: And Bill No.
11 040422, an ordinance amending Title 9 of The
12 Philadelphia Code entitled Regulation of
13 Businesses, Trades and Professions by adding a
14 new section establishing a fee schedule for
15 reinspections conducted by the Department of
16 License and Inspections.

17 COUNCIL PRESIDENT VERNA: The
18 Chair agrees.

19 THE CHIEF CLERK: And Bill No.
20 040423, an ordinance amending Section 11-203
21 of The Philadelphia Code entitled Sewer and
22 Water Pipe and Other Underground Services, all
23 under certain terms and conditions.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

1 5/25/04 - STATED - 1ST READING

2 The Bills just read by the Chief
3 Clerk will be placed on the second reading and
4 final passage calendar for our next session.

5 That concludes our first reading
6 calendar. Without objection, it is my
7 understanding that Councilman Rizzo has a Bill
8 he would like to introduce.

9 COUNCILMAN RIZZO: That's
10 correct, Madam President, and thank you.

11 COUNCIL PRESIDENT VERNA: The
12 Chief Clerk will please read the title of the
13 Bill.

14 THE CHIEF CLERK: An ordinance
15 amending Title 9 of The Philadelphia Code,
16 Regulation of Business Trades and Professions
17 by amending Section 9-605, Towing, to prohibit
18 certain towing upon the establishment of a
19 rotational towing system to define the
20 perimeters of the rotational establishment of
21 a rotational towing system.

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 The Bill will be referred to the
25 appropriate committee.

1 5/25/04 - STATED - 1ST READING

2 That concludes our business for
3 today. Are there speeches on the part of the
4 Minority?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: Are
7 there speeches on the part of the Majority?

8 (No response.)

9 COUNCIL PRESIDENT VERNA:
10 Seeing none, the Chair recognizes Councilwoman
11 Tasco for a motion to adjourn.

12 COUNCILWOMAN TASCO: Madam
13 Chair, I move that Council stand adjourned
14 until Thursday, May 27th at 10:00 a.m.

15 COUNCIL PRESIDENT VERNA: Do I
16 hear a second?

17 (Duly seconded.)

18 COUNCIL PRESIDENT VERNA: All
19 in favor will please say aye.

20 (Aye.)

21 COUNCIL PRESIDENT VERNA: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT VERNA: The
25 ayes have it, and Council stands adjourned

1 5/25/04 - STATED - 1ST READING
2 until Thursday, May the 27th at 10:00 a.m.
3 Thank you.
4 (Council adjourned at 4:00
5 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on May 25, 2004, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
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