

City of Pittsburgh

*510 City-County Building
414 Grant Street
Pittsburgh, PA 15219*



MEETING MINUTES

Proceedings of the Council of the City of Pittsburgh

Tuesday, December 13, 2011

10:00 AM

Council Chambers

City Council

**ONE-HUNDRED
THIRTY-SIXTH COUNCIL**

Darlene Harris, President

Council Members: Reverend Ricky V. Burgess, Patrick Dowd, Bruce A. Kraus, R. Daniel Lavelle, William Peduto, Natalia Rudiak, Douglas Shields, Theresa Smith

**Linda M. Johnson-Wasler, City Clerk
Mary Beth Doheny, Deputy City Clerk**

ROLL CALL

Present: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Absent: 1 - Rev. Burgess

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No.

[2011-2369](#)

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby celebrate Squirrel Hill native Lenora Greene as she celebrates her 100th birthday and praises Lenora for her continued kindness, acceptance of others and resilience; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare January 14, 2012 to be "LENORA GREENE DAY" in the City of Pittsburgh.

SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS

A motion was made that this matter be Adopted. The motion carried.

Bill No.

[2011-2370](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby celebrate the 100th anniversary of The University School; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare December 13, 2011 to be "The University School Day" in the City of Pittsburgh.

SPONSOR(S): WILLIAM PEDUTO AND ALL MEMBERS

A motion was made that this matter be Adopted. The motion carried.

Bill No.

[2011-2371](#)

NOW, THEREFORE, BE IT RESOLVED that Pittsburgh City Council declares Tuesday, December 13th, 2011 to be Helen Baney Day in the City of Pittsburgh.

SPONSOR(S): BRUCE A. KRAUS AND ALL MEMBERS

A motion was made that this matter be Adopted. The motion carried.

Bill No.

[2011-2372](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize Illeana Douglas for her prolific career as an actress, director, screenwriter and producer and congratulates her for her promotion of the performing arts and the City of Pittsburgh through her work.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare December 13, 2011, to be "ILLEANA DOUGLAS DAY" in the City of Pittsburgh.

SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS

A motion was made that this matter be Adopted. The motion carried.

Bill No. [2011-2373](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize Mrs. Charlotte Lawson's contributions to the community of Pittsburgh, and congratulates her recognition as the eldest member of the Pentecostal Temple Church of God in Christ.

SPONSOR(S): R. DANIEL LAVELLE AND ALL MEMBERS

A motion was made that this matter be Adopted. The motion carried.

PUBLIC COMMENTS

PRESENTATION OF PAPERS

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No. [2011-2368](#) Resolution adopting official sewage facilities plan for the University of Pittsburgh - Salk Hall Addition at 3501 Terrace Street, Pittsburgh, PA 15213.

Read and referred to Intergovernmental Affairs Committee

COUNCILMAN BRUCE A. KRAUS PRESENTS:

Bill No. [2011-2367](#) Resolution granting unto Shawn K. Thor, 832 Parkview Blvd., Pittsburgh, PA 15215, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, five stoops for five single family townhouses at 458-472 Fisk Street in the 9th Ward, 7th Council District of the City of Pittsburgh.

Read and referred to Public Works Committee

COUNCILMAN WILLIAM PEDUTO PRESENTS:

Bill No. [2011-2359](#) Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 245, Earned Income Tax, by fixing the rate of interest on certain delinquent Earned Income Tax for [2011] 2012.

Read and referred to Finance and Law Committee

Bill No. [2011-2360](#) Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 246, Home Rule Tax, by fixing the rate of interest on certain delinquent Earned Income and Home Rule Taxes for [2011] 2012.

Read and referred to Finance and Law Committee

Bill No. [2011-2361](#) Resolution authorizing the issuance of a warrant in favor of the Fitch Ratings in an amount not to exceed seven thousand five hundred dollars (\$7,500.00), for the Pittsburgh (PA) GO Bonds Series 2010 rating fee; and providing for the payment thereof.

Read and referred to Finance and Law Committee

Bill No. [2011-2362](#) Resolution designating Banks and Lending Institutions to act as Depositories for the year 2012 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories.

Read and referred to Finance and Law Committee

Bill No. Resolution providing for the acceptance by the City of Pittsburgh from the Board of
[2011-2363](#) Education of the School District of Pittsburgh of certain property on Fineview Avenue, parcel 23-C-246 in the 25th Ward of the City of Pittsburgh for public recreation purposes.

Read and referred to Finance and Law Committee

Bill No. Resolution repealing items in Resolutions approved on various dates, authorizing the
[2011-2364](#) sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Items A thru C: A19 Lafferty;; B: 6953 Lemington; C: 2907 Stafford.

Read and referred to Finance and Law Committee

Bill No. Resolution providing for the conveyance by the City of Pittsburgh of certain property,
[2011-2365](#) under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984; having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program.

ITEM A.

A: 1327 Warner.

Read and referred to Finance and Law Committee

Bill No. Resolution providing for the filing of petitions for the sale of certain properties,
[2011-2366](#) acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

ITEMS A through D. A: 2297 Centre; B: 1688 Broadhead; C: 1300 Goettman; D: 1921 N. Charles.

Read and referred to Finance and Law Committee

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

COUNCILMAN PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. Report of the Committee on Finance and Law for December 7, 2011 with an
[2011-2355](#) Affirmative Recommendation.

A motion was made that this matter be Read, Received and Filed. The motion carried.

Bill No. Ordinance supplementing the Pittsburgh Code Title One, Administrative; Article XI,
[2011-2204](#) Personnel; by creating Chapter 196, Limitations on Use of Franking and adding language to regulate and limit the use of franking in City government.

SPONSOR(S): NATALIA RUDIAK, WILLIAM PEDUTO AND DOUGLAS SHIELDS

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

Votes: Ayes: 5 - Mrs. Harris, Mr. Kraus, Mr. Peduto, Ms. Rudiak and Mr. Shields
Noes: 3 - Mr. Dowd, Mr. Lavelle and Mrs. Smith
Abstentions: 0
Absent: 1 - Rev. Burgess

Bill No.

[2011-2222](#)

Ordinance supplementing the Pittsburgh Code, Title Two Fiscal, Article IX Property Taxes, Chapter 267, Exemptions for Industrial and Commercial Improvements, Section 267.03 Exemption Schedule, by adding a new section (e) Local Economic Stimulus, to adopt a new exemption schedule for all applications filed for projects with a building permit that is issued during the period of January 1, 2012 through June 30, 2012 as to which a building permit has been issued reflecting a cost in excess of one million dollars (\$1,000,000) for the improvements or construction.

SPONSOR(S): WILLIAM PEDUTO AND DARLENE HARRIS

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

Votes: Ayes: 6 - Mrs. Harris, Mr. Kraus, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith
Noes: 2 - Mr. Dowd and Mr. Lavelle
Abstentions: 0
Absent: 1 - Rev. Burgess

Bill No.

[2011-2245](#)

Ordinance supplementing the Pittsburgh City Code Title Two-Fiscal, Article I-Administration by adding Chapter 202-Debt Management Policy to ensure responsible issuance and management of City debt.

SPONSOR(S): WILLIAM PEDUTO, DARLENE HARRIS AND DOUGLAS SHIELDS

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Rev. Burgess

Bill No.

[2011-2290](#)

Resolution providing for the issuance of a Eighty-Seven Thousand Five-Hundred Dollar (\$87,500.00) warrant in favor of Costa Soutemenides, c/o David M. Landay, Esquire, The Grant Building, Suite 1420, 310 Grant Street, Pittsburgh, PA 15219, in settlement of an action filed in the Court of Common Pleas of Allegheny County, Pennsylvania at GD 07-026833 for personal injuries and damages arising from a vehicular accident on or about July 13, 2007, at or near the public highway or thoroughfare known as 32nd Street, in the City of Pittsburgh.

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

Bill No.

[2011-2295](#)

Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article IX, Property Taxes; Chapter 263, Real Property Tax and Exemption; Adding Section 263.03, Special Library Tax Levy and Rate on Lands and Buildings, fixing the rate of taxation effective as of January 1, 2012.

SPONSOR(S): PATRICK DOWD AND BRUCE A. KRAUS

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

Bill No.

[2011-2303](#)

Resolution authorizing the issuance of a Warrant in the sum of \$7,500.00 in favor of Etta Calvert and Raizman, Frischman & Matzus, P.C., c/o Raizman, Frischman & Matzus, P.C., 7300 Penn Ave., Pittsburgh, PA 15208, in full and final settlement of an action filed in the Court of Common Pleas of Allegheny County, Pennsylvania at GD 09-3876 for personal injuries and damages arising from a slip and fall on or about March 2, 2007, at or near 4400 Centre Avenue in the City of Pittsburgh,

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

Bill No.

[2011-2335](#)

Resolution realigning a total of \$4,954,000 \$4,956,500 between various accounts within the 2011 Operating Budget. This transfer is necessary for the 2011 close in order to meet expenditures for the remainder of the fiscal year.

A motion was made that this matter be AMENDED. The motion carried.

A motion was made that this matter be Passed Finally, As Amended. The motion carried by the following vote:

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

COUNCILMAN KRAUS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. [2011-2356](#) Report of the Committee on Public Works for December 7, 2011 with an Affirmative Recommendation.

A motion was made that this matter be Read, Received and Filed. The motion carried.

Bill No. [2011-2324](#) Ordinance amending the Pittsburgh Code, Title Seven, Business Licensing, Chapter 719 Vendors and Peddlers, Section 710.10, Lists of Sites Approved by Council, by deleting and adding permanent street and sidewalk vending sites for 2012 Licensure Year.

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

COUNCILMAN SHIELDS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. [2011-2357](#) Report of the Committee on Land Use and Economic Development for December 7, 2011 with an Affirmative Recommendation.

A motion was made that this matter be Read, Received and Filed. The motion carried.

Bill No. [2011-1924](#) Ordinance amending and supplementing the Pittsburgh Code, Title Nine Zoning Code, Article II Base Zoning District, Chapter 903 Residential Zoning Districts, 903.03 Development Subdistricts, to clarify required setbacks of "attached" dwelling units.

SPONSOR(S): DARLENE HARRIS

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

Bill No. Ordinance amending and supplementing the Pittsburgh Code, Title Nine Zoning Code, Article IX Measurements and Definitions, Chapter 925 Measurements, 925.06 Setbacks, to broaden and clarify the use of contextual front setbacks and front setbacks on corner and irregular lots.

[2011-1925](#)

SPONSOR(S): DARLENE HARRIS

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

Bill No. Resolution approving a Conditional Use Application under the Pittsburgh Code, Title Nine, Zoning, Article V Chapter 911 Section 911.04.A.22 to the City of Pittsburgh, property owner, for authorization to place approximately 50,000 cu. yards of fill on property located within Riverview Park along Mairdale Avenue, zoned "P" Parks District, 26th Ward, Council District No. 1

[2011-2137](#)

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

COUNCILMAN DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No. Report of the Committee on Intergovernmental Affairs for December 7, 2011 with an Affirmative Recommendation.

[2011-2358](#)

A motion was made that this matter be Read, Received and Filed. The motion carried.

Bill No. Resolution authorizing a cooperation agreement with the Urban Redevelopment Authority of Pittsburgh designating URA as the City's agent in connection with a \$3,000,000 Penn Works grant for the LTV Hazelwood site owned by Almono, LP. (Council Districts 3 & 5)

[2011-2339](#)

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak,
Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

Bill No. Resolution authorizing the filing of an application with the Pennsylvania Department
[2011-2340](#) of Community and Economic Development for a \$3,000,000 Penn Works grant for the
LTV Hazelwood site owned by Almono, LP. (Council Districts 3 & 5)

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

Votes: Ayes: 8 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak,
Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Absent: 1 - Rev. Burgess

MOTIONS AND RESOLUTIONS

EXCUSE ABSENT MEMBERS

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER