

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



**Thursday, September 24, 2009**

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

Council met, a quorum being present.

Father Tom Higgins of Holy Innocents Church was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL  
of the meeting of September 17, 2009.

THE MOTION WAS DULY SECONDED AND AGREED TO.

**COMMUNICATIONS**

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

- ☐ Transmitting a message advising Council that Bill Nos. 090408 and 090128, which were passed by Council on September 17, 2009, were signed by the Mayor on September 23, 2009. (File No. 090679)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a message advising Council that Bill No. 090405, which was passed by Council on September 17, 2009, were signed by the Mayor on September 18, 2009. (File No. 090680)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill amending Bill No. 090213 (approved May 27, 2009), entitled "An Ordinance to adopt a Fiscal 2010 Capital Budget," by revising and adding certain projects, amounts and sources. (File No. 090681)

THE COMMUNICATION WAS READ.

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- Transmitting a bill amending Bill No. 090212 (approved May 27, 2009), entitled "An Ordinance to adopt a Capital Program for the six Fiscal Years 2010-2015 inclusive," by revising and adding certain projects, amounts and sources. (File No. 090682)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing Jeffrey Papa to construct, own and maintain an open-air sidewalk cafe at 2400 South 19th Street, under certain terms and conditions. (File No. 090683)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan No. 271 by placing on the City Plan a cut-back area at the northwest corner of Second Street and Germantown Avenue and by relocating portions of the curblines at and near the intersection of Second Street and Germantown Avenue, under certain terms and conditions, including the dedication to the City of the bed of the said cut-back area. (File No. 090684)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan No. 296, in the area laying northwest of Shawmont Avenue and southwest of Eva Street, by striking from the City Plan and abandoning a portion of a right of way for sewers and placing on the City Plan, in an alternate location within the same area, a right of way for drainage purposes and water main purposes and authorizing acceptance of the grant of the said right of way being placed, under certain terms and conditions. (File No. 090685)

THE COMMUNICATION WAS READ.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

- Bill No. 090658:** An Ordinance Amending Chapter 9-600 of The Philadelphia Code, entitled "Service and Other Businesses," to increase the available off-street options for the parking of motor-driven cycles; all under certain terms and conditions.

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

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

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📄 **Bill No. 090659:** An Ordinance Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” to increase the application fee and annual renewal fee for a Valet Parking Operator's License; all under certain terms and conditions.

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

Councilmember Greenlee Introduced the following Bill, Sponsored by Councilmembers Greenlee, Green, Kenney and Clarke:

📄 **Bill No. 090660:** An Ordinance Amending Bill No. 080468-A (approved November 5, 2008), entitled “An Ordinance amending Section 9-1103 of The Philadelphia Code, entitled 'Unlawful Employment Practices,' and enacting a new Chapter 9-3200, entitled 'Entitlement To Leave Due To Domestic Or Sexual Violence,' to provide that certain employees may take unpaid leave from work to address domestic or sexual violence; all under certain terms and conditions,” by making various technical amendments and by repealing the sunset provision.

THE BILL WAS REFERRED TO THE COMMITTEE ON LAW AND GOVERNMENT.

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

📄 **Resolution No. 090673:** 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 Forty-fifth 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.

Councilmember Tasco Introduced the following Bill for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

📄 **Bill No. 090661:** An Ordinance Amending Section 19-201 of The Philadelphia Code, entitled "City Depositories," by authorizing the City Treasurer to deposit funds in M&T Bank, under certain terms and conditions.

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THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Tasco Introduced the following Bill for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

- ☐ **Bill No. 090662:** An Ordinance Authorizing Jeffrey Papa to construct, own and maintain an open-air sidewalk cafe at 2400 South 19th Street, under certain terms and conditions.

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

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

- ☐ **Resolution No. 090674:** Resolution Declaring October as “Domestic Violence Awareness Month.”

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Tasco Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

- ☐ **Resolution No. 090675:** 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.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 090676:** Resolution Proclaiming The Week of October 4th 2009 as “National Fire Prevention Week.”

THE RESOLUTION WAS READ.

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THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 090677:** Resolution Honoring and Acknowledging Jon Drummond, Olympic Track and Field Champion for his work with the Jon Drummond Achievement Foundation and his commitment to sustaining the lives and health of today's youth through the Street Games Initiative.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Jones Introduced the following Resolution, Sponsored by Councilmembers Jones and Rizzo:

- 📄 **Resolution No. 090678:** Resolution Honoring and celebrating the Delaware Valley Opera Company on its Thirtieth Anniversary for its dedication to making opera affordable, bringing it to new audiences and providing a training ground for emerging singers in the tri-state area.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Bill No. 090663:** An Ordinance Amending Chapter 19-200 of The Philadelphia Code, entitled "City Funds - Deposits, Investments, Disbursements," by revising the list of City depositories because of non-compliance with certain provisions of that Chapter, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- 📄 **Bill No. 090664:** An Ordinance Amending Chapter 9-200 of The Philadelphia Code, entitled "Commercial Activities on Streets," by amending Section 9-211, entitled "Boxes for the Distribution of News and Printed Material," relating to the regulation of newspaper boxes on the public sidewalk, by prohibiting the placement of a publishers' box within the vicinity of the National Museum for Jewish American History, all 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. 090665:** An Ordinance Amending Section 9-204 of The Philadelphia Code by prohibiting vending on both sides of 5th Street, from Market street to Chestnut street and on Market street, from Fourth street to Fifth street.

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

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

- 📄 **Bill No. 090666:** An Ordinance Amending Section 9-205 of The Philadelphia Code, entitled "Sidewalk Sales," to prohibit vending on both sides of Aramingo Avenue and within a one block radius on all streets intersecting Aramingo Avenue, between Lehigh Avenue and Duncan Street; 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. 090667:** An Ordinance Amending Chapter 14-1600 of The Philadelphia Code, entitled "Miscellaneous," by repealing Section 14-1626, entitled "Demolition Moratorium in Old City," and Section 14-1628, entitled "Demolition Moratorium in Queen Village," and enacting a new Section 14-1626, entitled "Demolition Moratorium Districts," and designating Waverly Walk between 12th Street and 13th Street and Addison Street between 12th Street and 13th Street as Demolition Moratorium Districts, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- 📄 **Bill No. 090668:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 271 by placing on the City Plan a cut-back area at the northwest corner of Second Street and Germantown Avenue and by relocating portions of the curblines at and near the intersection of Second Street and Germantown Avenue, under certain terms and conditions, including the dedication to the City of the bed of the said cut-back area.

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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. 090669:** An Ordinance Amending Chapter 6-300 of The Philadelphia Code, entitled “Food,” by amending Section 6-301, entitled “Food Establishments,” and amending Chapter 12-900 of The Philadelphia Code, entitled “Parking Regulations And Penalties,” by amending Section 12-901, entitled “Stopping, Standing or Parking Prohibited at Certain Places”, by prohibiting the parking and storage of mobile food vending vehicles on the public streets and rights-of-way whenever food is not being loaded or off-loaded, prepared, manufactured, cooked, processed, dressed, served or distributed from that vehicle, all under certain terms and conditions.

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

Councilmember Clarke Introduced the following Bill, Sponsored by Councilmembers Clarke and Miller:

- 📄 **Bill No. 090670:** An Ordinance Amending Chapter 10-700 of The Philadelphia Code, entitled “Refuse and Littering,” by providing for additional penalties and consequences for short dumping, under certain terms and conditions.

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

Councilmember Clarke Introduced the following Bill, Sponsored by Councilmembers Clarke, Green, Goode, Jones, Sanchez, Tasco, Miller, Rizzo, Kelly, Kenney, Krajewski, Greenlee, DiCicco and Reynolds Brown:

- 📄 **Bill No. 090671:** An Ordinance Amending Section 17-109 of The Philadelphia Code, entitled “Local Bidding Preferences,” by providing for a local bidding preference for contracts funded by certain federal stimulus moneys, under certain terms and conditions.

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

Councilmember Clarke Introduced the following Bill, Sponsored by Councilmembers Clarke, Miller, Goode, Jones, Reynolds Brown and Sanchez:

- 📄 **Bill No. 090672:** An Ordinance Amending Chapter 17-1600 of The Philadelphia Code, entitled “Economic Opportunity Plans,” by providing that Economic Opportunity Plans be included on all development projects or contracts bid pursuant to federal stimulus funds allocated to the City of Philadelphia pursuant

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

**CONSIDERATION OF THE CALENDAR**

**BILL ON FINAL PASSAGE**

☐ **Bill No. 090123-AAA, as amended:** An Ordinance Amending the provisions of The Philadelphia Code regulating dumpsters; in particular, repealing and reenacting the provisions of Section 10-722, entitled “Use of Dumpsters”; amending Section 9-604, entitled “Refuse Collection,” to provide that persons licensed under that Section who own, rent or control dumpsters shall comply with all provisions of the new Section 10-722, and making compliance with such provisions a condition of the Garbage Collection License, the Waste Collection License, and the Recyclable Material Collection License, a condition that may be enforced by license revocation; amending the enforcement and penalty provision of Sections 10-718 and 10-719 relating to fines, penalties, and forfeitures for violations of the new Section 10-722; and amending Section 11-605, entitled “Construction Materials,” to revise the provisions regulating construction dumpsters and Section 11-609, entitled “Administrative Provisions,” to increase the fines for violations of Section 11-605; all under certain terms and conditions.

THE BILL WAS READ.

DISCUSSION - COUNCILMEMBER GREEN - BILL NO. 090123-AA (SEE NOTES OF TESTIMONY)

COUNCILMEMBER GREEN MOVED TO AMEND BILL NO. 090123-A(SEE FILE).

COUNCILMEMBER GREEN MOVED FOR THE ADOPTION OF THE AMENDMENT.

THE MOTION WAS DULY SECONDED AND AGREED TO.

☐ **Bill No. 090123-AAA, as amended:** An Ordinance Amending the provisions of The Philadelphia Code regulating dumpsters; in particular, repealing and reenacting the provisions of Section 10-722, entitled “Use of Dumpsters”; amending Section 9-604, entitled “Refuse Collection,” to provide that persons licensed under that Section who own, rent or control dumpsters shall comply with all provisions of the new Section 10-722, and making compliance with such provisions a condition of the Garbage Collection License, the Waste Collection License, and the Recyclable Material Collection License, a condition that may be enforced by license revocation; amending the enforcement and penalty provision of Sections 10-718 and 10-719 relating to fines, penalties, and forfeitures for violations of the new Section 10-722; and amending Section 11-605, entitled



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“Construction Materials,” to revise the provisions regulating construction dumpsters and Section 11-609, entitled “Administrative Provisions,” to increase the fines for violations of Section 11-605; all under certain terms and conditions.

THE BILL WAS AMENDED.

THE BILL WAS ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING..

**BILLS ON SECOND READING AND FINAL PASSAGE**

📄 **Resolution No. 080550:** Resolution Proposing an amendment to Section 7-400 of the Philadelphia Home Rule Charter, relating to the preparation of Civil Service Regulations, by prohibiting the Civil Service Commission from imposing any fee to apply for employment with the City.

THE RESOLUTION WAS READ.

moved that Resolution No. 080550 be withdrawn.

THE MOTION WAS DULY SECONDED AND AGREED TO.

DISCUSSION - COUNCILMEMBER BLACKWELL - RESOLUTION NO. 080550 (SEE NOTES O TESTIMONY).

📄 **Resolution No. 080550:** Resolution Proposing an amendment to Section 7-400 of the Philadelphia Home Rule Charter, relating to the preparation of Civil Service Regulations, by prohibiting the Civil Service Commission from imposing any fee to apply for employment with the City.

THE RESOLUTION WAS WITHDRAWN.

📄 **Bill No. 080542:** An Ordinance Providing for the submission to the qualified electors of the City of Philadelphia of an amendment to Section 7-400 of the Philadelphia Home Rule Charter set forth in a Council Resolution prohibiting the Civil Service Commission from imposing any fee to apply for employment with the City; fixing the date of a special election for such purpose; prescribing the form of ballot question to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

THE BILL WAS READ.

Councilmember Blackwell

moved that Bill No. 080542 be withdrawn.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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📄 **Bill No. 080542:** An Ordinance Providing for the submission to the qualified electors of the City of Philadelphia of an amendment to Section 7-400 of the Philadelphia Home Rule Charter set forth in a Council Resolution prohibiting the Civil Service Commission from imposing any fee to apply for employment with the City; fixing the date of a special election for such purpose; prescribing the form of ballot question to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

THE BILL WAS WITHDRAWN.

**SPEECHES**

COUNCILMEMBERS JONES, BLACKWELL, GREEN AND TASCO (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.