

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



**Thursday, April 25, 2013**

PRESENT: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien

Council met, a quorum being present.

Pastor Jermaine heath of St. Paul's Baptist church was introduced and offered an appropriate prayer.

COUNCILMEMBER GREENLEE MOVED TO APPROVE THE JOURNAL of the meeting of April 18, 2013.

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. 130226 and 130228, which were passed by Council on April 11, 2013, were signed by the Mayor on April 24, 2013. (File No. 130341)

THE COMMUNICATION WAS READ.

- ☐ April 24, 2013

To The President and Members of  
The Council of the City of Philadelphia:

Pursuant to Sections 4-604 and 2-307 of the Home Rule Charter, I am today transmitting to the Council the recommendation of the City Planning Commission regarding the following bills:

Bill No. 130242

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Bill No. 130252

Bill No. 130255

Bill No. 130274

Respectfully,  
Michael A. Nutter  
Mayor (File No. 130342)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commerce Director and the Commissioner of Public Property to acquire on behalf of the City an approximately 5.61 acre property located on Tincum Island Road, Tincum Township, Delaware County, Tax Parcel 45-00-00508-03, all under certain terms and conditions. (File No. 130343)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing Philadelphia Chinatown Development Corporation to construct, own and maintain various right-of-way encroachments within the public right of way on Vine Street, 10th Street and Pearl Street, Philadelphia, PA, under certain terms and conditions, accompanied by an explanatory letter from the Streets Commissioner. (File No. 130344)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commerce Director and the Commissioner of Public Property to acquire on behalf of the City an approximately 8.606 acre property located on 1070 Tincum Island Road, Tincum Township, Delaware County, Tax Parcel 45-00-00-279-00, all under certain terms and conditions. (File No. 130345)

THE COMMUNICATION WAS READ.

- Transmitting a bill approving the Fiscal Year 2014 Capital Budget providing for expenditures for the capital purposes of the Philadelphia Gas Works (including the supplying of funds in connection therewith) subject to certain constraints and conditions, and acknowledging receipt of the Forecast of Capital Budgets for Fiscal Years 2015 through 2019, accompanied by an explanatory letter from the Chairwoman, Philadelphia Gas Commission. (File No. 130346)

THE COMMUNICATION WAS READ.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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Councilmember Kenney Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Kenney:

- ☐ **Resolution No. 130332:** Resolution Recognizing the immeasurable contributions Fergie “Fergie” Carey has made to the quality of life in the City of Philadelphia.

Councilmember Blackwell Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Blackwell:

- ☐ **Resolution No. 130333:** Resolution Calling on the City Council Committee on Education to hold hearings to examine the feasibility of choosing a locally elected Board of Education and furthermore to examine the process required to do so.

Councilmember Greenlee Introduced and Referred the following Bill, Sponsored by Councilmembers Greenlee, Jones and Quiñones Sánchez:

- ☐ **Bill No. 130324:** An Ordinance Amending Chapter 2-200 of The Philadelphia Code, entitled “Recording of Deeds,” and Chapter 10-1000 of The Philadelphia Code, entitled “Fees,” by adding duties for the certification of deeds, providing for tangled title assistance, providing for certain fees and making certain technical changes, all under certain terms and conditions.

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

Councilmember Greenlee Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution for Councilmember Council President Clarke, Sponsored by Councilmember Greenlee:

- ☐ **Resolution No. 130334:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Philadelphia Redevelopment Authority, 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 Twenty-ninth Ward of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Philadelphia Redevelopment Authority to dispose of such properties for rehabilitation and/or improvements in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

Councilmember Greenlee Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution for Councilmember Council President Clarke, Sponsored by Councilmember Greenlee:

- ☐ **Resolution No. 130335:** Resolution Authorizing the Commissioner of Public

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Property to execute and deliver to the Philadelphia Redevelopment Authority, 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 Twenty-eighth and Thirty-seventh Wards of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Philadelphia Redevelopment Authority to dispose of such properties for rehabilitation and/or improvements in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

Councilmember Tasco Introduced and Referred the following Bill, Sponsored by Councilmember Tasco:

- ☐ **Bill No. 130325:** An Ordinance Approving the Fiscal Year 2014 Capital Budget providing for expenditures for the capital purposes of the Philadelphia Gas Works (including the supplying of funds in connection therewith) subject to certain constraints and conditions, and acknowledging receipt of the Forecast of Capital Budgets for Fiscal Years 2015 through 2019.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Johnson Introduced and Referred the following Bill, Sponsored by Councilmember Johnson:

- ☐ **Bill No. 130326:** An Ordinance Authorizing the Commerce Director and the Commissioner of Public Property to acquire on behalf of the City an approximately 8.606 acre property located on 1070 Tincum Island Road, Tincum Township, Delaware County, Tax Parcel 45-00-00-279-00, all under certain terms and conditions.

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

Councilmember Johnson Introduced and Referred the following Bill, Sponsored by Councilmember Johnson:

- ☐ **Bill No. 130327:** An Ordinance Authorizing the Commerce Director and the Commissioner of Public Property to acquire on behalf of the City an approximately 5.61 acre property located on Tincum Island Road, Tincum Township, Delaware County, Tax Parcel 45-00-00508-03, all under certain terms and conditions.

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

Councilmember Johnson Introduced and Referred the following Bill, Sponsored by Councilmember Johnson:

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📄 **Bill No. 130328:** An Ordinance Authorizing the Commissioner of Public Property to acquire certain land along the Schuylkill River between 56th Street (as extended to the Schuylkill River) and 58th Street, all under certain terms and conditions.

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

Councilmember Quiñones Sánchez Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Quiñones Sánchez:

📄 **Resolution No. 130336:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Philadelphia Redevelopment Authority, 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, Nineteenth and Twenty-third Wards of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Philadelphia Redevelopment Authority to dispose of such properties for rehabilitation and/or improvements in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

Councilmember O'Brien Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember O'Brien:

📄 **Resolution No. 130337:** Resolution Authorizing Council's Committee on Public Safety to hold public hearings regarding the implementation of a focused deterrence program citywide in Philadelphia to reduce gun violence, the creation of an Office of Violence Reduction and the appointment of an executive director and appropriate staff to such an office.

Councilmember O'Brien Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember O'Brien:

📄 **Resolution No. 130338:** Resolution Authorizing Council's Committee on Public Safety to investigate and hold public hearings reviewing the Commonwealth of Pennsylvania Board of Probation and Parole and its practices in Philadelphia, including the violation of parole conditions, the issuance of technical and direct violation warrants, the recommitment process and the effect these processes have on the safety of the citizens of Philadelphia.

Councilmember Goode Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Goode:

📄 **Resolution No. 130339:** Resolution Authorizing the Committee on Commerce &

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Economic Development to hold hearings to review the recommendations of the Philadelphia Jobs Commission.

Councilmember Jones Introduced and Referred the following Bill, Sponsored by Councilmember Jones:

- 📄 **Bill No. 130329:** An Ordinance Establishing a no truck parking regulation on the 1700 block of North 56th Street between Lancaster Avenue and Jefferson Street, both sides.

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

Councilmember Jones Introduced and Referred the following Bill, Sponsored by Councilmember Jones:

- 📄 **Bill No. 130330:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Parkside Avenue, 52nd Street, Merion Avenue, Girard Avenue, and Belmont Avenue.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

Councilmember Jones Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Jones:

- 📄 **Resolution No. 130340:** Resolution Honoring the African-American Chamber of Commerce of Pennsylvania, New Jersey and Delaware on two decades of commitment to supporting the economic empowerment and growth of African-American businesses on the occasion of its 20 Year Anniversary.

Councilmember Squilla Introduced and Referred the following Bill, Sponsored by Councilmember Squilla:

- 📄 **Bill No. 130331:** An Ordinance Authorizing Philadelphia Chinatown Development Corporation to construct, own and maintain various right-of-way encroachments within the public right-of-way on Vine Street, 10th Street and Pearl Street, Philadelphia, PA, under certain terms and conditions.

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

**REPORTS FROM COMMITTEES**

**COMMITTEE ON RULES**

- 📄 **Bill No. 130109:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” Title 16 of The Philadelphia Code, entitled “Public Property,” and making conforming amendments to the Code to provide

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for a comprehensive plan for the placement of advertising on municipal property, under certain terms and conditions.


COUNCILMEMBER GREENLEE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 130109.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

**CONSIDERATION OF THE CALENDAR**

**BILLS ON FIRST READING**

 **Bill No. 130109:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," Title 16 of The Philadelphia Code, entitled "Public Property," and making conforming amendments to the Code to provide for a comprehensive plan for the placement of advertising on municipal property, under certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR.

**PUBLIC COMMENT**

The following persons provided public comment on April 25, 2013:

**Name and Comment Subject**

Jordan Gwendolyn Davis (130224)

Joe Grace (130224)

Dolan Kneafsey and Amy Fiske (130224)

Dane Menkin and Erin Schmitt (130224)

State Representative Brian Sims (130224)

Clarc King (120118)

Alferd Sheppard (130224)

(See Notes of Testimony for full comment.)

**BILLS AND RESOLUTIONS ON FINAL PASSAGE**

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📄 **Bill No. 130137-A, as amended:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Thompson Street, 9th Street, Girard Avenue and Hutchinson Street and by amending Section 14-803 of the Zoning Code, entitled “Motor Vehicle Parking Standards,” and by amending Section 14-904, entitled “Signs,” exclusively with regard to the area bounded by Thompson Street, 9th Street, Girard Avenue and Hutchinson Street, all under certain terms and conditions.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

📄 **Bill No. 120775-A, as amended:** An Ordinance Amending Title 19 of The Philadelphia Code, entitled "Finance, Taxes and Collections," to provide for a private right of action to enforce certain tax laws, including penalties for nonpayment, all under certain terms and conditions.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

📄 **Resolution No. 130332:** Resolution Recognizing the immeasurable contributions Fergus “Fergie” Carey has made to the quality of life in the City of Philadelphia.

THE RESOLUTION WAS ADOPTED.

📄 **Resolution No. 130333:** Resolution Calling on the City Council Committee on Education to hold hearings to examine the feasibility of choosing a locally elected Board of Education and furthermore to examine the process required to do so.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON EDUCATION.

📄 **Resolution No. 130337:** Resolution Authorizing Council's Committee on Public Safety to hold public hearings regarding the implementation of a focused deterrence program citywide in Philadelphia to reduce gun violence, the creation of an Office of Violence Reduction and the appointment of an executive director



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DISCUSSION - RESOLUTION NO. 130337 - COUNCILMEMBER O'BRIEN - (SEE NOTES OF TESTIMONY).

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON PUBLIC SAFETY.

**Resolution No. 130338:** Resolution Authorizing Council's Committee on Public Safety to investigate and hold public hearings reviewing the Commonwealth of Pennsylvania Board of Probation and Parole and its practices in Philadelphia, including the violation of parole conditions, the issuance of technical and direct violation warrants, the recommitment process and the effect these processes have on the safety of the citizens of Philadelphia.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON PUBLIC SAFETY.

**Resolution No. 130339:** Resolution Authorizing the Committee on Commerce & Economic Development to hold hearings to review the recommendations of the Philadelphia Jobs Commission.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT.

**Resolution No. 130340:** Resolution Honoring the African-American Chamber of Commerce of Pennsylvania, New Jersey and Delaware on two decades of commitment to supporting the economic empowerment and growth of African-American businesses on the occasion of its 20 Year Anniversary.

THE RESOLUTION WAS ADOPTED.

**BILLS AND RESOLUTIONS ON SECOND READING AND FINAL  
PASSAGE**

**Bill No. 120776, as amended:** An Ordinance Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by amending Section 9-1004, entitled "Contractors," to add additional requirements for obtaining and displaying contractor licenses, and to further provide for regulation, penalties and enforcement, all under certain terms and conditions.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

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**Bill No. 130230:** An Ordinance Naming and designating the property located at 12601 Townsend Road as “The Rosemary Montagno Senior Center.”

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Nays: 0*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

**Bill No. 121041:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 72 by placing on the City Plan an extension of Cotton Street from its current terminus at the northeasterly side of the Manayunk Canal, southwest of Main Street, southwestwardly to a point approximately twenty-two feet southwest of the southwesterly side of the Canal and placing on the City Plan an extension of Lock Street from its current terminus at the northeasterly side of the Manayunk Canal, southwest of Main Street, southwestwardly to the southwesterly side of the Canal and authorizing the opening of the portions of the said extensions of Cotton Street and Lock Street extending through property owned by the City.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Nays: 0*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

**Bill No. 121042:** An Ordinance Authorizing the Streets Commissioner, on behalf of the City, to enter into an agreement with the Norfolk Southern Railway Company for the establishment and construction of public at-grade crossings of the tracks of the said Railway Company at the southwesterly side of the Manayunk Canal by proposed extensions of Cotton Street and Lock Street.


THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

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 **Bill No. 130079:** An Ordinance Authorizing 39th and Sansom Streets Corporation t/a Cavanaugh's Leprechaun to construct, own and maintain an open-air sidewalk café at 119 S. 39th Street, Philadelphia, PA, under certain terms and conditions.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*


 **Bill No. 130083:** An Ordinance Authorizing the plotting upon a portion of City Plan No. 271 of a right-of-way for sewer and drainage purposes extending from the westerly side of Front Street, north of Callowhill Street, westwardly to the Delaware Expressway, and authorizing acceptance of the grant to the City of the said right-of-way, under certain terms and conditions.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*


 **Bill No. 130138:** An Ordinance Authorizing the Holme Circle Civic Association to construct, own and maintain various right-of-way encroachments on the traffic median located on Holme Avenue where it intersects Welsh Road and Ashton Road in Philadelphia, PA, under certain terms and conditions.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

 **Bill No. 130241:** An Ordinance Amending Section 9-213 of The Philadelphia Code, entitled “Farmers' Markets,” by adding Pretzel Park as a permissible location, all under certain terms and conditions.


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THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Nays: 0*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

 **Bill No. 130224:** An Ordinance Amending various titles of The Philadelphia Code to provide for equality of treatment of all persons in the City of Philadelphia regardless of gender identity or sexual orientation, including by further providing for the definition of “Life Partnership” and “Life Partner,” and for protections, rights, benefits, and responsibilities of Life Partners; authorizing a tax credit or credits to encourage employers to expand certain health benefits; providing for gender neutrality in certain City forms and online websites; providing for access to public accommodations based upon an individual's gender identity; providing for gender-neutral bathrooms in City-controlled buildings; providing for the right to dress consistently with one's gender identity; ensuring the right of transgender individuals to request name and gender changes on pertinent records; and by other measures; and making conforming changes; all under certain terms and conditions.


DISCUSSION - BILL NO. 130224 - COUNCILMEMBERS OH, KENNEY, GREEN AND O'NEILL - (SEE NOTES OF TESTIMONY).

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 14 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, Reynolds Brown, Greenlee, Goode, Kenney and O'Brien*

*Nays: 3 - Councilmembers O'Neill, Oh and Green*

 **Bill No. 130140:** An Ordinance Amending Title 21 of The Philadelphia Code, entitled “Miscellaneous,” to increase appointments on the Mayor's Commission on Aging (MCOA).

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

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**SPEECHES**

COUNCILMEMBER JONES, BLACKWELL, JOHNSON, COUNCIL PRESIDENT CLARKE  
AND BROWN - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER REYNOLDS BROWN MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.