

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



**Thursday, May 7, 2009**

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

Council met, a quorum being present.

Reverend Kirk T. Berlenbach of St. Timothy's Episcopal Church was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL  
of the meeting of April 30, 2009

THE MOTION WAS DULY SECONDED AND AGREED TO.

**COMMUNICATIONS**

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

- Transmitting a bill authorizing the Commerce Director to file an application with the Commonwealth's Department of Community and Economic Development under the Main Street Program in an aggregate amount not to exceed One Million Three Hundred and Six Thousand Dollars (\$1,306,000) to support the City's various Main Street programs; and authorizing the City to enter into one or more agreements with DCED in furtherance of grant requirements; all under certain terms and conditions. (File No. 090398)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing transfers in appropriations for Fiscal Year 2009 within the General Fund from the Board of Revision of Taxes to the Director of Finance. (File No. 090399)

THE COMMUNICATION WAS READ.

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- Transmitting a bill amending Section 20-304, entitled “Compensation for Members of Boards, Commissions, Committees and Councils,” by revising the compensation for the members of the Board of Revision of Taxes, under certain terms and conditions. (File No. 090400)

THE COMMUNICATION WAS READ.

- Transmitting a bill to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Broad Street, the Delaware Expressway, Pattison Avenue, Packer Avenue, Delaware River and League Island Boulevard Extended. (File No. 090401)

THE COMMUNICATION WAS READ.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

- Bill No. 090380:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by amending Chapter 14-700, entitled “Recreational Districts,” by amending the uses permitted in the District, and by adding provisions with regard to signs.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

Councilmember Tasco Introduced (By Request) the following Bill for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

- Bill No. 090381:** An Ordinance  
To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Broad Street, the Delaware Expressway, Pattison Avenue, Packer Avenue, Delaware River and League Island Boulevard Extended.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- Bill No. 090382:** An Ordinance Amending Chapter 12-3000 of The Philadelphia Code, entitled “Use Of An Automated Red Light Enforcement System To Prevent Red Light Violations,” by authorizing the installation of red light enforcement systems at the intersection of Rising Sun Avenue at Adams Avenue, all under certain terms and conditions.

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

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

- 📄 **Bill No. 090378:** An Ordinance Amending Chapter 19-1500 of The Philadelphia Code, entitled “Wage and Net Profits Tax,” by revising tax rates for Fiscal Years 2010 and 2011, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- 📄 **Bill No. 090379:** An Ordinance Amending Section 19-2604 of The Philadelphia Code, relating to tax rates, credits and alternative tax computation for the business privilege tax, by revising tax rates for Fiscal Years 2010 and 2011, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

Councilmember Sanchez Introduced the following Bill, Sponsored by Councilmembers Sanchez, Greenlee and Reynolds Brown:

- 📄 **Bill No. 090383:** An Ordinance Amending the Health Code, Title 6 of The Philadelphia Code, by amending Section 6-102 entitled “Definitions” and by creating a new Section 6-309 entitled “Outdated Products” to prohibit the sale of expired non-prescription drugs, infant formula, baby food, milk, milk products and eggs, all under certain terms and conditions.

DISCUSSION - COUNCILMEMBER SANCHEZ - BILL NO. 090383 - (SEE NOTES OF TESTIMONY).

- 📄 **Bill No. 090383:** An Ordinance Amending the Health Code, Title 6 of The Philadelphia Code, by amending Section 6-102 entitled “Definitions” and by creating a new Section 6-309 entitled “Outdated Products” to prohibit the sale of expired non-prescription drugs, infant formula, baby food, milk, milk products and eggs, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES.

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

- 📄 **Resolution No. 090393:** Resolution Calling on the Pennsylvania Congressional Delegation to support the Youth PROMISE Act of 2009.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Green Introduced the following Bill, Sponsored by Councilmembers Green, Sanchez and Jones:

- 📄 **Bill No. 090384:** An Ordinance Amending Title 2 of The Philadelphia Code, entitled “City-County Consolidation,” by abolishing the Board of Revision of Taxes and reassigning its powers, functions and duties to three newly created City agencies to be known as the Board of Property Assessment Appeals and Review, the Property Assessment Oversight Board, and the Office of Property Assessment; providing for submission of such amendment for the approval or disapproval of the qualified electors of the City of Philadelphia; 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; all under certain terms and conditions.

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

Councilmember Green Introduced the following Bill, Sponsored by Councilmembers Green, Sanchez and Jones:

- 📄 **Bill No. 090385:** An Ordinance Amending Title 2 of The Philadelphia Code, entitled “City-County Consolidation,” by removing the authority of the Board of Revision of Taxes to hear appeals and reassigning that authority, with the power, functions and duties of hearing and deciding appeals, from Board of Revision of Taxes assessment, to a newly appointed independent City agency to be known as the Property Assessment Appeals Board; imposing the duty on the Board of Revision of Taxes to adopt and publish Assessment Standards and Practices that include certification of full and averaged assessments; providing for submission of such amendment for the approval or disapproval of the qualified electors of the City of Philadelphia; fixing the date of a special election for such purpose; prescribing the form of ballot questions to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election; all under certain terms and conditions.

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

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

- 📄 **Bill No. 090386:** An Ordinance Amending Chapter 12-3000 of The Philadelphia Code, entitled “Use Of An Automated Red Light Enforcement System To

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Prevent Red Light Violations,” by authorizing the installation of red light enforcement systems at the intersection of Henry Avenue at Walnut Lane, all under certain terms and conditions.

DISCUSSION - COUNCILMEMBER GREEN - BILL NOS. 090385 AND 090386 - (SEE NOTES OF TESTIMONY).

📄 **Bill No. 090386:** An Ordinance Amending Chapter 12-3000 of The Philadelphia Code, entitled “Use Of An Automated Red Light Enforcement System To Prevent Red Light Violations,” by authorizing the installation of red light enforcement systems at the intersection of Henry Avenue at Walnut Lane, all under certain terms and conditions.

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

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

📄 **Bill No. 090387:** An Ordinance Amending Section 9-208 of The Philadelphia Code, entitled “Sidewalk Cafes,” by permitting sidewalk cafes to be maintained on Ridge Avenue, both sides, between Rochelle Avenue, and Domino Lane, all under certain terms and conditions.

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

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

📄 **Bill No. 090388:** An Ordinance Amending Section 9-213 of The Philadelphia Code, entitled “Farmers' Markets,” by adding as a permissible location Canal View Park, all under certain terms and conditions.

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

Councilmember Jones Introduced the following Resolution, Sponsored by Councilmembers Jones, Blackwell, Clarke, Reynolds Brown and Goode:

📄 **Resolution No. 090394:** Resolution Recognizing, honoring and celebrating Jill Scott for her accomplishments and lifelong commitment to the City of Philadelphia.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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


📄 **Bill No. 090389:** An Ordinance Authorizing the Commerce Director to file an

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application with the Commonwealth's Department of Community and Economic Development under the Main Street Program in an aggregate amount not to exceed One Million Three Hundred and Six Thousand Dollars (\$1,306,000) to support the City's various Main Street programs; and authorizing the City to enter into one or more agreements with DCED in furtherance of grant requirements; all under certain terms and conditions.


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

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

 **Bill No. 090390:** An Ordinance Amending Chapter 16-400 of The Philadelphia Code, entitled "Vacant and Surplus Properties," by amending Section 16-404, entitled "The Vacant Property Review Committee".

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

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

 **Bill No. 090391:** An Ordinance Amending Chapter 12-3000 of The Philadelphia Code, entitled "Use Of An Automated Red Light Enforcement System To Prevent Red Light Violations," by authorizing the installation of red light enforcement systems at the intersection of Aramingo Avenue at York Street, 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 Sanchez:

 **Bill No. 090392:** An Ordinance An Ordinance

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

 **Resolution No. 090395:** Resolution Honoring Sister Mary Scullion for her steadfast dedication and tireless advocacy efforts on behalf of Philadelphia's homeless population and for being chosen one of *Time Magazines* "Worlds Most Influential People" for 2009.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 090396:** 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 Twenty-eighth 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 Kelly Introduced the following Resolution, Sponsored by Councilmembers Kelly and Greenlee:

- ☐ **Resolution No. 090397:** Resolution Authorizing the Committee on Public Health and Human Services to hold public hearings to examine and investigate the manner in which the Philadelphia Department of Public Health and the Office of the Mayor awards contracts to vendors performing animal care and control on behalf of the City of Philadelphia.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES.

## REPORTS FROM COMMITTEES

### COMMITTEE ON THE ENVIRONMENT


- ☐ **Bill No. 090075, as amended:** An Ordinance Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” by adding a new Section 9-614, entitled “Advanced Recovery Fee (Green Fee) for disposable shopping bags,” to establish an advanced recovery fee (a green fee) for disposable shopping bags, all under certain terms and conditions.

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PERMIT CONSIDERATION THIS DAY OF BILL NO. 090075.

THE MOTION WAS DULY SECONDED AND AGREED TO.


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

 **Bill No. 090258:** An Ordinance Amending Sections 3-306 and 3-401 of Title 3 (“Air Management Code”) of The Philadelphia Code, to eliminate dual licensing and permitting requirements on air contaminant emitting facilities, and to clarify air pollution control standards, all under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.


**CONSIDERATION OF THE CALENDAR**

**BILLS ON FIRST READING**

 **Bill No. 090075, as amended:** An Ordinance Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” by adding a new Section 9-614, entitled “Advanced Recovery Fee (Green Fee) for disposable shopping bags,” to establish an advanced recovery fee (a green fee) for disposable shopping bags, all under certain terms and conditions.

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

**BILLS ON SECOND READING AND FINAL PASSAGE**

 **Bill No. 090015-A:** An Ordinance Amending Section 9-212 of The Philadelphia Code, entitled “Newsstands,” to permit the placement of commercial advertising on newsstands and revise the fee for a newsstand license, all under certain terms and conditions.

THE BILL WAS READ.

COUNCILMEMBER DICICCO MOVED TO AMEND BILL NO. 090015 (SEE FILE).

THE BILL WAS READ

COUNCILMEMBER DICICCO MOVED FOR THE ADOPTION OF THE AMENDMENT.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE AMENDMENT TO BILL NO. 090015 WAS ADOPTED.



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📄 **Bill No. 090015-A, as amended:** An Ordinance Amending Section 9-212 of The Philadelphia Code, entitled “Newsstands,” to permit the placement of commercial advertising on newsstands and revise the fee for a newsstand license, all under certain terms and conditions.

THE BILL WAS AMENDED.

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

📄 **Bill No. 080951:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City, to accept from the Delaware River Port Authority conveyance of title to certain parcels of land located in the vicinity of 8th and Race Streets and Florist Street, between 2nd and 4th Streets, under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

*The Ayes and Nays were as follows:*

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

*Nays: 0*

📄 **Bill No. 090263:** An Ordinance Authorizing the Commissioner of Public Property on behalf of the City to execute and deliver to the Philadelphia Authority for Industrial Development a deed conveying fee simple title to all or part of a certain approximately 4 acre parcel of land with the buildings and improvements thereon located in the vicinity of the intersection of Belmont Avenue and Monument Road, for further conveyance to the Commonwealth of Pennsylvania for nominal consideration, under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

*The Ayes and Nays were as follows:*

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

*Nays: 0*

**SPEECHES**

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COUNCILMEMBERS O'NEILL, BLACKWELL, GOODE, TASCOD, GREEN, MILLER,  
KRAJEWSKI, KELLY AND RIZZO (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.