

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



**Thursday, September 30, 2010**

EXCUSED: 1 - Councilmember Krajewski

PRESENT: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Council met, a quorum being present.

Father Joseph Di Gregorio of Stell Maris Parish was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL

of the meeting of September 23, 2010.

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember Tasco requested leave of absence for

Councilmember Krajewski.

THE REQUEST WAS GRANTED.

**COMMUNICATIONS**

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

- Transmitting a message advising Council that Bill Nos. 100370, which was passed by Council on September 16, 2010, was signed by the Mayor on September 29, 2010. (File No. 100646)

THE COMMUNICATION WAS READ.

- Transmitting a message advising Council that Bill Nos. 100267-AA, which was passed by Council on September 23, 2010, was signed by the Mayor on September 29, 2010. (File No. 100647)

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THE COMMUNICATION WAS READ.

📄 September 29, 2010

To the President and Member 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 bill:

Bill No. 100553  
Bill No. 100554  
Bill No. 100555  
Bill No. 100556

Respectfully  
Michael A. Nutter  
Mayor (File No. 100648)

THE COMMUNICATION WAS READ.

📄 Transmitting a bill authorizing Thomas and Arlene Leschak, Owners of Epicure Cafe, to construct, own and maintain an open-air sidewalk cafe at 3479 Bowman Street, aka 3401 Conrad Street, under certain terms and conditions. (File No. 100649)

THE COMMUNICATION WAS READ.

📄 Transmitting a bill amending Section 9-622 of The Philadelphia Code, entitled “Cigarettes and Tobacco Products,” by revising the acceptable forms of identification; and by increasing the penalties for violations; all under certain terms and conditions. (File No. 100650)

THE COMMUNICATION WAS READ.

## INTRODUCTION OF BILLS AND RESOLUTIONS

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

📄 **Bill No. 100633:** An Ordinance Amending Chapter 16-400 of The Philadelphia Code, entitled “Vacant and Surplus Properties,” by amending Section 16-405, entitled “Transfer of Title,” to change the time period that the Redevelopment

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Authority may hold property transferred by the Commissioner of Public Property and to require that such property be transferred back to the City after such time period has expired, and to make technical changes, all under certain terms and conditions.

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

Councilmember Kenney Introduced, Read, Adopted & Referred the following Resolution, Sponsored by Councilmembers Kenney and Jones:

- ☐ **Resolution No. 100638:** Resolution Authorizing City Council's Joint Committees on Legislative Oversight and Transportation and Public Utilities to hold public hearings on the status and current findings of the Philadelphia International Airport's Master Plan and Environmental Study.

THE RESOLUTION WAS REFERRED TO THE JOINT COMMITTEES ON LEGISLATIVE OVERSIGHT AND TRANSPORTATION & PUBLIC UTILITIES.

Councilmember Kenney Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember Kenney:

- ☐ **Resolution No. 100639:** Resolution Recognizing October 4-8, 2010 as National Customer Service Week.

Councilmember Blackwell Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember Blackwell:

- ☐ **Resolution No. 100640:** Resolution Honoring Philadelphia's Own Professional Prize Fighter Yusaf Mack for Winning the North American Boxing Association (NABA) and North American Boxing Federation (NABF) Light Heavyweight Titles and Recognizing October 2, 2010 as Yusaf Mack Day in the City of Philadelphia.

Councilmember Blackwell Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember Blackwell:

- ☐ **Resolution No. 100641:** 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 Fifty-first 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.

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

- 📄 **Bill No. 100634:** An Ordinance Amending Section 9-622 of The Philadelphia Code, entitled “Cigarettes and Tobacco Products,” by revising the acceptable forms of identification; and by increasing the penalties for violations; all under certain terms and conditions.

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

Councilmember Sanchez Introduced and Referred the following Bill, Sponsored by Councilmembers Sanchez, Green, Jones, Goode, Reynolds Brown, Rizzo, Kelly, Tasco, Council President Verna, Greenlee, Miller, O'Neill, DiCicco, Clarke and Krajewski:

- 📄 **Bill No. 100635:** An Ordinance Amending Chapter 19-2600 of The Philadelphia Code, relating to tax rates, credits and alternative tax computation for the business privilege tax, by providing certain exclusions; revising certain tax rates; and creating certain fresh food tax credits; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Sanchez Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember Sanchez:

- 📄 **Resolution No. 100642:** 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 Nineteenth, Thirty-first and Thirty-third Wards 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.

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

- 📄 **Bill No. 100636:** An Ordinance Authorizing Thomas and Arlene Leschak, owners of Epicure Café, to construct, own and maintain an open-air sidewalk café at 3479 Bowman Street, aka 3401 Conrad Street, under certain terms and conditions.

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

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Councilmember Reynolds Brown Introduced, Read and Adopted the following Resolution,  
Sponsored by Councilmembers Reynolds Brown and Jones:

- ☐ **Resolution No. 100643:** Resolution Supporting House Bill 2754 calling on a 3 year Moratorium on Marcellus Shale drilling, drilling activities and establishing the Marcellus Shale Study Commission.

Councilmember DiCicco Introduced, Read and Adopted the following Resolution,  
Sponsored by Councilmember DiCicco:

- ☐ **Resolution No. 100644:** 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-first 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.

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

- ☐ **Bill No. 100637:** An Ordinance Amending Title 4 of The Philadelphia Code, Subcode “PM” (The Philadelphia Property Maintenance Code) and Subcode “A” (The Philadelphia Administrative Code), by amending provisions relating to Vacant Premises, by allowing for the immediate issuance of code violation notices for blighted vacant lots, and providing for penalties for such code violations; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON LICENSES AND INSPECTIONS.

DISCUSSION - COUNCILMEMBER CLARKE - BILL NO. 100637 - (SEE NOTES OF TESTIMONY)

Councilmember Clarke

moved to withdraw Bill No. 090590

THE MOTION WAS DULY SECONDED AND AGREED TO.

*The Ayes and Nays were as follows:*

*Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

*Nays: 0*

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☐ **Bill No. 090590:** An Ordinance Amending Title 4 of The Philadelphia Code, Subcode “PM” (The Philadelphia Property Maintenance Code) and Subcode “A” (The Philadelphia Administrative Code), by amending provisions relating Vacant Premises, by allowing for the immediate issuance of code violation notices for non maintained vacant lots, and providing for penalties pursuant to such code violations; all under certain terms and conditions.

THE BILL WAS WITHDRAWN.

WHICH WAS READ.

Councilmember Clarke Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember Clarke:

☐ **Resolution No. 100645:** 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-seventh 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.

**REPORTS FROM COMMITTEES**

**COMMITTEE ON APPROPRIATIONS**

☐ **Bill No. 100488:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2011 within the General Fund from the Clerk of Quarter Sessions to the First Judicial District of Pennsylvania.

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

☐ **Bill No. 100541:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2011 within the Grants Revenue Fund from the Director of Finance - Provision for Other Grants - Federal Stimulus Funding to certain or all City offices, departments, boards and commissions.

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

**CONSIDERATION OF THE CALENDAR**

**BILLS ON SECOND READING AND FINAL PASSAGE**

☐ **Bill No. 100360:** An Ordinance Amending Title 2 of The Philadelphia Code, entitled “City-County Consolidation,” by abolishing the Office of the Clerk of Quarter Sessions and reassigning its powers, functions and duties; amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” by providing for pension and retirement rights for certain employees of the Office; and making conforming, technical changes to The Philadelphia Code; all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

*The Ayes and Nays were as follows:*

*Nays: 0*

*Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

☐ **Bill No. 100487, as amended:** An Ordinance Amending Chapter 2-200 of The Philadelphia Code, entitled “Recording of Deeds,” by modifying the requirements for the recording of deeds, providing for certain fees and making certain technical changes, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 15 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, Reynolds Brown, Rizzo, Sanchez and Tasco*

*Nays: 0*

*Abstain: 1 - Councilmember O'Neill*

☐ **Bill No. 100288, as amended:** An Ordinance Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” by amending Section 9-613, entitled “Junk Dealers,” by requiring Junk Dealers to obtain from each customer a photocopy of valid government issued photo identification pursuant to each business transaction.

THE BILL WAS READ.

THE BILL WAS PASSED.

*The Ayes and Nays were as follows:*

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*Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

*Nays: 0*

**SPEECHES**

COUNCILMEMBER TASCO, MILLER, BROWN, JONES, SANCHEZ, TASCO, BLACKWELL, AND O'NEILL - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.