

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, October 4, 2012

EXCUSED: 1 - Councilmember O'Brien

PRESENT: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

Council met, a quorum being present.

Dr. W. Wilson Goode, Sr. Associate Minister of First Baptist Church of Paschall was introduced and offered an appropriate prayer.

COUNCILMEMBER GREENLEE MOVED TO APPROVE THE JOURNAL

of the meeting of September 7, 2012.

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember O'Neill requested leave of absence for

THE REQUEST WAS GRANTED.

COMMUNICATIONS

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

- 📄 Transmitting a message advising Council that Bill No. 120643, which was passed by Council on September 27, 2012, was signed by the Mahyor on September 29, 2012. (File No. 120793)

THE COMMUNICATION WAS READ.

- 📄 Transmitting a bill amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising and clarifying certain provisions and making technical changes; and amending various other Titles to make conforming changes; all under certain terms and conditions, accompanied by an explanatory letter from the Deputy Mayor for Economic Development. (File No. 120794)

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THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the Procurement Commissioner and the Free Library of Philadelphia, on behalf of the City of Philadelphia, to enter into a sublease agreement for the leasing of personal computers and associated equipment, to include related maintenance and other services, from the Philadelphia Municipal Authority, for the use of the Free Library of Philadelphia; all under certain terms and conditions, accompanied by an explanatory letter from the Director of the Free Library. (File No. 120795)

THE COMMUNICATION WAS READ.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

- ☐ **Resolution No. 120786:** Resolution Recognizing and Commending West Philadelphia High School on their 100th Anniversary.

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

- ☐ **Bill No. 120774:** An Ordinance
Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising and clarifying certain provisions and making technical changes; and amending various other Titles to make conforming changes; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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. 120787:** 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-eighth and Forty-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 improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

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Councilmember Henon Introduced and Referred the following Bill, Sponsored by Councilmembers Henon, Council President Clarke and Kenney:

- 📄 **Bill No. 120775:** 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 REFERRED TO THE COMMITTEE ON LICENSES AND INSPECTIONS.

Councilmember Henon Introduced and Referred the following Bill, Sponsored by Councilmembers Henon, Council President Clarke and Kenney:

- 📄 **Bill No. 120776:** 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 REFERRED TO THE COMMITTEE ON LICENSES AND INSPECTIONS.

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

- 📄 **Resolution No. 120788:** Resolution Recognizing November 2012 as Pancreatic Cancer Awareness Month.

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

- 📄 **Bill No. 120777:** An Ordinance Establishing a no truck parking regulation on 74th Avenue, between Ogontz Avenue and Washington Lane, both sides.

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


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

- 📄 **Bill No. 120778:** An Ordinance Amending Section 6 of Bill No. 120519 (approved June 21, 2012), entitled "An Ordinance authorizing 2303 Bainbridge Street, LLC, to construct, own and maintain various encroachments within the City right-of-way on the north side of Bainbridge Street between South 24th Street and Grays Ferry Avenue and the west side of Grays Ferry Avenue, north of Bainbridge Street, adjacent to the premises known as 621 South 24th Street, under certain terms and conditions," by extending the period for compliance

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

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

 **Bill No. 120779:** An Ordinance Establishing a one-way regulation on West Loudon Street, from North 5th Street to North 6th Street, westbound.


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

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

 **Bill No. 120780:** An Ordinance Establishing a no truck parking regulation on Kinsey Street, between Hedge Street and Paul Street, north side.


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

Councilmember Reynolds Brown Introduced and Referred the following Bill, Sponsored by Councilmember Reynolds Brown:

 **Bill No. 120781:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by amending Section 14-603, entitled “Use-Specific Standards,” by revising requirements relating to family day care, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

 **Resolution No. 120789:** Resolution Supporting House Resolution 840 which urges The Pennsylvania State University to use the endowment created pursuant to the consent decree with the National Collegiate Athletic Association to fund Pennsylvania's children's advocacy centers.

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

 **Bill No. 120782:** An Ordinance Establishing a one-way regulation on North Dewey Street, from Market Street to Arch Street, northbound.

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

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

- 📄 **Bill No. 120783:** An Ordinance Amending Title 12 of The Philadelphia Code, entitled “Traffic Code,” to establish a towing zone location on Midvale Avenue; all under certain terms and conditions.

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

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

- 📄 **Resolution No. 120790:** Resolution Acknowledging the skills, contributions and employment needs of individuals with disabilities by declaring October as Disability Employment Awareness Month in Philadelphia.

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

- 📄 **Resolution No. 120791:** Resolution Proclaiming November, 2012 as “Lung Cancer Awareness Month” in Philadelphia and urging all who work, live, or study in the City to learn more about lung cancer and lung cancer prevention while taking steps toward making lung cancer a public health priority.

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

- 📄 **Bill No. 120784:** An Ordinance Authorizing the Procurement Commissioner and the Free Library of Philadelphia, on behalf of the City of Philadelphia, to enter into a sublease agreement for the leasing of personal computers and associated equipment, to include related maintenance and other services, from the Philadelphia Municipal Authority, for the use of the Free Library of Philadelphia; all under certain terms and conditions.

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


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

- 📄 **Bill No. 120785:** An Ordinance Establishing a one-way regulation on West Seymour Street, from Morris Street to Wayne Avenue, eastbound.

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


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

 **Resolution No. 120792:** Resolution Recognizing November 2012 as National Family Caregivers Month in the City of Philadelphia.

REPORTS FROM COMMITTEES

COMMITTEE ON RULES


 **Bill No. 120645:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by making, revising, and consolidating certain regulations regarding flood protection, and by further repealing Chapter 10-1100A of The Philadelphia Code, entitled “Development in Defined Flood Plain Areas”; all 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. 120645.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

COMMITTEE ON PUBLIC SAFETY

 **Bill No. 120725:** An Ordinance Amending Title 12 of The Philadelphia Code, entitled “Traffic Code,” by providing for prohibitions relating to all-terrain vehicles, and for penalties and enforcement, all under certain terms and conditions.


COUNCILMEMBER JONES MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 120725.

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. 120645:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by making, revising, and consolidating certain regulations regarding flood protection, and by further repealing Chapter

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10-1100A of The Philadelphia Code, entitled “Development in Defined Flood Plain Areas”; all under certain terms and conditions.

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

 **Bill No. 120725:** An Ordinance Amending Title 12 of The Philadelphia Code, entitled “Traffic Code,” by providing for prohibitions relating to all-terrain vehicles, and for penalties and enforcement, all 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 October 4, 2012:

Name and Comment Subject

Gloria Gilman (120650)

Robert Williams (120534)

Steve Miller (120534)

John Puca (120534)

Anne Gemmell (120650)

Robert Dulecki (120534)


Harry Barnum (120534)

Jeremy Girard (120534)

(See Notes of Testimony for full comment.)

DISCUSSION DURING PUBLIC COMMENT PERIOD- BILL NO. 120534 - COUNCILMEMBERS OH, BLACKWELL, GREEN, KENNEY AND COUNCIL PRESIDENT CLARKE (SEE NOTES OF TESTIMONY).

BILLS AND RESOLUTIONS ON FINAL PASSAGE

 **Resolution No. 120758:** Resolution Authorizing the use of Neighborhood Transformation Initiative bond to acquire title reports, plot plans, legal descriptions and appraisals.

THE RESOLUTION WAS ADOPTED.

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Resolution No. 120759: 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-fourth 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 improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS ADOPTED.

Resolution No. 120760: 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-eighth, Twenty-ninth, Thirty-second 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 improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS ADOPTED.

Resolution No. 120765: 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-first and Thirty-eighth 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 improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS ADOPTED.

Resolution No. 120767: Resolution Authorizing the use of Neighborhood Transformation Initiative bond to acquire title reports, plot plans, legal descriptions and appraisals.


THE RESOLUTION WAS ADOPTED.

Resolution No. 120769: 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


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City-owned lots or pieces of ground with the buildings and improvements thereon, situate in the Seventeenth 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 improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.


THE RESOLUTION WAS ADOPTED.

 **Resolution No. 120770:** Resolution Approving the redevelopment contract of the Philadelphia Redevelopment Authority for the redevelopment and urban renewal of a portion of the Wister III Urban Renewal Area, identified by house number and street address as 5128 Wakefield street; authorizing the Redevelopment Authority to execute the redevelopment contract with Ernest C. Stewart and to take such action as may be necessary to effectuate the redevelopment contract.


THE RESOLUTION WAS ADOPTED.

 **Resolution No. 120786:** Resolution Recognizing and Commending West Philadelphia High School on their 100th Anniversary.


THE RESOLUTION WAS ADOPTED.

 **Resolution No. 120788:** Resolution Recognizing November 2012 as Pancreatic Cancer Awareness Month.


THE RESOLUTION WAS ADOPTED.

 **Resolution No. 120790:** Resolution Acknowledging the skills, contributions and employment needs of individuals with disabilities by declaring October as Disability Employment Awareness Month in Philadelphia.

THE RESOLUTION WAS ADOPTED.

 **Resolution No. 120791:** Resolution Proclaiming November, 2012 as “Lung Cancer Awareness Month” in Philadelphia and urging all who work, live, or study in the City to learn more about lung cancer and lung cancer prevention while taking steps toward making lung cancer a public health priority.


THE RESOLUTION WAS ADOPTED.

 **Resolution No. 120792:** Resolution Recognizing November 2012 as National Family Caregivers Month in the City of Philadelphia.

THE RESOLUTION WAS ADOPTED.

BILLS AND RESOLUTIONS ON SECOND READING AND FINAL PASSAGE

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 **Bill No. 120650:** An Ordinance Amending Chapter 19-200 of The Philadelphia Code, entitled "City Funds - Deposits, Investments, Disbursements," by authorizing the establishment of a Responsible Banking Review Committee; all under certain terms and conditions.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:


Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

Nays: 0


Councilmember Oh

moved to place Bill No. 120534 on the Suspension Calendar.

THE MOTION WAS DULY SECONDED AND AGREED TO.

 **Bill No. 120534:** An Ordinance Amending Title 10 of The Philadelphia Code, entitled "Regulation of Individual Conduct and Activity," to prohibit certain activities that damage, deface, or risk damage to, public artwork or memorials, and to provide for penalties for violations of such prohibitions, all under certain terms and conditions.

THE MOTION WAS DULY SECONDED AND AGREED TO.


 **Bill No. 120563:** An Ordinance Establishing a parking regulation on Brill street, both sides, Frankford avenue to Darrah street.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Nays: 0

Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

 **Bill No. 120564:** An Ordinance Establishing a parking regulation on Ellsworth street, north side, 2nd street to Front street.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

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Nays: 0

📄 **Bill No. 120566:** An Ordinance Establishing a parking regulation on Iseminger street, west side, Porter street to Ritner street.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

Nays: 0

📄 **Bill No. 120567:** An Ordinance Establishing a parking regulation on Fitzwater street, north side, 13th street to Juniper street.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

Nays: 0

📄 **Bill No. 120653-A:** An Ordinance Authorizing Aquinas 2021 Chestnut Street L.P. to construct, own and maintain various encroachments within the City right-of-way on Chestnut Street between 20th Street and 21st Street and on Ranstead Street between 20th Street and 21st Street, adjacent to the premises at 2017-2023 Chestnut Street, under certain terms and conditions.

THE BILL WAS READ.

COUNCILMEMBER GREENLEE MOVED TO AMEND BILL NO. 120563 (SEE FILE).

COUNCILMEMBER GREENLEE MOVED FOR THE ADOPTION OF THE AMENDMENT.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE AMENDMENT TO BILL NO. 120563 WAS ADOPTED.

📄 **Bill No. 120653-A, as amended:** An Ordinance Authorizing Aquinas 2021 Chestnut Street L.P. to construct, own and maintain various encroachments within the City right-of-way on Chestnut Street between 20th Street and 21st Street and on Ranstead Street between 20th Street and 21st Street, adjacent to the premises at 2017-2023 Chestnut Street, under certain terms and conditions.

THE BILL WAS AMENDED.

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

Bill No. 120657: An Ordinance Authorizing PNC Bank, NA (“Owner”) to construct, use and maintain encroachments within the right-of-way on South Street between 10th Street and Alder Street and on Alder Street between South Street and Bainbridge Street (“Property”), under certain terms and conditions.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

Nays: 0

Bill No. 120659: An Ordinance Authorizing KHP II Chestnut, LLC d/b/a Kimpton Hotels & Restaurants (“Owner”) to construct, own and maintain various right-of-way encroachments at 433-441 Chestnut Street, Philadelphia, PA (“Property”) under certain terms and conditions.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

Nays: 0

Bill No. 120660: An Ordinance Amending Section 2 of an Ordinance (Bill No. 040511) approved June 21, 2004, entitled “An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 55 in the area bounded by Aramingo Avenue, Frankford Creek, and Adams Avenue, under certain terms and conditions,” by extending the period for compliance with the terms and conditions stated therein.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney and Green

Nays: 0

SPEECHES

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COUNCILMEMBERS OH, GOODE, TASCO, JONES, GREEN, SQUILA, BASS AND BROWN - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER REYNOLDS BROWN MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.