

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, September 28, 2006

PRESENT: 14 - Councilmembers Reynolds Brown, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco, Council President Verna, Blackwell, Clarke, Krajewski, Miller, Tasco and O'Neill

Council met, a quorum being present.

Reverend Arlington Medley of the Phillipian Baptist Church was introduced and offered an appropriate prayer.

COUNCILMEMBER BLACKWELL MOVED TO APPROVE THE JOURNAL OF THE MEETING OF SEPTEMBER 21, 2006.

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. 041040, 060317, 060318, 060319, 060505, 060506 and 060509, which were passed by Council on September 14, 2006, were signed by the Mayor on September 28, 2006. (File No. 060739)

THE COMMUNICATION WAS READ.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF COUNCIL SO AS TO PERMIT THE IMMEDIATE CONSIDERATION OF ALL RESOLUTIONS

THE MOTION WAS DULY SECONDED AND AGREED TO

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

- Bill No. 060730:**An Ordinance authorizing and directing the revision of lines and

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grades on a portion of City Plan No. 278 by placing on the City Plan Delaware Avenue from Hellerman Street to Magee Avenue and by placing Magee Avenue from Delaware Avenue to New State Road, under certain terms and conditions, including the dedication to the City, free and clear of all encumbrances, of the beds of Delaware Avenue and Magee Avenue being placed under authority of this Ordinance and also dedication to the City, free and clear of all encumbrances of a portion of the bed of Delaware Avenue between Levick Street and Hellerman Street not previously opened.

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

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

- 📄 **Bill No. 060731:**An Ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Canal Street, Laurel Street, Delaware Avenue and Lewellen Street.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

Councilmember Clarke Introduced the following Bill, Sponsored by Councilmembers Clarke, Goode, DiCicco, Ramos, Reynolds Brown, Blackwell and Miller:

- 📄 **Bill No. 060732:**An Ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by adding a new Chapter establishing inclusionary affordable housing, by requiring that certain developments, consisting of a certain number of dwelling units, provide a certain percentage of those units for affordable housing or provide other options for affordable housing, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

RESOLUTIONS

Councilmember Blackwell Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmembers Blackwell, Miller, Reynolds Brown, Kenney, Clarke, Tasco, Goode, DiCicco, Rizzo, Ramos, Kelly, Krajewski and O'Neill:

- 📄 **Resolution No. 060733:**Resolution authorizing the Council President to appoint Carole Smith to serve on the Board of Directors of Wireless Philadelphia.

WHEREAS, Under the Bylaws of Wireless Philadelphia, three Directors of Wireless Philadelphia are appointed by the Council President to four year terms, with the initial three such appointed Directors appointed to terms ending

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December 31, 2007, December 31, 2008, and December 31, 2009; and

WHEREAS, Paragraph II(13) of the Rules of Council provides that the Council President may make appointments to boards, commissions, advisory committees and authorities pursuant to any appointment power conferred upon the President by law or otherwise, with the approval of the Council by resolution; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Council President is hereby authorized to appoint Carole Smith to serve on the Board of Directors of Wireless Philadelphia for a term ending December 31, 2008.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Blackwell Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmembers Blackwell, Miller, Reynolds Brown, Kenney, Tasco, Goode, DiCicco, Rizzo, Ramos, Kelly, Krajewski and O'Neill:

 **Resolution No. 060734:**Resolution authorizing the Council President to appoint Herbert R. Riley to serve on the Board of Directors of Wireless Philadelphia.

WHEREAS, Under the Bylaws of Wireless Philadelphia, three Directors of Wireless Philadelphia are appointed by the Council President to four year terms, with the initial three such appointed Directors appointed to terms ending December 31, 2007, December 31, 2008, and December 31, 2009; and

WHEREAS, Paragraph II(13) of the Rules of Council provides that the Council President may make appointments to boards, commissions, advisory committees and authorities pursuant to any appointment power conferred upon the President by law or otherwise, with the approval of the Council by resolution; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Council President is hereby authorized to appoint Herbert R. Riley to serve on the Board of Directors of Wireless Philadelphia for a term ending December 31, 2007.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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Councilmember Blackwell Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmembers Blackwell, Miller, Reynolds Brown, Kenney, Clarke, Tasco, Goode, DiCicco, Rizzo, Ramos, Kelly, Krajewski and O'Neill:

- ☐ **Resolution No. 060735:**Resolution authorizing the Council President to appoint Richard Trzaska to serve on the Board of Directors of Wireless Philadelphia.

WHEREAS, Under the Bylaws of Wireless Philadelphia, three Directors of Wireless Philadelphia are appointed by the Council President to four year terms, with the initial three such appointed Directors appointed to terms ending December 31, 2007, December 31, 2008, and December 31, 2009; and

WHEREAS, Paragraph II(13) of the Rules of Council provides that the Council President may make appointments to boards, commissions, advisory committees and authorities pursuant to any appointment power conferred upon the President by law or otherwise, with the approval of the Council by resolution; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Council President is hereby authorized to appoint Richard Trzaska to serve on the Board of Directors of the Wireless Philadelphia for a term ending December 31, 2009.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 060736:**Resolution proclaiming The Week of October 9th 2006 as "National Fire Prevention Week."

The City Council of Philadelphia designates the Week of October 9th 2006 as "National Fire Prevention Week in Philadelphia and encourages that residents, children and parents, teachers and firefighters gain the necessary knowledge: "KNOWING WHAT TO DO" through attending or teaching programs that can and will save your life or the life of someone near and dear, because once a fire starts . . . there's no time to develop a plan.

WHEREAS, The history of National Fire Prevention Week has it roots in the Great Chicago Fire, which occurred on October 8, 1871, and this tragic conflagration killed some 300 people, left 100,000 homeless and destroyed more

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than 17,000 structures; and

WHEREAS, During 2005, the Philadelphia Fire Department responded to 263,946 emergency incidents; of these incidents, 209,472 were emergency medical incidents, and 54,474 were for fire and other 911 emergency public safety service requests; and

WHEREAS, There were fifty-two fire deaths in the City of Philadelphia and twenty-nine deaths occurred in twenty-four properties that did not have smoke alarms, or had alarms with dead or missing batteries; and

WHEREAS, Careless smoking was the number one cause of fire deaths in Philadelphia last year resulting in seventeen fire deaths and electrical wiring was the cause of ten deaths: four the result of permanent electrical wiring, six the result of non-permanent wiring . . . namely extension cords; and

WHEREAS, Electrical appliances accounted for seven deaths, children with matches were the cause of five deaths, incendiary/arson fires were responsible for the loss of four lives, three deaths were the result of portable heaters, and open flames were the cause of two fire deaths; and

WHEREAS, Each year in the United States an estimated 2,800 children age 14 or younger are injured and 850 killed in residential fires, of these children, over 40 percent are under the age five, 70 percent are under the age of 10; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Week of October 9th 2006 be designated as "National Fire Prevention Week in Philadelphia and encourages that residents, children and parents, teachers and firefighters gain the necessary knowledge: "KNOWING WHAT TO DO" through attending or teaching programs that can and will save your life or the life of someone near and dear, because once a fire starts . . .there's no time to develop a plan.

FURTHER RESOLVED, That an Engrossed copy of this Resolution be presented to Fire Commissioner Lloyd Ayers, as further evidencing the sincere admiration and gratitude of this legislative body.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Reynolds Brown Introduced the following Resolution, Sponsored by Councilmember Reynolds Brown:



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and other applicable City agencies, to apply for the designation of a Preserve America Community on behalf of the City of Philadelphia.

WHEREAS, Preserve America is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, The goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, This initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, Designation as a Preserve America Community will improve our community's ability to protect and promote its historical resources; now therefore

RESOLVED, That Council of the City of Philadelphia, acting through the Fairmount Park Commission and other applicable City agencies, will apply for the designation of the City of Philadelphia as a Preserve America Community.

FURTHER RESOLVED, That the Council of the City of Philadelphia, acting through the Fairmount Park Commission and other applicable City agencies, will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Ramos Introduced the following Resolution, Sponsored by Councilmembers Ramos and Miller:

 **Resolution No. 060738:**Resolution authorizing the Committee on Labor and Civil Service to conduct hearings on worker safety and health at construction sites in the City of Philadelphia.

WHEREAS, Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthful workplace for their employees; and

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WHEREAS, Occupational Safety and Health Administrations (OSHA) role is to assure the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health; and

WHEREAS, OSHA has reported that 1,224 construction workers died nationwide last year, and 39 percent were the result of falls; and

WHEREAS, In OSHA's Philadelphia District, which includes Delaware County, there have been 15 fatal construction accidents in the last 12 months, and about half have been the result of falls; and

WHEREAS, A worker cleaning up a multimillion-dollar Symphony House construction site in Center City fell through a barrier and to his death on September 20, 2006; and

WHEREAS, The subcontractor on the condominium project has a history over the past ten years of numerous safety violations; and

WHEREAS, Since conditions change at construction sites, it is imperative that companies follow federal law and install a safe perimeter that is six feet high for the safety of the workers; and

WHEREAS, This responsibility falls on the general contractor and subcontractor to make sure such perimeters are secure; now therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Committee on Labor and Civil Service is authorized to conduct hearings on worker safety and health at construction sites in the City of Philadelphia.

THE RESOLUTION WAS READ.

DISCUSSION - COUNCILMEMBER RAMOS - RESOLUTION NO. 060738 - SEPTEMBER 20, 2006 JEFFREY MARTIN WAS KILLED IN PHILADELPHIA AT A CONSTRUCTION SITE - DISCUSSION WAS TABLED UNTIL A FUTURE TIME - (SEE NOTES OF TESTIMONY)

 **Resolution No. 060738:**Resolution authorizing the Committee on Labor and Civil Service to conduct hearings on worker safety and health at construction sites in the City of Philadelphia.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON LABOR AND CIVIL SERVICE.

REPORTS FROM COMMITTEES

COMMITTEE ON RULES

📄 **Bill No. 060580, 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 W. Coulter Street, Stokely Street, Midvale Avenue and McMichael Street.

COUNCILMEMBER CLARKE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 060580.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES

📄 **Bill No. 060583, as amended:**An Ordinance amending Chapter 10-600 of The Philadelphia Code, entitled "Public Places -- Prohibited Conduct," by prohibiting smoking in public places and in the workplace, and providing for penalties, 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. 060580, 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 W. Coulter Street, Stokely Street, Midvale Avenue and McMichael Street.

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

SPEECHES

COUNCILMEMBER BLACKWELL - NRA AS THE TITLE OF A DAILY CARTOON - HOW BAD IT IS - COUNCIL HEARINGS TO LOOK AT THEIR OWN CALL T ACTION SURROUNDING THE ISSUE OF GUN VIOLENCE - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER BLACKWELL - LIVING WILLS FOR SOLDIERS - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER BLACKWELL - PENSION BOARD - PASSED RESOLUTIONS DEALING WITH THE DIVESTITURE OF PENSION FUNDS BECAUSE OF THE SUDAN -

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DIVESTITURE PASSED HOWEVER NOT UNANIMOUSLY - THE VOTE WAS FIVE TO THREE - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER BLACKWELL - HOUSING REORGANIZATION - UNION BUSTING - SALARY CUTS - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER BLACKWELL - WELCOMES SINGING VISITORS OF LOVE - COUNCILMEMBER BLACKWELL STATES: "I THINK PEOPLE HAVE A RIGHT TO HAVE THEIR VOICES HEARD IN CITY COUNCIL WHICH IS THE PEOPLES OPPORTUNITY, THE PEOPLES PLACE TO BE HEARD - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER TASCO - MARCH TO HARRISBURG - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER RAMOS - RESERVES HIS COMMENTS ON WORKER SAFETY FOR ANOTHER OCCASION SO AS TO NOT BE SCOLDED BY THE LORD - (SEE NOTES OF TESTIMONY)

COUNCILMEMBERS BROWN AND MILLER - RESERVE THEIR COMMENTS ON THE ISSUE OF GUN VIOLENCE TO ANOTHER TIME - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER TASCO MOVED TO ADJOURN.

THE MOTION WAS DULY SECONDED AND AGREED TO.