Thursday, September 27, 2007

PRESENT: 17 - Councilmembers Reynolds Brown, Greenlee, Goode, Kelly, Campbell, Kenney, Ramos, Rizzo, Savage, DiCicco, Council President Verna, Blackwell, Clarke, Krajewski, Miller, Tasco and O'Neill

Council met, a quorum being present.

Reverend R. Hill of Triumph Baptist Church was introduced and offered an appropriate prayer

COUNCILMEMBER BLACKWELL MOVED TO APPROVE THE JOURNAL
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THE MOTION WAS DULY SECONDED AND AGREED TO.

COMMUNICATIONS

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

- Transmitting a resolution approving the redevelopment contract and disposition supplement of the Redevelopment Authority of the City of Philadelphia for the redevelopment and urban renewal of a portion of the Point Breeze East Urban Renewal Area, designated as Parcel Nos. 95 & 96 and also sometimes identified by house addresses and street addresses for Parcel No. 95 as 2325-2335 Cross street and for Parcel No. 96 as 2330-2334 Greenwich street; and authorizing the Redevelopment Authority to execute the redevelopment contract with Habitat for Humanity - Philadelphia, Inc. and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement, accompanied by an explanatory letter from the Executive Director of the Redevelopment Authority. (File No. 070812)

THE COMMUNICATION WAS READ.

- Transmitting a resolution approving the redevelopment contract and disposition supplement of the Redevelopment Authority of the City of Philadelphia for the redevelopment and urban renewal of a portion of the Model Cities Urban Renewal Area, designed as Parcel Nos. 610, 611, 612, 613, 614, 615 & 616 also sometimes identified by house numbers and street addresses for Parcel No. 610 as 820 Capitol street, for Parcel No. 611 as 824 North Twentieth street, for Parcel No. 612 as 854 Perkiomen street, for Parcel No. 613 as 1831 West poplar street, for Parcel No. 614 as 744 North Uber street, for Parcel No. 615 as 760 North Uber street and for Parcel No. 616 as 849 North Uber street; authorizing the Redevelopment Authority to execute the redevelopment contract with Community Ventures and to take such action as may be necessary to effectuat the redevelopment contract and disposition supplement, accompanied by an explanatory letter from the Executive Director of the Redevelopment Authority. (File No. 070813)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of Public Property to enter into the amendment of four cable television franchises operated by subsidiaries of Comcast Corporation in order to modify certain of the terms and conditions governing the franchisees' provision of channels, financial support, and other support for public access television programming in the City of Philadelphia, including amendment of Franchise Renewal Agreements of Comcast of Philadelphia, Inc. for Franchise Areas I, III and IV, and of Comcast of Philadelphia, LLC for Franchise Area II, all under certain terms and conditions. (File No. 070814)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the paving of Edgemont Street from Juniata Street to Berkshire Street. (File No. 070815)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of Public Property, on behalf of the City, to enter into a lease agreement between the City and the Philadelphia Authority for Industrial Development ("PAID") providing for the leasing to PAID of a certain City owned building located at 2529-33 West Lehigh Avenue for further sublease to the Philadelphia Public Access Corporation, a nonprofit corporation to be incorporated by the City, all under certain terms and conditions. (File No. 070816)

THE COMMUNICATION WAS READ.

INTRODUCTION OF ORDINANCES AND RESOLUTONS

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 Kenney Introduced the following Bill, Sponsored by Councilmembers Kenney, DiCicco and Greenlee:

- **Bill No. 070788:** An Ordinance Enacting a new Section 12-1131 of The Philadelphia Code, entitled "Electric Vehicle Parking," to provide for the designation of electric vehicle on-street parking spaces where only electric vehicles may be parked and amending Section 12-2809 of The Philadelphia Code to provide for penalties for illegally parking in a designated electric vehicle parking space; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON THE ENVIRONMENT.

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

- **Bill No. 070789:** An Ordinance Authorizing Joseph and Donna Slabinski to maintain an existing encroachment located at 2614 Orthodox Street, under certain terms and conditions.

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

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

- **Bill No. 070790:** An Ordinance Amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by amending Section 22-1303, entitled "Exemption from Attachment," to change the list of designated payees to whom a member, survivor or beneficiary may direct deductions from benefits payments, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON LABOR AND CIVIL SERVICE.

Councilmember O'Neill Introduced the following Bill, Sponsored by Councilmember O'Neill:

- **Bill No. 070791:** An Ordinance Authorizing the vacating of Byberry and Bensalem Road from Southampton-Byberry Road to the Philadelphia and Bucks County Line and the vacating of Burling avenue from the Roosevelt Boulevard to a dead end approximately three thousand nine hundred (3,900) feet southeast of the Roosevelt Boulevard, under certain terms and conditions.

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

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

- **Bill No. 070792:** An Ordinance Authorizing Richard and Justine Hansen, their successors and assigns, to own, operate, and maintain a one story garage extension and entranceway steps on the south sidewalk of Poplar Street adjacent to their property located at 880 N. 20th Street, under certain terms and conditions.

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

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

- **Bill No. 070793:** An Ordinance Authorizing the Commissioner of Public Property to enter into the amendment of four cable television franchises operated by subsidiaries of Comcast Corporation in order to modify certain of the terms and conditions governing the franchisees' provision of channels, financial support, and other support for public access television programming in the City of Philadelphia, including amendment of Franchise Renewal Agreements of Comcast of Philadelphia, Inc. for Franchise Areas I, III and IV, and of Comcast of Philadelphia, LLC for Franchise Area II, all under certain terms and conditions.

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

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

- **Bill No. 070794:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City, to enter into a lease agreement between the City and the Philadelphia Authority for Industrial Development ("PAID") providing for the leasing to PAID of a certain City owned building located at 2529-33 West Lehigh Avenue for further sublease to the Philadelphia Public Access Corporation, a nonprofit corporation to be incorporated by the City, all under certain terms and conditions.

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

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

- **Bill No. 070795:** An Ordinance Amending Chapter 20-600 of The Philadelphia

Code, entitled "Standards of Conduct and Ethics," by adding provisions restricting City officers and employees from having certain kinds of outside employment or business interests, under certain terms and conditions, and renumbering.

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

RESOLUTIONS

Councilmember Blackwell Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmember Blackwell:

- **Resolution No. 070796:** Resolution Approving the redevelopment contract and disposition supplement of the Redevelopment Authority of the City of Philadelphia for the redevelopment and urban renewal of a portion of the Point Breeze East Urban Renewal Area, designated as Parcel Nos. 95 and 96 and also sometimes identified by house addresses and street addresses for Parcel No. 95 as 2325-2335 Cross street and for Parcel No. 96 as 2330-2334 Greenwich street; and authorizing the Redevelopment Authority to execute the redevelopment contract with Habitat for Humanity - Philadelphia, Inc. and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 070797:** Resolution Honoring Pipeline 52, Engine Company 52 on their 100th Anniversary.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 070798:** 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 Forty-fifth 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 Tasco Introduced the following Resolution, Sponsored by Councilmember Tasco:

Resolution No. 070799: Resolution Honoring the Mayor's Commission on Technology and WHYY-TV for developing a community awareness plan for the analog to digital television technology transition.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

Resolution No. 070800: Resolution Honoring the Bravery of Police Officer Mark Mroz.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

Resolution No. 070801: Resolution Urging the Mayor to not cut approved and budgeted funds from the City's Public Health Centers.

THE RESOLUTION WAS READ.

DISCUSSION - COUNCILMEMBERS TASCO, GREENLEE - RESOLUTION NO. 070801 - OUR GREAT CITY BUT THIRD WORLD HEALTH SYSTEM - (SEE NOTES OF TESTIMONY)

Resolution No. 070801: Resolution Urging the Mayor to not cut approved and budgeted funds from the City's Public Health Centers.

THE RESOLUTION WAS ADOPTED.

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

- as "National Fire Prevention Week."

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 070803:** Resolution Proclaiming The Day of September 26th 2007 as "National Women's Health & Fitness Day."

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 070804:** 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 Eleventh, Twelfth, Thirteenth, Seventeenth and Fifty-ninth 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.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 070805:** Resolution Approving a final plan for the reestablishment of the Frankford Special Services District ("District"), and authorizing and directing the Committee on Rules to take further actions required by the Community and Economic Improvement Act prior to enactment of an ordinance that would formally reestablish the District.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 070806:** Resolution Designating the week of Monday, October 1, 2007 through Monday, October 8, 2007 as "Christopher Columbus Week" in celebration of the festivities commemorating Columbus' historic voyage to the New World and honoring Lisa Scottoline as the Grand Marshal of the 2007 Philadelphia Columbus Day Parade.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 070807:** Resolution Authorizing City Council's Committee on Education and Committee on the Environment to hold joint public hearings to investigate the steps the School District of Philadelphia is currently taking regarding the use of green technologies in the construction and renovation of school buildings and to explore the feasibility of using such technologies in all future school construction and renovations.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE JOINT COMMITTEES ON EDUCATION AND THE ENVIRONMENT.

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

- **Resolution No. 070808:** Resolution Urging Major League Baseball Commissioner Bud Selig to retire Roberto Clemente's uniform #21 from Major League Baseball.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember O'Neill Introduced the following Resolution, Sponsored by Councilmember O'Neill:

- **Resolution No. 070809:** Resolution Authorizing City Council's Committee on Technology and Information Services to hold hearings on implementing a Geographic Information System to combat graffiti.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON TECHNOLOGY AND INFORMATION SERVICES.

Councilmember O'Neill Introduced the following Resolution, Sponsored by Councilmember O'Neill:

- **Resolution No. 070810:** Resolution Authorizing City Council's Committee on Technology and Information Services to hold hearings on implementing a ShotSpotter system to combat gun violence.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON TECHNOLOGY AND INFORMATION SERVICES.

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

- **Resolution No. 070811:** 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 Sixteenth, Eighteenth, Twentieth, Twenty-ninth, Thirty-second, Thirty-seventh, and Forty-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.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

REPORTS FROM COMMITTEES

COMMITTEE ON RULES

- **Bill No. 070512:** An Ordinance Approving the third amendment of the redevelopment proposal for the Independence Mall Urban Renewal Area, Unit No. 3, being the area beginning at the intersection of the westerly side of Seventh street and the northerly side of Race street projected, including the third amendment to the urban renewal plan and the first amendment to the relocation plan, which provides, inter alia, for a change of the land use and related controls

for the southeast corner of Fifth and Market streets from commercial to institutional uses.

COUNCILMEMBER CLARKE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 070512.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

COMMITTEE ON FINANCE

Bill No. 070670: An Ordinance Authorizing the creation of a loan or loans to provide funds for and toward various capital municipal purposes; authorizing the Mayor, City Controller and City Solicitor or a majority of them to sell bonds at public or private negotiated sale; setting forth the capital purposes and the amounts for which the proceeds of the loan or loans will be expended, including reimbursement of City capital expenditures; providing for the maturities and for other terms and conditions and for the form of the bonds; providing that certain bonds may be redeemable prior to maturity; providing sinking funds for the bonds and for appropriations to the Sinking Fund Commission for the payment thereof; authorizing agreements to provide credit or payment or liquidity sources for the bonds and interest rate swaps in connection with issuance of the bonds, and certain other actions; providing for obtaining the consent of the electors to increasing the indebtedness of the City of Philadelphia; and fixing a day for holding the election for obtaining such consent and providing for the arrangements for holding such election.

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 070670.

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. 070512: An Ordinance Approving the third amendment of the redevelopment proposal for the Independence Mall Urban Renewal Area, Unit No. 3, being the area beginning at the intersection of the westerly side of Seventh street and the northerly side of Race street projected, including the third amendment to the urban renewal plan and the first amendment to the relocation plan, which provides, inter alia, for a change of the land use and related controls

for the southeast corner of Fifth and Market streets from commercial to institutional uses.

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

Bill No. 070670: An Ordinance Authorizing the creation of a loan or loans to provide funds for and toward various capital municipal purposes; authorizing the Mayor, City Controller and City Solicitor or a majority of them to sell bonds at public or private negotiated sale; setting forth the capital purposes and the amounts for which the proceeds of the loan or loans will be expended, including reimbursement of City capital expenditures; providing for the maturities and for other terms and conditions and for the form of the bonds; providing that certain bonds may be redeemable prior to maturity; providing sinking funds for the bonds and for appropriations to the Sinking Fund Commission for the payment thereof; authorizing agreements to provide credit or payment or liquidity sources for the bonds and interest rate swaps in connection with issuance of the bonds, and certain other actions; providing for obtaining the consent of the electors to increasing the indebtedness of the City of Philadelphia; and fixing a day for holding the election for obtaining such consent and providing for the arrangements for holding such election.

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

SPECIAL BUSINESS

Councilmember O'Neill {\rtf1\ansi\ansicpg1252\deff0\deflang1033{\fonttbl{\f0\fnil\fcharset0 MS Sans Serif;}}
\viewkind4\uc1\pard\f0\fs17 Moved That The Vote By Which Bill No. 070342 Passed Council Be Reconsidered
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THE MOTION WAS DULY SECONDED AND AGREED TO.

Bill No. 070342: An Ordinance Amending Section 14-1605 of The Philadelphia Code, entitled "Regulated Uses," by providing for Special Regulated Uses, prohibiting such uses in the vicinity of certain residentially related uses, and designating overflow storage tanks as a special regulated use, all under certain terms and conditions.

THE BILL WAS RECONSIDERED.

THE BILL AGAIN BEING BEFORE THE COUNCIL, THE QUESTION BEING: SHALL THE BILL NO. 070342 PASS NOTHWITHSTANDING THE DISAPPROVAL OF THE MAYOR?

ON THE RECONSIDERATION OF THE VOTE BY WHICH BILL NO. 070342 PASSED COUNCIL, THE CLERK WILL CALL THE ROLL

Bill No. 070342, as amended: An Ordinance Amending Section 14-1605 of The Philadelphia Code, entitled "Regulated Uses," by providing for Special Regulated Uses, prohibiting such uses in the vicinity of certain residentially related uses, and designating overflow storage tanks as a special regulated use, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS VETO OVERRIDDEN.

The Ayes and Nays were as follows:

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

Nays: *0*

BILLS ON FINAL PASSAGE

Bill No. 070189-A, as amended: An Ordinance Amending Title 6 of The Philadelphia Code, entitled "Health Code," by providing that all persons engaged in the preparation of food and especially those in the fast food establishments shall wear protective gloves and wear a suitable head covering or hair restraint to protect the food from contamination.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

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

Nays: *0*

Bill No. 070268-A, as amended: An Ordinance Amending Title 15 of The Philadelphia Code, entitled "Parks and Recreation," by adding a new Chapter relating to parks and playgrounds and by providing for the hours of operation of certain parks and playgrounds, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

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

Nays: *0*

Bill No. 070394-A, as amended: An Ordinance Authorizing the President of the Fairmount Park Commission and the Executive Director of Fairmount Park to enter into a lease agreement between the City of Philadelphia as landlord and the Philadelphia Authority for Industrial Development as tenant for further sublease to Historic Philadelphia, Inc., a certain parcel of land bounded by 6th Street, 7th Street, Race Street, and the Vine Street Expressway, commonly referred to as Franklin Square, under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

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

Nays: *0*

BILLS ON SECOND READING AND FINAL PASSAGE

Bill No. 040904-AA, as amended: An Ordinance Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter requiring dentists to post and distribute certain information concerning the use of mercury in dental procedures, and requiring dentists to install systems that permit the recycling of mercury waste; all under certain terms and conditions.

THE BILL WAS READ.

DISCUSSION - COUNCILMEMBER BROWN - BILL NO. 040904 - AMENDMENT - BILL DOES TWO THINGS - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER BROWN MOVED TO AMEND BILL NO. 040904 AS FOLLOWS:

PROPOSED AMENDMENT TO BILL NO. 040904

* * *

~~Strikethrough~~ indicates matter deleted.
Bold italics indicate new matter added.

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter requiring dentists to post and distribute certain information concerning the use of mercury in dental procedures, and requiring dentists to install systems that permit the recycling of mercury waste; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-3100. USE OF MERCURY IN DENTISTRY.

§9-3101. Definitions. For purposes of this Chapter, the following definitions shall apply:

(1) Department. The Department of Public Health.

(2) Dental office. Any dental clinic, dental office or dental practice~~, but not including the practice of oral and maxillofacial surgery.~~

§9-3102. Official Mercury Amalgam Brochure ~~and Poster~~.

(1) No later than January 1, 2008, the Department shall:

*(a) Adopt by regulation a brochure**, using Exhibit "A" attached to Bill No. 040904 as a model for such brochure,** that explains the potential advantages and disadvantages to oral health, overall human health and the environment of using mercury or mercury amalgam in dental procedures, describes what alternatives are available to mercury amalgam in various dental procedures and what potential advantages and*

disadvantages are posed by the use of those alternatives, and includes such other information the Department believes will contribute to a patient's ability to make an informed decision when choosing between the use of mercury amalgam or an alternative material in a dental procedure, including, but not limited to, information on the durability, cost, aesthetic quality or other characteristics of the mercury amalgam and alternative materials; ***and***

~~*(b) Adopt by regulation a poster that informs patients of the availability of the brochure; and*~~

~~*(c)*~~ ***(b)*** *Arrange for the publication on the City's official Internet site of a copy of the brochure suitable for downloading and printing by dentists, patients and other interested parties.*

(2) Within thirty (30) days of the adoption of the regulations required by subsection (1), the Department shall use best efforts to notify, both by published advertisements and by direct mailing, all dental offices located within the City of the adoption of such regulations, how the required ~~*poster and*~~ *brochures may be obtained, and of the requirements of §9-3103, provided that the failure of the Department to notify a dental office shall not be a defense to a violation of §9-3103.*

§9-3103. Required ~~*Display and*~~ *Distribution.*

(1) No later than ~~*sixty (60)*~~ ***one hundred twenty (120)*** *days after the date the regulations required by §9-3102 are adopted, a dentist who uses mercury or a mercury amalgam in any dental procedure* ~~*shall display the poster adopted by such regulations in the public waiting area of the dentist's office, and*~~ *shall provide****, at least one time, to*** *each patient* ~~*with*~~ *a copy of the brochure adopted by such regulations.*

~~*§9-3104. Mercury waste.*~~

~~(1) No later than March 1, 2008, a dental office that, in the course of treating its patients, adds, removes or modifies dental amalgam must install an amalgam separator system in the wastewater line in accordance with the following:~~

~~(a) Wastewater containing dental amalgam particles must pass through the amalgam separator system prior to discharge to either the City water and sewage system or a private septic or waste disposal system.~~

~~(b) The amalgam separator system must remove dental amalgam from the waste stream prior to its discharge with a removal efficiency of ninety-eight percent (98%), as determined through testing in accordance with standards contained in "ISO 11143, Dental Equipment-Amalgam Separators," published by the International Organization for Standardization, in effect on the date the system is installed.~~

~~(c) No later than January 1, 2008, the Department shall provide by regulation for acceptable methods by which waste containing dental amalgam collected from an amalgam separator system may be disposed. Waste containing dental amalgam collected from an amalgam separator system must be disposed of in compliance with such regulations.~~

~~(d) Once the amalgam separator system has been installed, the dental office shall provide the following information to the Department in writing:~~

~~(.1) The type of system installed and the method used to dispose of waste collected from such system;~~

~~(.2) Certification that the system meets all requirements of this Section; and~~

~~(.3) The date upon which the system became operational.~~

~~If the amalgam separator system is connected to the City water and sewage system, the~~

~~*dental office shall also provide such information to the Streets Department.*~~

~~*(e) Installation, operation and maintenance of an amalgam separator system by a dentist must be in accordance with the manufacturer's recommendations. A dentist must demonstrate proper operation and maintenance by maintaining for a period of three years all shipping records for replacement filters sent to licensed recyclers and written documentation that demonstrates that the system has been properly inspected and maintained.*~~

~~*(f) The Department, after receiving proper notification of the installation of an amalgam separator system and after being satisfied that it meets the requirements of this Section, shall provide the dentist or the dental practice with written confirmation of receipt of evidence of compliance with this Section in a format suitable for display by the dental office.*~~

§9-3104. Exemptions.

(1) The following dental offices shall be exempt from the requirements of Section 9-3103:

(a) Any dental practice limited to oral and maxillofacial surgery, oral medicine, oral pathology, orthodontics, periodontics or radiology.

SECTION 2. The Exhibit referenced in Section 9-3102 is attached hereto as Exhibit "A."

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

EXHIBIT "A"

Dental Filling Facts

About the brochure

Your dentist is dedicated to protecting and improving oral health while providing safe dental treatment. This fact sheet provides the information you need to discuss with your dentist the benefits and drawbacks of each available dental restorative (filling) material in order to choose the best option for you and your family. Your dentist strongly encourages you to talk about the facts presented in this brochure and the treatment options that are available to you.

Preventing Fillings - What You Can Do: You can avoid the need for fillings by preventing tooth decay in the first place. Brushing, flossing, eating a balanced diet and seeing your dentist regularly are important factors in staying healthy. Because of improvement in disease prevention and the availability of new materials, most people need far fewer fillings than they did in the past and many filling materials are more esthetically pleasing. Knowing what dental filling materials are available and the benefits and drawbacks of each of those are important. This brochure is designed to help you understand your filling choices and provide you with information on how to prevent tooth decay and avoid the need for any fillings.

About Cavities and Dental Decay: A cavity (caused by a disease called caries) happens when bacteria in the mouth produce acids that attack your teeth. In time, this acid can dissolve away the enamel on your teeth and cause a hole, which is known as a cavity. Unlike some other diseases or injuries, a cavity will not heal by itself, but if the early signs of dental decay are promptly treated before a cavity forms, it can be stopped and even reversed by your dentist.

Without treatment by your dentist, dental decay will continue to advance. Extreme decay can result in the loss of the affected tooth or teeth, potentially preceded by great discomfort, infection and other health problems.

Preventing Dental Decay: Over the past 60 years, many successful preventive measures have helped to reduce dental disease. Preventing decay is the best way to protect your oral health. If you keep decay from starting, you won't need fillings and you'll save money.

Follow these basic steps to prevent dental disease:

- Brush at least twice a day with a fluoride toothpaste
- Floss or use an inter-dental cleaner once a day
- Eat a balanced diet
- Limit eating and drinking between meals. Give preference to nutritious foods for snacks
- Visit your dentist regularly
- Ask your dentist whether supplemental fluoride would be appropriate to strengthen tooth enamel and prevent decay
- Ask your dentist about dental sealants for your children

Talking With Your Dentist: Because of the wide variety of potential dental procedures any patient may need, it is important to talk openly with your dentist. Therefore, during your appointment, let your dentist know of any changes to your health since your last visit. This information will help your dentist to recommend the best treatment options for you. For example:

- Are you pregnant or nursing?
- Do you have any allergies?
- Do you plan to have braces soon?
- What medications are you taking? For what conditions?
- Do you have any other health conditions or specific health concerns?

Sharing these facts with your dentist may affect the choice you make for treatment.

If you need to have a tooth restored (filled), your options may include several different materials. Your dentist will discuss with you which material is best for you and the tooth that needs to be filled. Each material has advantages and disadvantages and you should know what these are so you can make an informed choice that is best for you. If you have other questions or concerns about the types of fillings you already have, read this brochure and talk with your dentist about those concerns.

What choice you make will depend on your needs and the best way to repair the cavity in your tooth. Many factors may affect your choice of filling material and the recommendations made by your dentist. These factors include: your oral and general health; esthetics; the location of the filling; the biting force in the affected area of the mouth; the length and number of visits needed to place the filling; the

durability required and the cost.

For many years the only available choices were metals. These are a mixture or "amalgam" of mercury, silver and other metals, or gold alloy. In the past few decades, other materials have been developed for restoring teeth. They are "tooth colored" rather than silver-colored or gold. They include composite resin, glass ionomer and porcelain materials.

There are two methods of dental fillings available to you: direct restorations and indirect restorations.

Direct restorations are fillings placed immediately into a prepared cavity in a single visit. They include dental amalgam, glass ionomers, resin ionomers and most composite (resin) fillings. The dentist prepares the tooth, places the filling and adjusts it during one appointment.

Indirect restorations may require two or more visits. They include inlays, onlays, veneers, crowns and bridges fabricated with gold, ceramics or composites. During the first visit, the dentist prepares the tooth and makes an impression of the area to be treated. The impression is sent to a dental laboratory, which creates the dental restoration (filling). At the next appointment, the dentist cements the restoration to the prepared tooth and adjusts it as needed.

This fact sheet outlines the alternatives available and will help you decide on the right choice for you. **The final choice is yours.**

Choices in Restorative Materials (fillings) - Advantages & Disadvantages

Direct Restorations

Amalgam: The word "amalgam" means a mixture or blend. Dental amalgam is a mix of approximately 43 percent to 54 percent mercury with other metals, including silver, copper and tin. Dental amalgams have commonly been called "silver fillings" because of their silver color when they are first placed. Today, amalgam is used most commonly in the back teeth. It is one of the oldest filling materials and has been used (and improved) for more than 150 years. Dental amalgam is the most thoroughly researched and tested filling material.

Typical Advantages:

- Strong durable and stands up to biting force;
- Can be placed in one visit;
- Usually the least expensive filling material;
- Self-sealing with minimal-to-no shrinkage and it resists leakage (leakage occurs when a filling does not completely seal, permitting material to "leak in" and promote new decay behind or beneath the filling);
- Resistance to further decay is high;
- Frequency of repair and replacement is low;

- Amalgam is the only material that can be used in a wet environment, especially important when treating small children or special needs patients.

Typical Disadvantages:

- While agencies like the U.S. Food and Drug Administration (FDA), the U.S. Centers for Disease Control (CDC) and the World Health Organization (WHO) have not found evidence of harm from dental amalgam, there are some individuals and groups who have raised concerns about the very low levels of mercury vapor released by amalgam. These concerns are discussed later in this publication;
- Amalgam scrap (waste left over after repairing a cavity) contains mercury and requires special handling to protect the environment;
- Amalgam can darken over time as it corrodes. This does not affect the function of the filling, but many people find it less attractive than tooth colored materials;
- Placement of amalgam requires removal of some healthy tooth; in rare cases, a localized, allergic reaction such as inflammation or rash may occur;

Composite (resin): Composite is a mixture of acrylic resin and powdered glasslike particles that produce a tooth-colored filling. This type of material may be self-hardening or may be hardened by exposure to blue light. Composite is used for fillings, inlays and veneers. Sometimes it is used to replace a portion of a broken or chipped tooth.

Typical Advantages:

- Color and shading can be matched to the existing tooth;
- Composite is a relatively strong material, providing good durability in small to midsized restorations that need to withstand moderate chewing pressure;
- Composite may generally be used on either front or back teeth;
- Fillings are usually completed in a single visit (with exceptions noted below);
- Moderately resistant to breakage;
- Often permits preservation of as much of the tooth as possible;
- Low risk of leakage if bonded only to enamel;
- Does not corrode;
- Generally holds up well to biting force (dependent on the material used);
- Moderately resistant to further decay, new decay is easy to find;
- Frequency of repair or replacement is low to moderate.

Typical Disadvantages:

- This type of filling can break and wear out more easily than metal fillings, especially in areas of heavy biting force. Therefore, composite fillings may need to be replaced more often than metal fillings;
- Compared to other fillings, composites are sometimes difficult and time-consuming to place. They can not be used in all situations;

- Composite generally is more expensive than amalgam;
- May require more than one visit for inlays, veneers and crowns;
- May wear faster than natural dental enamel;
- May leak over time when bonded beneath the layer of enamel;
- In rare cases, a localized, allergic reaction may occur.

Glass Ionomer: Glass ionomers are tooth-colored materials made of a mixture of acrylic acids with fine glass powders that are used to fill cavities, particularly those on the root surfaces of teeth. They are primarily used for small fillings in areas that need not withstand heavy chewing pressure. Glass ionomers also are used to cement dental crowns.

Typical Advantages:

- Tooth-colored so the filling looks more natural;
- Can contain fluoride that may help prevent further decay;
- Minimal amount of tooth structure removed;
- Low incidence of localized allergic reaction;
- Usually completed in a single visit.

Typical Disadvantages:

- Low resistance to fracture. Use is limited to small areas of decay on non-biting surfaces of teeth;
- Moderate cost, similar to composite (costs more than amalgam);
- As it ages, this material may become rough and plaque can build up increasing the risk of gum (periodontal) disease;
- Can be dislodged;
- In rare cases, a localized allergic reaction may occur.

Resin Ionomer: Resin ionomers are also made from glass filler with acrylic acids and acrylic resin. They harden with exposure to blue light. Resin ionomers are most commonly used in fillings on non-chewing surfaces and filling in primary (baby) teeth.

Typical Advantages:

- Tooth-colored, more translucent than glass ionomer;
- Can contain fluoride that may help prevent further decay;
- Minimal amount of tooth structure removed to place it;
- Low incidence of localized allergic reaction;
- May be used for short-term fillings in primary (baby) teeth;
- May last longer than glass ionomer but is not as durable as composite;
- Usually completed in a single visit.

Typical Disadvantages:

- Limited use because it is not recommended for biting surfaces in adult teeth;
- Moderate cost, similar to composite (more than amalgam);

- Wears faster than composite and amalgam;
- In rare cases, a localized allergic reaction may occur.

Indirect Restorations

Porcelain (ceramic): All-porcelain (ceramic) materials include porcelain, ceramic or glasslike fillings and crowns. They are used in inlays, onlays, crowns and cosmetic veneers. Porcelain fused to metal is another application for this material and has similar properties as described below with the notable exceptions of increased durability due to the metal substructure, the necessity for more tooth removal for that substructure and, in rare cases, a localized, allergic reaction may occur.

Typical Advantages:

- Tooth-colored with excellent translucency. The color looks similar to natural tooth enamel;
- Very little tooth is removed when used as a veneer, more tooth is removed for a crown;
- Good resistance to further decay;
- Is resistant to surface wear but can cause some wear on opposing teeth;
- Resists leakage because of precise shaping and fitting;
- Does not cause allergic reaction;

Typical Disadvantages:

- Material is brittle and is prone to cracking under biting force;
- May not be recommended for molars
- Generally, requires a minimum of two appointments to complete
- High cost, similar to gold.

Gold Alloys: Gold alloys contain gold, copper and other metals that result in a strong, effective filling, crown or bridge. They are primarily used for inlays, onlays, crowns and fixed bridges.

Typical Advantages:

- Excellent durability, does not crack under stress;
- Good resistance to decay;
- Minimal amount of tooth structure needs to be removed;
- Wears well, does not cause excessive wear to opposing teeth;
- Resistant to corrosion and tarnishing;
- Resists leakage because it can be shaped and fit very accurately;

Typical Disadvantages:

- Gold is usually the highest cost material;
- A minimum of two appointments is required to complete the restoration;
- Not tooth colored;

- In rare cases, a localized allergic reaction may occur.

Allergic Reactions to Dental Materials

Just like any other material we come in contact with during our daily lives, substances in dental fillings may trigger a localized allergic reaction. For all dental filling materials the risk of this type of reaction is extremely low, but they do exist. Normally, an allergy is revealed as a rash and is easily reversed when the affected area is not in contact with the material causing the allergy (known as an "allergen").

No matter which material is used, a filling is not a natural tooth. Filling materials are man-made and as such are foreign materials to your body. Whenever something foreign is put into your body, there is a chance of side effects. Dental materials may cause a localized allergic reaction in a very small number of individuals. This is why your dentist needs to know about your allergies.

If you have or may be prone to allergies, tell your dentist before a filling material is chosen. It may be an important part of determining what is the right material for you.

Dental Amalgam and Mercury

Health: Dental amalgam fillings are created by mixing elemental mercury (between 43 percent and 54 percent) and an alloy powder composed mainly of silver, tin and copper. In its elemental form, mercury can be toxic, although this form is far less toxic than organic mercury, such as the methylmercury found in some seafood such as tuna and swordfish. This has generated discussion about the potential risks and toxicity of the mercury in dental amalgam. When mixed as an alloy the vast majority of the mercury in the dental amalgam becomes stable, however a miniscule amount is released as vapor. How much vapor is emitted depends on the number of fillings you have. It also depends on how much time you spend chewing, grinding your teeth and drinking hot liquids. Miniscule amounts of this vapor can be inhaled and enter the bloodstream where it may then be taken throughout the body. The amounts absorbed are well below safety limits set by the federal government and are harmlessly excreted from the body. Should you swallow a bit of an amalgam filling, the mercury within it is very poorly absorbed and typically does not enter the bloodstream and is excreted.

Scientific research continues on the safety of dental amalgam. Many public and private agencies reconsider this issue on an on-going basis. The U.S. Food and Drug Administration (FDA) and other public health organizations have investigated the safety of dental amalgams and concluded that "no valid scientific evidence has shown that amalgams cause harm to patients with dental restorations, except in rare cases of allergy." The World Health Organization (WHO) reached a similar

conclusion, and the U.S. Centers for Disease Control (CDC) maintains that "At present, there is scant evidence that the health of the vast majority of people with amalgam is compromised, nor that removing amalgam fillings has a beneficial effect on health." While questions have been raised concerning the safety of amalgam fillings, no public agency has found evidence to support discontinuation of the material and the FDA places no restrictions on their use.

Environment: When new fillings are placed in teeth or when old fillings are removed, there is a certain amount of leftover material that needs to be discarded. Since dental amalgam contains mercury, that means dental amalgam waste also contains mercury. While this waste does not represent a major environmental concern as compared to other sources of mercury, your dentist employs best management practices to ensure that the vast majority of any waste amalgam is captured before it enters our water.

In addition to using pre-measured amalgam capsules, dentists also use traps and filters to remove amalgam before it enters the sewer system. Most recently, some dentists have installed amalgam separators, devices that remove almost all of the remaining amalgam waste beyond that removed by the traps and filters. Even though the mercury used in dental amalgams is not a major contributor to environmental pollution, the dental profession is striving to ensure that any potential environmental impact is negligible.

11U.S. Food and Drug Administration (FDA), Consumer Update: Dental Amalgams, December 31, 2002
2 World Health Organization (WHO), WHO Consensus Statement on Dental Amalgam, September, 1997
3 U.S. Centers for Disease Control (CDC), Fact Sheet: Dental Amalgam Uses and Benefits, Updated February 2, 2005

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THE AMENDMENT WAS READ

COUNCILMEMBER BROWN MOVED FOR THE ADOPTION OF THE AMENDMENT

THE MOTION WAS DULY SECONDED AND AGREED TO

THE AMENDMENT TO BILL NO. 040904 WAS ADOPTED

- **Bill No. 040904-AA, as amended:** An Ordinance Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter requiring dentists to post and distribute certain information concerning the use of mercury in dental procedures, and requiring dentists to install systems that permit the recycling of mercury waste; all under

certain terms and conditions.

THE BILL WAS AMENDED.

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

Bill No. 070370: An Ordinance Amending Chapter 14-305 of The Philadelphia Code, entitled "C-4 Commercial and C-5 Commercial Districts," to revise parking regulations in the area bounded by Broad Street, Carpenter Street, S. 13th Street, Kimball Street, S. 12th Street and Washington Avenue, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

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

Nays: *0*

Bill No. 070371: 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, Carpenter Street, S. 13th Street, Kimball Street, S. 12th Street and Washington Avenue.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Reynolds Brown, Greenlee, Campbell, Kelly, Kenney, Ramos, Savage, Rizzo, DiCicco, Council President Verna, Blackwell, Clarke, Krajewski, Miller, Tasco and O'Neill*

Nays: *1 - Councilmember Goode*

SPEECHES

COUNCILMEMBER RAMOS - CELEBRATION OF PUERTO RICAN HERITAGE WEEK - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER TASCO MOVED TO ADJOURN.

THE MOTION WAS DULY SECONDED AND AGREED TO.