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COUNCIL OF THE CITY OF PHILADELPHIA

3

STATED MEETING

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Room 696, City Hall
Philadelphia, Pennsylvania
Thursday, March 6, 2003
10:25 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

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COUNCILWOMAN JANNIE BLACKWELL

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN DAVID COHEN

15

COUNCILMAN FRANK J. DI CICCIO

16

COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN JAMES F. KENNEY

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COUNCILWOMAN JOAN L. KRAJEWSKI

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COUNCILMAN RICHARD T. MARIANO

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COUNCILWOMAN DONNA REED MILLER

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COUNCILMAN MICHAEL A. NUTTER

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COUNCILMAN BRIAN J. O'NEILL

23

COUNCILMAN ANGEL L. ORTIZ

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COUNCILMAN FRANK RIZZO

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COUNCILWOMAN MARIAN B. TASCO

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PATRICIA RAFFERTY, CHIEF CLERK

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Eleven Penn Center

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1835 Market Street, Suite 600

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Philadelphia, Pennsylvania 19103

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(215) 561-2220

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1 5/6/03 - STATED - INVOCATION

2 COUNCIL PRESIDENT VERNA: Good morning,
3 everyone. I note that the hour has come and that a
4 quorum of this Council is present. Council will
5 come to order. Members will please take their
6 seats.

7 To give our invocation this morning, the
8 Chair welcomes Monsignor Timothy Senior. Monsignor
9 Senior is the Secretary for Catholic Human Service
10 for the Arch Dioceses of Philadelphia. He is here
11 today as the guest of Councilman Mariano. I would
12 ask all members and guests to please rise.

13 MONSIGNOR SENIOR: Let us pray. Good
14 and ff loving God, we turn to you in prayer this
15 morning at a time of great uncertainty in our world
16 under the shadow of the threat of what are and
17 terrorism. We turn to you at a time when we are
18 facing continuing challenges in our economy and in
19 the midst of budgetary crisis in our Commonwealth
20 and our City. We need your help. The Christian
21 season of lent reminds us all of the fact that in
22 our humanity we are weak and we so very often fail
23 to live as people created in your image and
24 likeness. With humility then we acknowledge our
25 complete dependence upon you for everything. Though

3/6/03 - STATED - INVOCATION

we may not always remember this fact, we recall now that we are always and everywhere in your holy and loving presence. We ask your blessing upon this City Council Session today. Send your Holy Spirit upon the Members of Council. Give them the wisdom that they need to fulfill the responsibility which has been entrusted to them by the citizens of Philadelphia. May their deliberations reflect the unity and mutual respect that is your hope for all people. Like St. Catherine Drexel of Philadelphia whose feast day was celebrated on Monday of this week, may the Members of Council be good and generous Stewards of the gifts and resources that you have entrusted to us and may they always be mindful of the needs of the poor and the powerless, the voiceless and those who live on the margins of our society. May the Members of City Council become instruments of your peace in the building of a community of love and service for the good of all our citizens. We praise and thank you, loving God, for giving us this day and for calling us to your service. May your blessing be upon our City Council today and always. Amen.

COUNCIL PRESIDENT VERA: The Chair

1 3/6/03 - STATED - APPROVAL OF JOURNAL

2 thanks Monsignor Senior for his inspiring
3 invocation. Council will be at ease.

4 (Council at ease.)

5 COUNCIL PRESIDENT VERNA: The next order
6 of business is the approval of the Journal of the
7 meeting of Thursday, February 27, 2003. And the
8 Chair recognizes Councilwoman Blackwell.

9 COUNCILWOMAN BLACKWELL: Thank you,
10 Madam President. I move that the Journal of the
11 meeting of Thursday, February 27, 2003, stand
12 approved.

13 COUNCIL PRESIDENT VERNA: It has been
14 moved and properly seconded that the Journal of the
15 meeting of Thursday, February 27, 2003, stand
16 approved.

17 All in favor will indicate by saying
18 aye.

19 (Aye.)

20 COUNCIL PRESIDENT VERNA: Those opposed?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: The ayes have
23 it. The Journal of the meeting of Thursday,
24 February 27, 2003, has been approved.

25 The next order of business is the

1 3/6/03 - STATED - LEAVES OF ABSENCE

2 request for leave of absence. And the Chair
3 recognizes Councilwoman Blackwell.

4 COUNCILWOMAN BLACKWELL: Thank you,
5 Madam President. There are no requests for leaves
6 of absence on the part of the majority.

7 COUNCIL PRESIDENT VERNA: The Chair
8 thanks the Councilwoman.

9 The Chair recognizes Councilman Rizzo.

10 COUNCILMAN RIZZO: Madam President, I
11 assume that Councilman Longstreth won't be here
12 today. I don't know that officially. And I have no
13 knowledge of Councilman O'Neill. I understand he's
14 here, but will check with you when he arrives.

15 COUNCIL PRESIDENT VERNA: Thank you.

16 The Chair will dispense with the regular
17 order of business to recognize the guests and
18 visitors joining us in Chambers this morning. On
19 behalf of all members of City Council, I welcome you
20 to our Council Session today. We appreciate your
21 taking the time to join us as we attend to the
22 legislative affairs of our City. We certainly
23 invite you to come again.

24 The next order of business is
25 communications.

1 3/6/03 - STATED - COMMUNICATIONS

2 The Chair recognizes the
3 Sergeant-at-Arms for the purpose of delivering the
4 messages from the Mayor to the Chief Clerk.

5 The Clerk will please read the messages
6 from the Mayor.

7 THE CLERK: To the President and Members
8 of the Council of the City of Philadelphia. I am
9 pleased advise you that on March 3, 2003, I signed
10 all of the bills that were passed by Council on its
11 Session on February 20th.

12 COUNCIL PRESIDENT Verna: The messages
13 will be printed in the Journal.

14 The Clerk will please read any other
15 communications in her possession.

16 THE CLERK: That's all I have, Madam
17 President.

18 COUNCIL PRESIDENT Verna: Thank you.

19 The next order of business is the
20 introduction of bills and resolutions.

21 The Chair recognizes Councilwoman
22 Blackwell.

23 COUNCILWOMAN BLACKWELL: Thank you,
24 Madam President Madam President. I move that the
25 Rules of Council be suspended so as to permanent

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS
2 immediate consideration of resolutions and their
3 time of introduction.

4 (Duly seconded.)

5 COUNCIL PRESIDENT Verna: It has been
6 moved and properly seconded that the Rules of
7 Council be suspended so as to permit immediate
8 considerations of resolutions at the time of the
9 introduction. All in favor of the motion will
10 indicate by saying aye.

11 (Aye.)

12 COUNCIL PRESIDENT Verna: Those opposed?

13 (No response.)

14 COUNCIL PRESIDENT Verna: The ayes have
15 it. The motion carries.

16 The Chair recognizes Councilman Kenney.

17 COUNCILMAN KENNEY: Thank you, Madam
18 President. I offer one resolution on behalf of
19 myself and Councilwoman Donna Reed Miller.

20 COUNCIL PRESIDENT Verna: Thank you.

21 The Clerk will please read the title of
22 the resolution.

23 THE CLERK: A resolution declaring the
24 week of March 10 as Covering the Uninsured Week.

25 COUNCIL PRESIDENT Verna: The Chair

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 recognizes Councilman Kenney.

3 COUNCILMAN KENNEY: I move for the
4 adoption of the resolution.

5 (Duly seconded.)

6 COUNCIL PRESIDENT VERNA: The resolution
7 introduced and seconded.

8 All those in favor of the adoption of
9 the resolution will indicate by saying aye.

10 (Aye.)

11 COUNCIL PRESIDENT VERNA: Those opposed?

12 (No response.)

13 COUNCIL PRESIDENT VERNA: The ayes have
14 it and the motion carries. And the resolution has
15 been adopted.

16 The Chair recognizes Councilwoman
17 Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank you,
19 Madam President. This morning I introduce one bill
20 on your behalf, one resolution on behalf of all the
21 Members of City Council, and one on my own behalf.

22 COUNCIL PRESIDENT VERNA: Thank you.

23 The Clerk will please read the title of
24 the bill.

25 THE CLERK: An ordinance authorizing the

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 vacating of a portion of Sheaf Lane from a point
3 approximately 1,553 south of Penrose Avenue to a
4 point approximately 865 feet southwardly, under
5 certain terms and conditions.

6 COUNCIL PRESIDENT VERNA: The bill will
7 be referred to the appropriate committee.

8 The Clerk will please read the title of
9 the first resolution.

10 THE CLERK: A resolution authorizing the
11 Commission of Public Property to execute and deliver
12 to the Redevelopment Authority deeds located in the
13 6th, 27th, 51st and 60th Wards of the City of
14 Philadelphia.

15 COUNCIL PRESIDENT VERNA: The Chair
16 recognizes Councilwoman Blackwell.

17 COUNCILWOMAN BLACKWELL: Thank you,
18 Madam President. I move for the adoption.

19 COUNCIL PRESIDENT VERNA: It has been
20 moved and properly seconded that the resolution be
21 adopted.

22 All in favor will signify by saying aye.
23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those opposed?
25 (No response.)

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 COUNCIL PRESIDENT Verna: The ayes have
3 it, and the motion carries.

4 The Clerk will please read the title of
5 the second resolution.

6 THE CLERK: A resolution honoring Marie
7 Hauser.

8 COUNCIL PRESIDENT Verna: The Chair
9 recognizes Councilwoman Blackwell.

10 COUNCILWOMAN BLACKWELL: Madam President
11 this was introduced and signed by all Members of
12 Council. I move for its adoption.

13 COUNCIL PRESIDENT Verna: It has been
14 moved and properly seconded that the resolution be
15 adopted.

16 All in favor will signify by saying aye.
17 (Aye.)

18 COUNCIL PRESIDENT Verna: Those opposed?
19 (No response.)

20 COUNCIL PRESIDENT Verna: The ayes have
21 it, and the motion carries.

22 COUNCIL PRESIDENT Verna: The Chair
23 recognizes Councilman Cohen.

24 COUNCILMAN COHEN: I have no bills or
25 resolutions, Madam President.

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 COUNCIL PRESIDENT Verna: The Chair

3 thanks the gentleman.

4 The Chair recognizes Councilwoman

5 Krajewski.

6 COUNCILWOMAN KRAJEWSKI: Madam

7 President, I have no bills or resolutions.

8 COUNCIL PRESIDENT Verna: Thank you.

9 The Chair recognizes Councilman Mariano.

10 COUNCILMAN MARIANO: Madam President, I

11 have no bills or resolutions.

12 COUNCIL PRESIDENT Verna: Thank you.

13 The Chair recognizes Councilwoman Tasco.

14 COUNCILWOMAN TASCO: Madam President, I

15 have no bills or resolutions.

16 COUNCIL PRESIDENT Verna: The Chair

17 thanks the Councilwoman.

18 The Chair recognizes Councilwoman

19 Miller.

20 COUNCILWOMAN MILLER: Thank you, Madam

21 President. I offer no bills or resolutions.

22 COUNCIL PRESIDENT Verna: Thank you.

23 The Chair recognizes Councilman Nutter.

24 COUNCILMAN NUTTER: Thank you, Madam

25 President. I have no bills or resolutions today.

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 COUNCIL PRESIDENT Verna: The Chair
3 thanks the gentleman.

4 The Chair recognizes Councilwoman Brown.

5 COUNCILWOMAN BROWN: Thank you, Madam
6 President. I have no bills or resolutions today.

7 COUNCIL PRESIDENT Verna: Thank you.

8 The Chair recognizes Councilman Goode.

9 COUNCILMAN GOODE: Thank you, Madam
10 President. I have no bills or resolutions today.

11 COUNCIL PRESIDENT Verna: The Chair
12 recognizes Councilman Ortiz.

13 COUNCILMAN ORTIZ: I have one bill,
14 Madam President. And a resolution I wish to speak
15 on of why I'm not introducing it, Madam President.

16 COUNCIL PRESIDENT Verna: Thank you.
17 The Clerk will please read the title of the bill.

18 THE CLERK: An ordinance enacting a new
19 Chapter 19-2000 of the Philadelphia Code entitled
20 "Discounted Rates for Natural Gas Distribution and
21 Supply Services for Senior Citizens," reaffirming
22 and reenacted a senior citizens discount for senior
23 citizen customers of the Philadelphia Gas Works.

24 COUNCIL PRESIDENT Verna: This bill will
25 be referred to the appropriate committee.

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 The Chair recognizes Councilman Ortiz.

3 COUNCILMAN ORTIZ: Thank you, Madam
4 President.

5 This country has gone through many
6 periods during its history and it has survived them.
7 It has survived them because we've had a
8 Constitution that has been permanent and inviolate.

9 During the last year and a half since
10 911, our society has been transformed, somewhat for
11 the worse in many ways. We have all become very
12 much aware of the dangers and the enemies that this
13 country has. And we must vigilant against those
14 enemies, and we must prepared to protect the
15 citizens of the United States against those enemies.
16 But the people that attacked us in 911 did not
17 attack two buildings. They attacked a set of values
18 and a Bill of Rights and a Constitution.

19 Since that time, it seems debate on what
20 government actions and what government can do have
21 been chilled. Protests, dissent have been called
22 un-patriotic. And in fact, a law Congress passed a
23 month after the attacks was passed in haste with no
24 debate, no mark up in Congress or the Senate. And
25 it was passed in such a way and it was done in that

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 manner so as to not permit debate. And it's called
3 the Patriot Act. And it seems that anyone that
4 dares to criticize or dissent about what the Patriot
5 Act does all of a sudden becomes un-patriotic. And
6 that to me is not only un-American, it's really an
7 attack on who we are as a people.

8 And sometimes, as Thomas Paine said, "It
9 is the responsibility of the patriot to protect his
10 country from his government."

11 The Patriot Act expanded the way the
12 Attorney General, the FBI, and all of the law
13 enforcement agencies of our country implement their
14 powers. The Patriot Act is not an attack on
15 Muslims. Muslims are just the excuse, just as
16 Japanese and Germans and Italians were the excuse in
17 the second World War. Just as those who opposed
18 centralization in the early part of our country in
19 the 1790s and we enacted the Anti-Sedition Act.

20 The Japanese suffered internment,
21 Germans suffered internment, Italians. During the
22 '40s and '50s, all those who dared to think a
23 different way came under attack, investigation. Joe
24 McCarthy and McCarthy-ism became part of our
25 language, became part of our culture. People were

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS
2 destroyed, lives were just torn apart. Careers were
3 burned and split into cinders. Creative minds were
4 driven out of this country because dissent, again,
5 was seen as un-American and as undermining our
6 fabric.

7 The ones who were undermining our fabric
8 were those individuals who were pursuing people.

9 Now we have something that has been
10 created that takes probable cause, takes due process
11 out, puts language vague language that authorizes
12 different agencies to go into your e-mail, search
13 and seizure, phone tapping, bills, books that you
14 read in the library. The eternal vigilance of our
15 liberties is to be very vigilant about our
16 liberties.

17 Benjamin Franklin said that those who
18 their rights of freedom for security will have
19 neither; they will nor security nor freedom.

20 Russel Feingold, one of the greatest men
21 that we have in the Congress in the Senate and was
22 the only man, the only person voting against the
23 Patriot Act, said in a speech of his, "Protecting
24 the safety of the American people is a solemn duty
25 of Congress. We must work tirelessly to prevent

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS
2 more tragedies like the devastating attacks of
3 September 11. We must prevent more children from
4 losing their mothers, more wives from losing their
5 husbands, and more fire fighters from losing their
6 brave and heroic colleagues. But the Congress will
7 fulfill its duty only with it protects both the
8 American people and the freedoms and the foundation
9 of American society.

10 So let us preserve our basic heritage of
11 basic rights. Let us practice that liberty and let
12 us fight to maintain that freedom that we call
13 America.

14 Every Councilperson in this government
15 takes an oath to defend and protect the Constitution
16 of the United States. I think and I will not
17 introduce that because my colleagues have ask me to
18 discuss it enter into discussions about it and some
19 of the language in it. And I will hold it, but we
20 must protect. It is not just up to the Congress or
21 the Supreme Court; it us to every American to
22 protect and defend the Constitution when it sees
23 that that Constitution is being attacked. And if
24 Congress passes a law that is basically wrong, I
25 think those of us at every level of our society have

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS
2 a duty to speak out. That's why I wrote this
3 resolution. That's why I feel very strongly about
4 it. Having been part of the '60s and '70s when the
5 FBI pursued the Southern Christian Leadership
6 Conference, Martin Luther King with excesses of his
7 investigation, and tried to destroy the civil rights
8 movement of that time by calling it subversive,
9 un-American un-patriotic.

10 The price of freedom is a turn of
11 vigilance. And although we've got to terrorists and
12 we've got to fight our enemies, we cannot fight our
13 enemies by violating the basic rights of Americans.
14 This is not about the Muslims and Arabs; this is
15 about the Americans: Arabs, Jews, Catholics, Irish,
16 Italian, all of us. This is our struggle. This is
17 our America. Thank you, Madam Chair.

18 (Applause.)

19 COUNCIL PRESIDENT Verna: The Chair
20 recognizes Councilman O'Neill.

21 COUNCILMAN O'NEILL: Thank you, Madam
22 President. I just would like to maybe present a
23 different perspective. We're not voting on anything
24 today. I don't know if we're going to have this
25 resolution or something similar to it next week, but

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS
2 since we've started the conversation, I should point
3 out that I don't think there's anyone in this
4 Council or, hopefully, many people in this City that
5 don't support the right to dissent in this country
6 and the right to preserve civil rights and civil
7 liberties. Although, the Supreme Court and not just
8 anyone but I believe it was Chief Justice Oliver
9 Wendell Holmes spoke very clearly early in the last
10 century dealing with draft evasion and promotion of
11 draft evasion. And the eloquence was in the
12 difference in our freedoms under the Constitution
13 and how they are more limited in time of war than
14 they might be in time of peace. Activities that are
15 wholly protected in time of peace may have to be
16 limited in time of war. And that is Congress's
17 role, to make those tough decisions. And for us as
18 a City Council, with so many problems that we have
19 difficulty dealing with, to be second guessing the
20 Congress with a lot less information than they
21 have -- the last time I had a security briefing, I
22 can't remember. I know it was at least about a
23 hundred years ago. We don't get security briefings.
24 We don't have the information that our federal
25 representatives have when they have to make these

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS
2 decisions which are no easier for them than they
3 would be for us if we were in that position. No one
4 wants to be at war. We are at what are now. And I
5 am not going to go back -- my chief of staff Ann
6 Marie Boyle, her husband Tony is a police inspector.
7 I think he's the highest ranking police official
8 who's been called to go overseas. He's in the Air
9 Force Reserve. I don't even want to have to think
10 of looking at him in the eye -- because when we
11 start on this road, I hope there is a road that is
12 at least as level and as least as crowded with
13 people supporting the men and women in Congress who
14 have to make these tough decisions and the men and
15 women who, regardless of whether the decisions are
16 right or wrong, are protecting us and sacrificing
17 their lives to do it.

18 And I just want give a little different
19 perspective to this conversation because I'm sure
20 there's many of us that if this resolution were
21 introduced today would be dissenting. Thank you.

22 COUNCIL PRESIDENT VERNA: You're
23 welcome.

24 The Chair recognizes Councilman Cohen.
25 Thank you, Madam President. I don't think the way

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 to defeat terrorists is to adopt their tactics.

3 (Applause.)

4 COUNCILMAN COHEN: I may be the only
5 Member of this City Council who lived through the
6 days of both Joe McCarthy and Martin Dies. Martin
7 Dies was a Congressman from Texas who headed
8 something called the House Un-American Activities
9 Committee. And what that gentleman did was to
10 everything he could to possibly destroy the civil
11 liberties of all Americans. And that's why his name
12 is used only almost as a swear word because what he
13 did was under the guise of protecting America. He
14 sought to destroy it. He used the war as an excuse.

15 (Applause.)

16 COUNCILMAN COHEN: Many of us were very
17 worried when the President Attorney General of the
18 United States was nominated. It was a bitter
19 battle. It was long before 911. But we were
20 concerned that John Ashcroft would use the powers of
21 the office of the United States Attorney General to
22 weaken the civil rights. Yes, he would pay lip
23 service as Martin dies as Joe McCarthy did to
24 America's constitutional principles, but in real
25 life both those gentlemen, and in my view, John

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 Ashcroft spends his energy trying to destroy the
3 basic democratic fiber of this country.

4 (Applause.)

5 COUNCILMAN COHEN: Therefore, I think
6 it's important that this debate take place now and
7 continuously. And I'm not prepared to say that
8 people in Congress have all the wisdom about
9 democracy.

10 (Applause.)

11 COUNCILMAN COHEN: Democracy enriches
12 the lives of all people, the people in communities
13 when democracy is alive and a vibrant force, not
14 when it's been threatened, not when commentators in
15 the media, newsmen, KWKY broadcasts nonsense from a
16 so-called commentator indicating, "Well, sure we
17 believe civil liberties but, you know, there are
18 times when we can't have it; and this is one of
19 those times."

20 It's never a time to desert democracy or
21 civil rights.

22 (Applause.)

23 COUNCILMAN COHEN: And in my view, it is
24 the job and the function of every citizen of the
25 United States to participate in the discussion and

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS
2 not to turn over their rights to an elected body of
3 people. People elected have to hear from their
4 constituents. They have to know how they feel. And
5 so I encourage the outpouring of opinion at every
6 level by everyone, whether I agree with it or not.
7 That's what democracy is all about and that's what
8 we've got to fight for. So hold on to your seats; I
9 think we're going to have some very interesting and
10 very exciting discussions. And I think at the end,
11 Philadelphians and I hope Americans will be the
12 richer, the richer in civil liberties and democracy
13 because of the discussion that takes place. No more
14 Martin Dies, no more Joe McCarthy, even if the name
15 now is John Ashcroft. It's the same thing. Thank
16 you.

17 (Applause.)

18 COUNCIL PRESIDENT Verna: The Chair
19 recognizes Councilman Ortiz.

20 COUNCILMAN ORTIZ: Thank you, Madam
21 Chair. I think we all support the soldiers, the
22 marines, the people who are flying the missions. To
23 even imply, to even imply that standing up and
24 saying that some of the things that are going on are
25 wrong is not supporting those brave individuals --

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 and right now, the biggest number of those
3 individuals that are out in harms's way are Latino
4 and African Americans, poor people, poor whites.
5 Yes, we care. We worry. And that's why we must
6 stand up because when we put them in harm's way,
7 they should be there for the right reasons.

8 (Applause.)

9 COUNCILMAN ORTIZ: And to imply that
10 because we're at war -- and you know we have great
11 patriots in this country who have spoken out. It is
12 in time of war that we must be vigilant about
13 American citizens' rights. Lincoln was wrong when
14 he eliminated the habeas corpus, and he was proven
15 wrong. Roosevelt was wrong when he inturned the
16 Japanese, and he was proven wrong. And now that's a
17 stain, a stain, in our history.

18 It is in time of war when we must very
19 vigilant about our rights because it is in time of
20 war in which people take advantage and say, "You
21 can't have that right. You cannot speak. Be
22 silent." And that's when tyrants arise. And that's
23 why we have that Constitution. And that's why we
24 have this thing called America.

25 And nobody should ever imply that

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 protesting and saying that legislation approved by
3 Congress is wrong, that saying those things and
4 standing up for those issues implies a lack of
5 support for the men and women in uniform in this
6 country. Never.

7 That is what they always use. If you
8 raise your voice, you're being un-American. If you
9 raise your voice, you're being un-patriotic. If you
10 raise your voice, you're undermining the president.

11 Well, when Woodrow Wilson was beginning
12 in the first World War, the biggest critic he had
13 was Teddy Roosevelt. And nobody, I would say, would
14 call Teddy Roosevelt un-patriotic or un-American.

15 It is in time of crisis that we must be
16 vigilant about our rights. It is in time of war
17 when we have to stand up and say, "You cannot do
18 that in the name of security. You cannot take away
19 rights from Americans in the name of security."

20 (Applause.)

21 COUNCILMAN ORTIZ: And people keep
22 bringing up the Muslims. Well, the Muslims are
23 Americans, by the way. They are Americans.

24 (Applause.)

25 COUNCILMAN ORTIZ: The last time I

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 talked about protecting Muslims, I'm not talking
3 about a person that lives in Saudi Arabia. I'm
4 talking about a person who lives in North
5 Philadelphia, who goes to church in North
6 Philadelphia, that sends his kids, her kids to
7 school in Philadelphia, who pays taxes in
8 Philadelphia.

9 So we cannot just broad brush people in
10 the name of national security. Let the FBI the CIA
11 do their jobs. They have the tools. They have the
12 tools. They do not have to violate American civil
13 rights in order to perform them.

14 (Applause.)

15 COUNCILMAN ORTIZ: And let us stop
16 blaming and saying that people who disagree with the
17 policies of this government, this Administration,
18 are un-American. We are American, and that is our
19 given right to protest, disagree, and say so.

20 (Applause.)

21 COUNCILMAN ORTIZ: Stop saying and that
22 we do not support our men and women and uniform.
23 God bless them all. God bless them all. They're
24 there for us. They're there to protect us. But we
25 have to protect them, too, by speaking out.

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 (Applause.)

3 COUNCILMAN ORTIZ: We all have families
4 and people who have been called up. We have
5 families and friends who have died. I have school
6 mates have never came back from Vietnam. Those
7 people that died in Vietnam died because of a lie, a
8 government lie.

9 (Applause.)

10 COUNCILMAN ORTIZ: And now under the
11 guise of protecting us, they're saying that they
12 have to take away some of our rights and that we
13 have to give it up.

14 Well, let us be vigilant.

15 As Thomas Paine said, "The patriot is
16 the one who speaks up when a government tries invade
17 his home."

18 Thank you.

19 (Applause.)

20 COUNCIL PRESIDENT VERNA: The Chair
21 recognizes Councilman O'Neill.

22 COUNCILMAN O'NEILL: Yes, Madam
23 President. I find it interesting that when the
24 purpose of a speech is about the right to dissent
25 and the responding party begins and end with

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS
2 affirming that right and makes a statement that is
3 makes it clear from people I've heard who are going
4 overseas or who have come back that it would be nice
5 to hear support, that that turns into an attack on
6 someone's patriotism many. It baffles me that
7 someone crying out for dissent to be allowed turns
8 on someone else and says, implies, that's the new
9 word, implies that you better not dissent with my
10 right to dissent or I'm just going to distort what
11 you said. Because I in no way implied that anyone
12 taking the position advocated by this resolution is
13 in any way un-patriotic. Don't word in a
14 dissenter's mouth. And I think that's something
15 that should apply to all dissenters, even those that
16 dissent with the dissenters. Thank you.

17 COUNCIL PRESIDENT VERNA: Are any other
18 comments or speeches from Members of the Committee?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: Seeing none,
21 the Chair recognizes Councilman DiCicco.

22 COUNCILMAN DICICCO: Madam President, I
23 offer two bills and one resolution.

24 COUNCIL PRESIDENT VERNA: The Clerk will
25 please read the title of the first bill.

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 THE CLERK: An ordinance amending
3 Section 9-205 of the Philadelphia Code entitled,
4 "Sidewalk Sales," by exempting sidewalk sales by
5 owners and tenants of properties on both sides
6 Girard Avenue.

7 COUNCIL PRESIDENT VERNA: This bill will
8 be referred to the appropriate committee.

9 THE CLERK: And an ordinance authorizing
10 the striking from City Plan No. 97 and abandoning a
11 portion of a certain right-of-way for drainage
12 purposes.

13 COUNCIL PRESIDENT VERNA: This bill will
14 be referred to the appropriate committee.

15 The Clerk will please read the title of
16 the resolution.

17 THE CLERK: A resolution authorizing the
18 Commissioner of Public Property to execute and
19 deliver to the Redevelopment Authority of the City
20 deeds located in the 1st, 5th, 18th, and 25th Wards
21 of the City of Philadelphia.

22 COUNCIL PRESIDENT VERNA: The Chair
23 recognizes Councilman DiCicco.

24 COUNCILMAN DICICCO: I move for the
25 adoption of the resolution.

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 COUNCIL PRESIDENT Verna: It has been
3 moved and properly seconded that the resolution be
4 adopted.

5 All in favor will signify by saying aye.
6 (Aye.)

7 COUNCIL PRESIDENT Verna: Those opposed?
8 (No response.)

9 COUNCIL PRESIDENT Verna: The ayes have
10 it, and the motion carries.

11 The Chair recognizes Councilman O'Neill.

12 COUNCILMAN O'NEILL: Madam President, I
13 have no bills or resolutions.

14 COUNCIL PRESIDENT Verna: The Chair
15 thanks the gentleman.

16 The Chair recognizes Councilman Clarke.

17 COUNCILMAN CLARKE: Thank you, Madam
18 President. I have one bill.

19 COUNCIL PRESIDENT Verna: The Clerk will
20 please read the title of the bill.

21 THE CLERK: An ordinance amending
22 Chapter 9-700 of the Philadelphia Code entitled
23 "Amusement Businesses," by amending Section 9-703 to
24 prohibit the use of pyrotechnic devices, fireworks,
25 explosives or similar material within dance halls,

1 3/6/03 - STATED - INTRO. OF BILLS AND RESOLUTIONS

2 all under certain terms and conditions.

3 COUNCIL PRESIDENT VERNA: This bill will
4 be referred to the appropriate committee.

5 The Chair recognizes Councilman Rizzo.

6 COUNCILMAN RIZZO: Madam President, I
7 have one resolution.

8 COUNCIL PRESIDENT VERNA: The Clerk will
9 please read the title of the resolution.

10 THE CLERK: A resolution honoring and
11 commending Father Judd students John Lachock, Mike
12 Zuinski, and Brian McCain, for their selfless act of
13 heroism that saved the life of a wounded motorist.

14 COUNCIL PRESIDENT VERNA: The Chair
15 recognizes Councilman Rizzo.

16 COUNCILMAN RIZZO: Madam President, I
17 move the adoption of this resolution.

18 COUNCIL PRESIDENT VERNA: It has been
19 moved and properly seconded that the resolution be
20 adopted.

21 All in favor will signify by saying aye.
22 (Aye.)

23 COUNCIL PRESIDENT VERNA: Those opposed?
24 (No response.)

25 COUNCIL PRESIDENT VERNA: The ayes have

1 3/6/03 - STATED - SPECIAL ORDER OF BUSINESS

2 it, and the motion carries.

3 COUNCIL PRESIDENT VERNA: We will now
4 proceed to a special order of business, an election
5 to fill the vacancy in the Office of the Chief Clerk
6 of Council.

7 The Chair recognizes Councilwoman
8 Blackwell.

9 COUNCILWOMAN BLACKWELL: Thank you,
10 Madam President. I move that Mrs. Patricia Rafferty
11 be elected as the Chief Clerk of City Council.

12 (Duly seconded.)

13 COUNCIL PRESIDENT VERNA: It has been
14 moved and seconded that Patricia Rafferty be elected
15 as Chief Clerk of Council.

16 All in favor of the motion will say aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those opposed?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: The ayes have
21 it. The motion carries.

22 (Applause.)

23 COUNCIL PRESIDENT VERNA: I now declare
24 that Mrs. Patricia Rafferty, having received a
25 unanimous vote of the Members of City Council has

1 3/6/03 - STATED - 2ND READING AND FINAL PASSAGE

2 been duly elected as the Chief Clerk of Council.

3 Congratulations, Pat.

4 (Applause.)

5 COUNCIL PRESIDENT Verna: As there are
6 neither reports from committees nor bills on today's
7 First Reading Calendar, the Chair now recognizes
8 Councilwoman Blackwell for the purpose of calling up
9 the bills on the Second Reading and Final Passage
10 Calendar.

11 COUNCILWOMAN BLACKWELL: Thank you,
12 Madam President. Today, Bill No. 020762A is being
13 called for second reading and final passage. All
14 other bills held.

15 COUNCIL PRESIDENT Verna: Thank you.

16 The Clerk will please read the title of
17 Bill No. 0207672.

18 THE CLERK: An ordinance granting
19 permission to Cogent Communications, its successors
20 and assigns, to construct, maintain, operate,
21 replace, and remove telecommunication service
22 connections and fiber cables in under the public
23 rights of way and city streets, all under certain
24 terms and conditions.

25 COUNCIL PRESIDENT Verna: This bill

1 3/6/03 - STATED - 2ND READING AND FINAL PASSAGE
2 having been read on two different days, the question
3 now is shall the bill pass finally?
4 The Clerk will please call the roll.
5 THE CLERK: Councilwoman Blackwell.
6 COUNCILWOMAN BLACKWELL: Aye.
7 THE CLERK: Councilman Clarke.
8 COUNCILMAN CLARKE: Aye.
9 THE CLERK: Councilman Cohen.
10 COUNCILMAN COHEN: Aye.
11 THE CLERK: Councilman DiCicco.
12 COUNCILMAN DICICCO: Aye.
13 THE CLERK: Councilman Goode.
14 COUNCILMAN GOODE: Aye.
15 THE CLERK: Councilman Kenney.
16 COUNCILMAN KENNEY: Aye.
17 THE CLERK: Councilwoman Krajewski.
18 COUNCILWOMAN KRAJEWSKI: Aye.
19 THE CLERK: Councilman Mariano.
20 COUNCILMAN MARIANO: Aye.
21 THE CLERK: Councilwoman Miller.
22 COUNCILWOMAN MILLER: Aye.
23 THE CLERK: Councilman Nutter.
24 COUNCILMAN NUTTER: Aye.
25 THE CLERK: Councilman O'Neill.

1 3/6/03 - STATED - SPEECHES

2 COUNCILMAN O'NEILL: Aye.

3 THE CLERK: Councilman Ortiz.

4 COUNCILMAN ORTIZ: Aye.

5 THE CLERK: Councilwoman Reynolds-Brown.

6 COUNCILWOMAN BROWN: Aye.

7 THE CLERK: Councilman Rizzo.

8 COUNCILMAN RIZZO: Aye.

9 THE CLERK: Councilwoman Tasco.

10 COUNCILWOMAN TASCO: Aye.

11 THE CLERK: Council President Verna.

12 COUNCIL PRESIDENT VERNA: Aye.

13 The ayes are 16, the nays are 0. A

14 majority of all Members of Council having voted in

15 the affirmative, the bill passes.

16 That concludes our Calendar for today.

17 Are there speeches on the part of the

18 minority?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: Are there

21 speeches on the part of the majority?

22 The Chair recognizes Councilman DiCicco.

23 COUNCILMAN DICICCO: Thank you, Madam

24 President. And I would ask that my colleagues

25 indulge me just for a few minutes while I take this

1 3/6/03 - STATED - SPEECHES

2 opportunity to commend and congratulate a lot of
3 folks who have made this past Mardi Gras Fat Tuesday
4 event a success in the City of Philadelphia. Just
5 two short years ago, you all may recall about 40 to
6 50 or 60,000 people converged on South Street. What
7 we thought was going to be a festive day, a place
8 and time where we thought people would have a lot of
9 fun, as you know, it turned out to be a debacle for
10 this City, a national disgrace, if you will. The
11 riots on South Street were carried across this
12 nation and it caused this City great harm, not only
13 to the merchants of South Street, but also to the
14 City as a whole.

15 As a result of that, we put together a
16 team to work with many of the City agencies so that
17 in 2002 we were attempting to have a much more civil
18 event should people decide to come to South Street.
19 2002 was a somewhat non-eventful year when you
20 compare it to 2001. And although there were about
21 12,000 people who converged on South Street in 2002
22 and there was not much media coverage, there still
23 were some problems. I happened to spend about 14
24 hours out there that day, and we still did have some
25 serious problems. And many of the problems were not

1 3/6/03 - STATED - SPEECHES

2 actually occurring on South Street, but were
3 occurring in the neighborhoods adjacent to South
4 Street.

5 As a result of that, I convened a
6 neighborhood alliance that was made up many of the
7 community groups who were represented in the
8 adjacent communities along South Street. And I want
9 to take this time to thank all the folks who are
10 responsible for making this past Tuesday Mardi Gras
11 day a non-eventful day. I think the arrest totaled
12 about 18 or 14 people. Most of the arrests had to
13 do with truancy, public drinking, and some
14 disorderly conduct. About a hundred percent of the
15 people arrested were non-Philadelphians, as usual.
16 But again, I'd just like to take this time to go
17 down a list of the people who made this past Tuesday
18 the success and something we can all be proud of.
19 First, the Managing Director Mr. Goldsmith and his
20 deputy, Debbie Russo; Police Commissioner Johnson,
21 captain of the 3rd District, Captain Weaver; Deputy
22 Commissioner Mitchell; Chief Sadler; Lieutenant
23 Walker who heads the South Street detail; the
24 leaders of the Queen Village Neighborhood
25 Association; the Hawthorne Community Association;

1 3/6/03 - STATED - SPEECHES

2 Society Hill Civic Association; Society Hill Towers;
3 and the Bela Vista Town Watch. In addition, Senator
4 Fumo and State Representative Lederer who supported
5 our endeavor; the Department of License and
6 Inspection who was out there from 7 a.m. until about
7 midnight this past Tuesday making sure that the
8 businesses that were operating were operating
9 according to code. A special thank you to the South
10 Street Head House District. And a very, very
11 special thank you to the bar owners who voluntarily
12 made a decision that was in everyone's best interest
13 to close down early this Tuesday. It was basically
14 a pilot program to see what impact that would have.
15 There was no law that required them to close. They
16 were allowed legally to open at 7 a.m. and close at
17 2 a.m. Over 90 percent of the bar owners made that
18 voluntary decision to close down and have a last
19 call at 7:30. By 9:30 the street sweepers were out
20 there. The street was virtually an island. The
21 police details secured South Street and secured the
22 adjacent neighborhoods and they deserve our
23 heartfelt thank you. I thought I should publicly
24 recognize the efforts all the people in the police
25 that made this day possible on behalf of the

1 3/6/03 - STATED - SPEECHES

2 neighborhood alliance that was put together about a
3 year ago, I want to thank them all publicly.

4 I thank you, Madam President.

5 COUNCIL PRESIDENT VERNA: Thank you.

6 (Applause.)

7 COUNCIL PRESIDENT VERNA: Councilman, I
8 know you recognized everyone making this a success
9 and I want to publicly thank you for the time,
10 effort, and energy that you put into this. And I
11 know that it's been not just this year but every
12 year that you've been in office. And we applaud you
13 for the work that you have done to make this a
14 success.

15 At this time the Chair recognizes
16 Councilwoman Blackwell.

17 COUNCILWOMAN BLACKWELL: Thank you,
18 Madam President. I know that many people are upset
19 about the Governor's budget, and I wanted to take a
20 few moments just to offer an expression of hope to
21 our residents. As Finance Chair I, too, am
22 concerned about the reality that these cuts can
23 bring to our City. But having been involved in
24 politics for some 30 years, I can attest to the fact
25 that we've had hard days before, and with God's help

1 3/6/03 - STATED - SPEECHES

2 we will be able to pull through and get through
3 these hard times that we hope don't lie ahead. We
4 must continue to fight for affordable housing and
5 safe street, continue to fight for our after school
6 and academic enrichment programs. We must continue
7 to fight for drug and alcohol treatment for those
8 families who need it as well as decent food and
9 shelter and accessible the food and medical
10 assistance services to our senior citizens.

11 I can only say that we must work with
12 the leadership and our City and in our State and
13 that together I am sure that we can find a way to
14 overcome the hard times that we've learned about
15 today. Thank you, Madam President.

16 COUNCIL PRESIDENT VERNA: You're
17 welcome.

18 The Chair recognizes Councilwoman Tasco.

19 COUNCILWOMAN TASCO: Thank you, Madam
20 President. I'd just like to remind the listening
21 audience and people in City Hall that today we're
22 having free vision screening in the City Council
23 Caucus Room from 12:00 p.m. until 2:00 p.m. today.
24 They can go in and get free vision screening and
25 there are other locations throughout the City of

1 3/6/03 - STATED - SPEECHES

2 Philadelphia, including the Germantown Settlement
3 Building on Wister, the Father Judd High School
4 Health Fair in the 3300 block of Solly Avenue, the
5 Cambodian Seniors Association at 1622 South 7th
6 Street, Opportunities Towers at 1717 Huntington
7 Park, J.C. Stiffle Senior Citizens at 604 Porter,
8 the Cambodian Association at 5412 North Fifth
9 Street, the Peak Center in Lansdale, Pennsylvania;
10 the Scottish Rights House on Fitzwater street; 801
11 Residents at 8th and Locust; the Community College
12 Health Fair, 17th and Spring Garden; and the
13 Fernrock Ogontz Belfield Community Association; the
14 New Frankford Community YWCA; and the Philadelphia
15 Senior Citizens of 506 South Broad Street.

16 Anyone interested in a free screening
17 can call any of those centers and get the day they
18 can go in for their free screening. It's very
19 important for people who have diabetes, high blood
20 pressure to get screening. Thank you very much.

21 COUNCIL PRESIDENT Verna: You're
22 welcome.

23 The Chair recognizes Councilman Cohen.

24 COUNCILMAN COHEN: Thank you, Madam
25 President.

1 3/6/03 - STATED - SPEECHES

2 To my esteemed Councilwoman Blackwell,
3 maybe the problem is that we all read the election
4 results wrong. Maybe what we needed to do was to
5 have a democrat elected Governor. Instead, we find
6 the press reports have been wrong and we have in
7 fact re-elected another republican Governor, because
8 I don't think a republican Governor would ever have
9 dared to include the enormous cuts in human services
10 at the same time proposing a \$5 billion fund for
11 business. End of comment.

12 (Laughter.)

13 COUNCIL PRESIDENT VERNA: The Chair
14 recognizes Councilwoman Tasco.

15 COUNCILWOMAN TASCO: Last week it was
16 brought to my attention, the Councilwoman and I
17 wanted to bring it today, we learned that on the
18 Internet there's some derogatory term "nigger" is
19 used as the key word for a search of products
20 available for auction at eBay. There are a
21 multitude items associated with countless types of
22 racist images that African Americans have battled in
23 this country and are instantly available for review
24 and purchase.

25 We looked on the Internet under eBay and

1 3/6/03 - STATED - SPEECHES

2 we checked other words that are used for other
3 ethnic groups, and there are none. But if you go in
4 on eBay and you key in the word "nigger," then this
5 site comes up with all the these products that have
6 been associated with African Americans in the past
7 such as the black nigga, tobacco marbles, 1930
8 nigger head oysters, jolly nigger head bank, and
9 many others.

10 So I am in the process of writing the
11 president and CEO of eBay to complain about this
12 site and what's going on with the listing of those
13 products, and I would encourage all of my colleagues
14 to write to eBay. And we can give you the number.
15 And anyone listening to protest this marketing item
16 on the Internet. Thank you very much.

17 (Applause.)

18 COUNCIL PRESIDENT Verna: Why don't you
19 send a letter and we'll all sign it.

20 COUNCILWOMAN TASCOT: The president
21 suggests that I write a letter we all sign it, which
22 I think would be very good and we will do that.
23 Thank you very much.

24 COUNCIL PRESIDENT Verna: You're
25 welcome.

1 3/6/03 - STATED - ADJOURNMENT

2 The Chair recognizes Councilman O'Neill.

3 COUNCILMAN O'NEILL: Madam President,
4 I'm just responding to my colleague Councilman Cohen
5 who was adding some levity to the budget discussion.
6 There was quote the other day from a very
7 conservative republican state rep from the middle
8 part of the state who said that he wanted to vote
9 for the budget while it was being given in the
10 address and it was the first republican budget he
11 had seen in seven years. Thank you.

12 (Laughter.)

13 COUNCIL PRESIDENT VERNA: Are there any
14 other speeches or comments from Members of the
15 Committee?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: Seeing none,
18 the Chair recognizes Councilwoman Tasco.

19 COUNCILWOMAN TASCO: Madam President, I
20 move that Council stand adjourned until Thursday,
21 March 13 at 10:00 a.m.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It has been
24 moved and properly seconded that Council stand
25 adjourned until Thursday, March 13th.

1 3/6/03 - STATED - ADJOURNMENT

2 All in favor will say aye.

3 (Aye.)

4 COUNCIL PRESIDENT VERNA: Those opposed?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: The ayes have

7 it. The motion carries. Thank you.

8 (Council adjourned at 11:25 a.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of May 6, 2003, were reported fully and
accurately by me, and that this is a correct
transcript of the same.

RE: STATED MEETING

Lisa C. Bradley, RPR
and Notary Public