

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 7, 2011, 6:15 p.m.

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Bill 100386 - An Ordinance amending Chapter
10-600 of The Philadelphia Code, entitled
"Public Places - Prohibited Conduct," by
amending Section 10-611, entitled "Sidewalk
Behavior," by amending the process to be
followed prior to taking coercive action for
violations of the Section, under certain terms
and conditions.

COMMITTEE MEMBERS PRESENT:

Frank DiCicco, Chair

Bill Green

William K. Greenlee

Curtis Jones, Jr.

Donna Reed Miller

Maria Quiñones-Sanchez

Also Present: Jannie L. Blackwell

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2 COUNCILMAN DiCICCO: Good
3 evening, everyone.

4 Sorry for the delay. There
5 have been a lot of discussions that have
6 been going on about this very important
7 issue.

8 At the onset, I just want to
9 thank everyone for engaging in this
10 discussion. It's been for a few weeks
11 now, I guess, it's been going on. There
12 have been a lot of back-and-forth. I
13 know it's a very emotional issue for lots
14 of folks. I'm happy to say I believe
15 we've reached an understanding.

16 And for those of you who are
17 here to testify either for or against the
18 bill, with your permission and the
19 permission of this committee, we will
20 only from present two witnesses: Sister
21 Mary Scullion and Paul Levy.

22 And I believe my colleague,
23 who's not a member of this committee, may
24 want to say a few words at the end,
25 Councilwoman Blackwell who I've been

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2 working with on this issue for the last
3 few weeks pretty much around the clock,
4 and my colleagues on this committee have
5 also been offering ideas, suggestions,
6 and recommendations as well.

7 With that, the public hearing
8 on the Committee of Streets and Services
9 is now back in session. You folks decide
10 who will speak first.

11 SR. MARY SCULLION: Okay.
12 Councilman DiCicco, you're going to first
13 do the amendment to the bill?

14 COUNCILMAN DiCICCO: Well, you
15 can speak --

16 SR. MARY SCULLION: I mean
17 because we -- people should know that we
18 amended the amended --

19 COUNCILMAN DiCICCO: We amended
20 the amended -- okay, there's a new
21 amendment.

22 (Indiscernible; parties talking
23 over each other.)

24 COUNCILMAN DiCICCO: Okay. But
25 that will be done in the public meeting.

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2 This is just the public hearing, you get
3 comments. And then we'll go into the
4 public meeting and do the amended amended
5 bill.

6 MR. LEVY: Great. My name is
7 Paul Levy. I'm President of the Center
8 City District. I'm delighted to be
9 sitting here with Sister Mary Scullion.
10 She and I have worked together on this
11 issue and disagreed about this issue for
12 18, 19 years.

13 We have agreed on 95 percent
14 and disagreed on 5 percent, and I'm
15 delighted to report that I think we have
16 a compromised middle ground that works
17 for the businesses and residents and
18 hospitality industry and respects the
19 extraordinary work that Mary and all the
20 people who are fighting to end
21 homelessness are doing.

22 And the compromised bill leaves
23 in place in the sidewalk behavior bill
24 all of the protections of the sidewalk
25 behavior bill which require first the

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2 calling of outreach in enforcing any of
3 the violations specified under the
4 sidewalk behavior bill.

5 (Applause.)

6 MR. LEVY: The amendment also
7 recognizes that City law does not
8 supersede State law. And in the
9 definition that the State provides of
10 disorderly conduct -- that is, engaging
11 in fighting or threatening or in violent
12 or tumultuous behavior, making
13 unreasonable noise, making obscene
14 language or making obscene gestures,
15 creating a physically dangerous or
16 hazardous condition -- that is disorderly
17 conduct, as defined by the State law that
18 goes to behavior and not a person's
19 status in life. That is not covered by
20 the procedures of the sidewalk behavior
21 bill.

22 So my example: If I went out
23 into the street dressed like this and
24 started swearing and screaming and
25 fighting, I should be arrested for

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2 disorderly conduct. It's behavior, not
3 status in life.

4 So the compromise is: All of
5 the procedures that were outlined in the
6 sidewalk behavior bill remain in place,
7 but the behavior defined as "disorderly
8 conduct" under State law is not covered
9 by that. The police, of course, could
10 and may call outreach in the event of a
11 302 commitment process that would happen.
12 But clearly, disorderly conduct can be
13 enforced by the police, as it would be
14 for anyone regardless of status in life.

15 That is my understanding of the
16 compromise we've reached.

17 COUNCILMAN DiCICCO: Thank you.

18 Sister Mary.

19 SR. MARY SCULLION: And, you
20 know, on behalf of men and women that are
21 experiencing homelessness especially and
22 folks that are out there on the streets
23 and all the people, our colleagues, you
24 know, the vast community of people, we
25 think that this is a great -- we think

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2 that this is a good compromise. And we
3 think that this is a victory because it
4 does address the major concerns about
5 criminalization that we've raised here.

6 So we're very happy about the
7 amended amended bill.

8 (Applause.)

9 SR. MARY SCULLION: And on
10 behalf of everyone here present,
11 including Paul and the folks in Center
12 City that work hard for a quality of life
13 for everyone in Center City, we think
14 that this is a way to achieve it.

15 We also recognize that there's
16 been tremendous strides with the police
17 and others when people who have a serious
18 mental health disability, that we will
19 strive even harder and find even more and
20 effective ways the reach out to those
21 folks so that they are not in any way
22 harmed; if they're in a crisis that they
23 get the right kind of treatment and care.

24 And so, we really are thrilled
25 to be here to, you know, say that this is

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2 amendment is a good way for us to
3 proceed, and it really acknowledges the
4 tremendous strides that have been made
5 through the City of Philadelphia to end
6 homelessness.

7 And we hope that together,
8 we're going to be here in another year or
9 two or three saying that we have ended
10 homelessness in the City of Philadelphia.

11 So we appreciate it and --
12 (inaudible due to applause here).

13 And we especially want to
14 recognize Councilwoman Jannie Blackwell
15 for her tireless efforts and negotiations
16 in -- (inaudible here due to applause,
17 standing ovation).

18 And we'd also like to recognize
19 Councilwoman Sanchez, Councilwoman Donna
20 Reed Miller, Councilman Jones, and
21 Councilman Green, who also spent a lot of
22 time, and their staff were phenomenal in
23 trying to negotiate this. So we really,
24 really appreciate all of your efforts as
25 well.

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2 COUNCILMAN DiCICCO: Thank you.

3 SR. MARY SCULLION: And thank
4 you, Councilman Greenlee and Councilman
5 DiCicco, too.

6 (Applause.)

7 COUNCILMAN DiCICCO: Thank you.

8 With that with and your
9 permission, I would like to now go into
10 the public meeting, unless anyone feels
11 that it is absolutely necessary to make
12 any comments.

13 I asked Jannie; she said no.

14 MR. LEVY: Councilman, if I
15 could just thank you for your leadership
16 and Councilman Green. I know as a
17 Catholic, you can't do this, but as a
18 Jewish boy, I'm going to hug a nun.

19 (Laughter.)

20 (Witness comes forward.)

21 COUNCILMAN DiCICCO: Sir? One
22 there's gentleman that would like to --
23 you need to come up to the table.

24 Sir, we're going to limit this
25 to two minutes. We've been here long

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2 today, and we were here last week on
3 this. So with your -- no disrespect, but
4 we're going to limit this to two minutes.

5 Please identify yourself for
6 the record.

7 REVEREND RUDISILL: I am the
8 Reverend Dr. James Rudisill from the
9 College of William and Mary.

10 I'm doing a study of
11 homelessness in America, similar to Alex
12 DeTocqueville, when he did a study of
13 democracy in American. And research has
14 been primarily for presentation to the
15 Kennedy School at Harvard later this
16 fall.

17 And in studying homelessness in
18 America, I find it a very sad situation
19 that here, in the birth place of
20 democracy, where we penned the words "We
21 hold these truths to be self-evident that
22 all men are created equal and endowed by
23 their creator with certain unalienable
24 rights; the rights to life, liberty and
25 the pursuit of happiness" --

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2 (Applause.)

3 And having spent time with our
4 homeless community here in Philadelphia,
5 I find a shameful situation where people
6 wallow in the streets, like in
7 Kensington, up under the el, with needles
8 hanging out of their arm; garbage
9 uncollected in our city; streets that
10 smell like filth; rats, vermin, feral
11 cats running around; people that can fall
12 over and practically die, screaming for
13 help, and the police won't help them, the
14 hospitals won't help them 'cause they've
15 been there too many times, strung out on
16 drugs. We have open prosecution up at
17 Huntington, in Kensington, and several of
18 the stops. You see prostitutes
19 soliciting. You find people that will
20 greet you, even if you're dressed like I
21 am. Do you want some work? Do you want
22 some dope? Do you need some drugs?

23 If you were to go to Third and
24 Indiana, you would not be safe; you would
25 likely be killed if you walk down by the

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2 railroad tracks, where it's literally
3 sometimes two or three deep in needles,
4 people with spoons --

5 COUNCILMAN DiCICCO: Reverend,
6 excuse me, please.

7 (Indiscernible; parties talking
8 over each other.)

9 COUNCILMAN DiCICCO: Excuse me
10 for interrupting.

11 REVEREND RUDISILL: Yes, sir.

12 COUNCILMAN DiCICCO: I need you
13 to summarize and wrap up. You've
14 exceeded your two minutes.

15 REVEREND RUDISILL: Right.

16 COUNCILMAN DiCICCO: Thank you.

17 REVEREND RUDISILL: It's also a
18 shame that these teams of attorneys can
19 debate for hours about how to prettify a
20 building, but our citizens are dying in
21 the street, and you limit it to two
22 minutes and one comment when you have so
23 many people that can inform you and
24 (indiscernible).

25 COUNCILMAN DiCICCO: Thank you.

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2 REVEREND RUDISILL: So thank
3 you for listening.

4 COUNCILMAN DiCICCO: Thank you.
5 This concludes the public hearing.

6 (Applause.)

7 This concludes the public
8 hearing on the Committee on Streets.

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2 COUNCILMAN DiCICCO: We will
3 now go into the public meeting.

4 The Chair recognizes Councilman
5 Greenlee.

6 COUNCILMAN GREENLEE: Thank
7 you, Mr. Chairman.

8 I move the adoption of the
9 amendments to Bill No. 110386 be
10 approved.

11 (Motion duly seconded.)

12 COUNCILMAN DiCICCO: It's been
13 properly moved and seconded that the
14 amendments to 110386 be approved. And
15 when I say "amendments," one of the
16 amendments is at the request of
17 Councilman Clarke, who represents the
18 Fifth, No., 5 the Fifth Councilmatic
19 District. He's asking that his district
20 be removed from this legislation.

21 All in favor?

22 Those opposed?

23 The ayes have it.

24 Councilman Greenlee.

25 COUNCILMAN GREENLEE: Thank

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2 you, Mr. Chairman.

3 I move that Bill No. 110386, as
4 amended, be reported out of this
5 committee with a favorable recommendation
6 and that the rules of Council be
7 suspended to allow for first reading at
8 our next session of Council.

9 (Motion duly seconded.)

10 COUNCILMAN DiCICCO: Thank you.

11 It's properly moved and
12 seconded that Bill No. 110386, as
13 amended, be reported out of this
14 committee with a favorable recommendation
15 and that rules of Council be suspended.

16 All those in those favor.

17 Those opposed?

18 Motion carries.

19 This concludes the Committee on
20 Streets and Services and services.

21 Thank you.

22 (Applause.)

23 (Proceedings end at 6:29 p.m.)

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1 C E R T I F I C A T E

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3 I HEREBY CERTIFY that the
4 proceedings of the City of Philadelphia
5 Council Committee on Streets and Services are
6 contained fully and accurately in the
7 stenographic notes taken by me on Tuesday,
8 June 7, 2011, and that this is a true and
9 correct statement of same.

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12

13 JOSEPHINE CARDILLO

14 Registered Professional Reporter

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