COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING - JOINT COMMITTEES ON
LAW & GOVERNMENT
and
STREETS & SERVICES
- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 9, 2004, 2:15 a.m.
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BILL 040370 - An Ordinance amending the Ordinance approved January 3, 1992 (Bill No. 1205-AA), which, pursuant to subsection 9-204(8)(a) of The Philadelphia code, designates the locations in Center City at which vending is permitted, by deleting all permitted vendor locations on both sides of Eighth Street between Market and Chestnut Streets.

Bill 040400 - An Ordinance amending Section 9-204 of The Philadelphia Code relating to Sidewalk Vendors in Center City and Section 9-205 of The Philadelphia code relating to Sidewalk Sales to permit farmers' markets on the south side of Walnut Street on the sidewalk abutting Rittenhouse Square, and providing that provisions shall expire after a specified period of time, all under certain terms and conditions.

Bill 040514 - An Ordinance amending Title 12 of The Philadelphia Code, by amending Section 12-2809 relating to Civil Penalties and Costs, to increase the civil penalty for violations of Section 12-1126 relating to Excessive Noise, and Section 12-1127(1), (2), and (3) relating to Excessive Idling of or Noise from Motor Vehicles.

Bill 040552 - An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 107 bounded by Forty-sixth Street, Forty-seventh Street, Fairmount Avenue and Westminster Avenue, under certain terms and conditions.

Bill 040557 - An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 222 in the vicinity of Hunting Park Avenue and Kensington Avenue, under certain terms and conditions.

Bill 040560 - An Ordinance regulating the direction of movement of traffic on Twentieth Street, from Belfield Avenue to Olney Avenue, northbound.

Bill 040561 - An Ordinance authorizing the revision of lines and grades of an area of City Plan No. 178 bounded by Olney Avenue, Belfield Avenue, Ogontz Avenue and Wister Street.

Bill 040562 - An Ordinance authorizing the installation of all-way stop signs at the intersection of Front Street and Elfreths Alley.

Bill 040563 - An Ordinance authorizing the revisions of lines and grades on a portion of City Plan Nos. 271 and 146 in the vicinity of Penn Street and Shackamaxon Street, under certain terms and conditions.

Bill 040568 - An Ordinance granting permission to Nirlesh C. Desai and C&N Newsstand, owner and operator of the newsstand located on the northwest corner of Sixteenth Street and John F. Kennedy Boulevard, to construct, use and maintain a conduit for fiberoptic facilities in and under the north footway of John F. Kennedy Boulevard, the west footway of Sixteenth Street and the south footway of Cuthbert Street, for the purpose of supplying telephone service to said newsstand.

Bill 040569 - An Ordinance authorizing the revision of lines and grades on a portion of City Plan No. 205 in the vicinity of Fairhill Street and Annsbury Street, under certain trerms and conditions.

Bill 040605 - An Ordinance authorizing the construction of sewers and appurtenant work in portions of Saint Lukes Street and in a proposed right-of-way for drainage and sewer purposes in an existing ten feet wide alley south of Rowan Street.

Bill 040606 - An Ordinance authorizing the Water Commissioner on behalf of the City to enter into an agreement with the owners of the properties and their successors of a private ten feet wide alley, located south of Rowan Street and north of Saint Paul Street from Sixteenth Street to approximately 252 feet west of Sixteenth for the grant of a right-of-way to the City for drainage and sewer purposes, under certain terms and conditions.

Bill 040612 - An Ordinance amending Section 10-722 of The Philadelphia Code, entitled "use of Dumpsters," by prohibiting dumpsters on Strawberry Street between Chestnut Street and Market Street.

RESOLUTION 040646 - Resolution authorizing City Council's Committees on Law and Government and Streets and Services to hold public hearings to investigate the state of intergovernmental cooperation between the Streets Department, the Pennsylvania Department of Transportation (Penn DOT) and the City Council of Philadelphia, and, toward a remedy, authorizing the issuance of subpoenas to compel the attendance of witnesses and the production of documents to the full extent authorized under Section 2-401 of the Home Rule Charter.

PRESENT:

COUNCILMAN FRANK DI CICCO
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK RIZZO
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN JUAN F. RAMOS
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL L. CLARKE
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MICHAEL A. NUTTER

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P R O C E E D I N G S

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

The Chair recognizes Councilman Clarke, for an amendment to Bill 040400.

COUNCILMAN CLARKE: Thank you, Mr. Chairman.

I'm going to offer an amendment to the Bill Number 040400. This amendment has been circulated. It essentially raises the fee, and it creates a designation for farmers' markets which was not previously in The Code.

I move that the amendment to Bill Number 040400 be approved.

UNIDENTIFIED COUNCIL PERSON: Second

COUNCILMAN DiCICCO: It's been properly moved and seconded that an amendment to Bill Number 040400 be approved. All those in favor of the amendment signify by saying aye.

(Chorus of "ayes.")

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COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The amendment is approved.

Chair recognizes Councilman Clarke.

COUNCILMAN CLARKE: Thank you, Mr. Chairman.

I move that Bill Number 040400, as amended, be reported out of Committee with a favorable recommendation, and request for a suspension of the rules, as to allow first reading at the next session of Council.

UNIDENTIFIED COUNCIL PERSON: Second.

COUNCILMAN DiCICCO: It has been properly moved and seconded that Bill Number 040400, as amended, be reported out of this Committee with a favorable recommendation, that the rules of Council be suspended.

All those in favor, signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed.

(No response.)

COUNCILMAN DiCICCO: The ayes have it. The Bill's approved.

Chair recognizes Councilman Clarke for a motion on an amendment to Bill Number 040568.

COUNCILMAN CLARKE: Thank you, Mr. Chairman.

This amendment is a technical amendment. I move that the amendment to Bill Number 04 -- I'm sorry -- that the amendment to Bill Number 040568 be approved.

COUNCILWOMAN MILLER: Second.

COUNCILMAN DiCICCO: It's been properly moved that the amendment to Bill Number 040568 be approved. All those in favor signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The amendment is approved.

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Councilman Clarke.

COUNCILMAN CLARKE: Mr. Chair, I move that Bill Number 040568, as amended, be reported out of Committee with a favorable recommendation, and request for a rule suspension as to allow reading at the next session.

COUNCILWOMAN MILLER: Second.

COUNCILMAN DiCICCO: It's been properly moved and seconded that Bill Number 040568, as amended, be reported out of this Committee with a favorable recommendation, and that the rules of Council be suspended.

All those in favor signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The Bill's approved.

For the record, Bill Number 040612 is being held at the request of the sponsor.

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Chair now recognizes Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, I move that Bill Number 040370 be reported from Committee with a favorable recommendation, and with a request that the rules of Council be suspended to allow first reading of Bill 040370 at our next meeting of Council.

UNIDENTIFIED COUNCIL MEMBER: Second.

COUNCILMAN DiCICCO: It's been properly moved and seconded that Bill Number 040370 be reported out of Committee with a favorable recommendation that the rules of Council be suspended.

All those in favor, signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The Bill's approved. Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, I

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move that Bill Number 040605 be reported from Committee with a favorable recommendation and with a request that the rules of Council be suspended to allow the first reading of Bill 040605 at our next meeting of Council.

UNIDENTIFIED COUNCIL PERSON: Second.

COUNCILMAN DiCICCO: It's been properly moved and seconded that Bill Number 040605 be reported out of Committee with a favorable recommendation; that the rules of Council be suspended.

All those signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The Bill's approved.

Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, I move that Bill Number 040686 be reported from Committee with a favorable recommendation, and with a request that the

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rules of Council be suspended to allow for the first reading of this Bill at our next meeting of Council.

COUNCILMAN DiCICCO: I think that Bill was 040606; am I correct?

COUNCILMAN RAMOS: Yes. I stand corrected.

UNIDENTIFIED COUNCIL PERSON: Second.

COUNCILMAN DiCICCO: Okay. It's been properly moved and seconded that Bill Number 040606 be reported out of Committee with a favorable recommendation, and the further recommendation that the rules of Council be suspended.

All those in favor signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The Bill's approved.

Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman,

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move that Bill Number 040514 be reported from Committee with a favorable recommendation, with the request that the rules of council be suspended to allow for first reading of this Bill at our next meeting of Council.

UNIDENTIFIED COUNCIL PERSON: Second.

COUNCILMAN DiCICCO: It's been properly moved and seconded that Bill Number 040514 be reported out of Committee, with a favorable recommendation, and a further recommendation that the rules of Council be suspended.

All those in favor signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The Bill's approved.

Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, move that Bill Number 040552 be reported

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from Committee with a favorable recommendation, with a request that the rules of Council be suspended to allow for the first reading of this Bill at our next meeting of Council.

UNIDENTIFIED COUNCIL PERSON: Second.

COUNCILMAN DiCICCO: It's been properly moved and seconded that Bill Number 040552 be reported out of this Committee with a favorable recommendation, and a further recommendation that the rules of Council be suspended.

All those in favor signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The Bill's approved.

Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, move that Bill Number 040557 be reported from Committee with a favorable

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recommendation, with a request that the rules of Council be suspended to allow for the first reading of this bill at our next meeting of Council.

UNIDENTIFIED COUNCIL PERSON: Second.

It has been properly moved and seconded that Bill Number 040557 be reported out of Committee with a favorable recommendation, and the further recommendation that the rules of Council be suspended.

All those in favor, signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed.

(No response.)

COUNCILMAN DiCICCO: The Bill's approved.

Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, move that Bill Number 040561 be reported from Committee with a favorable recommendation, with a request that the

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rules of Council be suspended, to allow for the first reading of this Bill at our next meeting of Council.

UNIDENTIFIED COUNCIL PERSON: Second.

COUNCILMAN DiCICCO: It has been properly moved and seconded that Bill Number 040561 be reported out of this Committee with a favorable recommendation, that the rules of Council be suspended.

All those in favor, signify by saying aye.

COUNCILMAN COHEN: No.

(Chorus of "ayes.")

COUNCILMAN COHEN: Mr. Chairman -- Mr. Chairman, I ask that this Bill be held. This Bill does not meet the requirements of PennDOT. There's a matter before the Law and Government and the Streets Committee which calls for an investigation --

COUNCILMAN DiCICCO: Councilman, with all due respect, there's been a motion that's been seconded. Call for the vote.

COUNCILMAN COHEN: It's out of

order.

COUNCILMAN DiCICCO: Signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN COHEN: It's out of order. You're making a decision without really listening to what exists --

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The Bill is approved.

COUNCILMAN COHEN: And if you ran this thing through, you're going to regret it, just like all the signs and posting of the signs. The City's in much worse shape now that anybody can advertise anything on any pole because when you do bad things you get punished.

And the Federal Judge decided that it was much more dangerous to take away Democratic rights of people on political campaigns, even if it meant opening the door to advertising by businesses.

COUNCILMAN DiCICCO: Thank you.

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The Chair recognizes Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, move that Bill Number 040563 be reported from Committee with a favorable recommendation, and with a request that the rules of Council be suspended, to allow for first reading of this Bill at our next meeting of Council.

UNIDENTIFIED COUNCIL PERSON: Second.

COUNCILMAN DiCICCO: It has been properly moved and seconded that Bill Number 040563 --

COUNCILMAN COHEN: Not properly moved and seconded.

COUNCILMAN DiCICCO: -- be reported out of Committee with a favorable recommendation, and a further recommendation that the rules of Council be suspended.

All those in favor, signify by saying aye.

(Chorus of "ayes.")

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COUNCILMAN COHEN: No.

COUNCILMAN DiCICCO: Those opposed.

(No response.)

COUNCILMAN DiCICCO: There is one Bill Councilman Cohen is voting no.

Bill is approved.

Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, move that Bill Number 040569 be reported from Committee with a favorable recommendation, and with a request that rules of Council be suspended to allow for the first reading of this Bill at our next meeting of Council.

COUNCILMAN CLARKE: Second.

COUNCILMAN DiCICCO: It has been properly moved and seconded that Bill Number 040569 --

COUNCILMAN COHEN: Same objection made. This Bill is totally improper.

COUNCILMAN DiCICCO: -- be reported out of this Committee with a favorable recommendation, that all the rules of Council be suspended.

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COUNCILMAN COHEN: I move that the Bill be held.

COUNCILMAN DiCICCO: All those in favor, signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed?

(No response.)

COUNCILMAN DiCICCO: The Bill's approved.

The Chair recognizes Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, move that Bill Number 040562 be reported from Committee with a favorable recommendation, and with a request that rules of Council be suspended to allow for the first reading of this Bill at our next meeting of Council.

COUNCILMAN CLARKE: Second.

COUNCILMAN DiCICCO: It has been properly moved and seconded that Bill Number 040562 be reported out of this Committee with a favorable recommendation, that the rules of Council be suspended.

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All those in favor, signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN DiCICCO: Those opposed.

(No response.)

COUNCILMAN DiCICCO: The Bill's approved.

The Chair recognizes Councilman Ramos.

COUNCILMAN RAMOS: Mr. Chairman, move that Bill Number 040560 be reported from Committee with a favorable recommendation, and with a request that the rules of Council be suspended to allow for the first reading of this Bill at our next meeting of Council.

UNIDENTIFIED COUNCIL PERSON: Second.

COUNCILMAN COHEN: Object to the consideration of this Bill. It's not properly considered at all. There's a Resolution before the Law and Government and Streets Committee that will investigate the lawless activity of the Streets

Department, and will --

COUNCILMAN DiCICCO: Councilman, there's a motion on the floor. It has been properly seconded.

I move for the vote on Bill Number 040560, with a suspension of rules.

All those in favor signify by saying aye.

(Chorus of "ayes.")

COUNCILMAN COHEN: Nay.

COUNCILMAN DiCICCO: Those opposed?

COUNCILMAN COHEN: Nay. Nay.

COUNCILMAN DiCICCO: The Bill is approved.

Let the record note --

COUNCILMAN COHEN: Nay. Nay. Nay.

COUNCILMAN DiCICCO: -- that Councilman Cohen has five no's so far.

COUNCILMAN COHEN: Council is looking for a fight; and by God it's going to get it, because the people in the 17th Ward are never going to let it happen.

COUNCILMAN DiCICCO: This concludes the public meeting on the Committee of

Streets and Services. Thank you.

At the request of Councilman Cohen, the Joint Committee on Law and Government and Streets and Services is being recessed to the call of the Chair.

Thank you. And good morning to everyone.

(Meeting concluded at 2:27 a.m.)

CERTIFICATE

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the public meeting of The Philadelphia City Council, taken on June 9, 2004, and that this is a true and correct transcript of same.

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DAVID A. DEIK, RPR and
Commissioner of Deeds

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)