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COUNCIL OF THE CITY OF PHILADELPHIA

3

STATED MEETING

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, October 20, 2005
10:30 a.m.

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PRESENT:

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11

COUNCIL PRESIDENT ANNA C. VERNA

COUNCILWOMAN JANNIE BLACKWELL

COUNCILMAN DARRELL L. CLARKE

12

COUNCILMAN FRANK DiCICCO

COUNCILMAN W. WILSON GOODE, JR.

13

COUNCILMAN JACK KELLY

COUNCILMAN JAMES F. KENNEY

14

COUNCILWOMAN JOAN L. KRAJEWSKI

COUNCILMAN RICHARD T. MARIANO

15

COUNCILWOMAN DONNA REED MILLER

COUNCILMAN MICHAEL A. NUTTER

16

COUNCILMAN BRIAN J. O'NEILL

COUNCILMAN JUAN RAMOS

17

COUNCILWOMAN BLONDELL REYNOLDS BROWN

COUNCILMAN FRANK RIZZO

18

COUNCILWOMAN MARIAN B. TASCO

19

PATRICIA RAFFERTY, CHIEF CLERK

20

21

- - -

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COUNCIL PRESIDENT VERNA: I

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note that the hour has come and that a

4

quorum of this Council is present.

5

Council will please come to

6

order. Members will take their seats,

7

and visitors will retire to the seats

8

outside the rails.

9

To give our invocation this

10

morning, the Chair welcomes the very

11

popular Father Paul C. Brandt, President

12

of Roman Catholic High School. He is

13

here today as the guest of Councilman

14

Kelly.

15

At this time, I would ask all

16

members and guests to please rise.

17

(Everyone rises.)

18

FATHER BRANDT: Let us pray.

19

God, you are the source of all that is

20

good and all that is loving. We thank

21

you for the many blessings that you

22

bestow upon us as citizens of the City of

23

Philadelphia.

24

We ask you to be with all those

25

who are in need throughout the world,

1 10/20/05 - STATED - INVOCATION

2 especially those who are victims of
3 recent natural disasters. Give them
4 strength to rise above the many
5 challenges that they face.

6 Watch over our fellow citizens
7 who are challenged by the realities of
8 violence, homelessness and illness. Give
9 your wisdom to the members of City
10 Council that they may clearly see the
11 concerns of their people within the City
12 of Philadelphia and make the best
13 decisions to continue to improve the
14 lives of those they have been called to
15 serve.

16 We ask this in your name.

17 Amen.

18 COUNCIL PRESIDENT VERNA: Amen.

19 The Chair thanks Father Brandt
20 for his very inspiring invocation.

21 Council will be at ease.

22 (Council at ease.)

23 COUNCIL PRESIDENT VERNA: The
24 next order of business is the approval of
25 the Journal of the meetings -- I'm sorry.

1 10/20/05 - STATED - APPROVAL OF JOURNAL

2 The noise level is much too high.

3 Anybody having private conversations, I'd
4 suggest you do it in the corridor. Thank
5 you.

6 The next order of business is
7 the approval of the Journal of the
8 meetings of Thursday, September 29, 2005
9 and Monday, October 17, 2005, and the
10 Chair recognizes Councilwoman Blackwell.

11 COUNCILWOMAN BLACKWELL: Thank
12 you, Madam President. I move that the
13 Journal of the meetings of Thursday,
14 September 29, 2005 and Monday, October
15 17, 2005 stand approved.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and properly seconded that
19 the Journal of the meetings of Thursday,
20 September 29, 2005 and Monday, October
21 17, 2005 stand approved.

22 All in favor will please
23 indicate by saying aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 10/20/05 - STATED - LEAVES

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The
5 ayes have it, the motion carries, and the
6 Journal of the meetings of Thursday,
7 September 29, 2005 and Monday, October
8 17, 2005 is approved.

9 The next order of business is
10 requests for leave of absence, and,
11 again, the Chair recognizes Councilwoman
12 Blackwell.

13 COUNCILWOMAN BLACKWELL: Thank
14 you, Madam President. On behalf of the
15 Majority, there are no requests for
16 leaves of absence today.

17 COUNCIL PRESIDENT VERNA: The
18 Chair thanks the Councilwoman.

19 The Chair recognizes Councilman
20 O'Neill.

21 COUNCILMAN O'NEILL: Madam
22 President, on behalf of the Republicans,
23 there are no requests for leave of
24 absence.

25 COUNCIL PRESIDENT VERNA: Thank

1 10/20/05 - STATED - PRESENTATIONS

2 you very much.

3 The Chair will dispense with
4 the regular order of business to
5 recognize the guests and visitors joining
6 us in chambers this morning. On behalf
7 of all members of City Council, I welcome
8 you to our Council session. We
9 appreciate your taking the time to join
10 us as we attend to the legislative
11 affairs of our City. We certainly invite
12 you to come again.

13 At this time, the Chair
14 recognizes Councilman Rizzo, who will
15 present a resolution honoring KYW News
16 Radio and their 40th anniversary.

17 Will Mr. David Yadgaroff and
18 those accompanying him please join the
19 Councilman at the podium.

20 COUNCILMAN RIZZO: Thank you,
21 Madam President.

22 David Yadgaroff, the
23 Vice-President and General Manager of KYW
24 News Radio is joined by his colleague,
25 and we all know these people, Steve

1 10/20/05 - STATED - PRESENTATIONS

2 Butler and Lauren Lipton.

3 Welcome to Philadelphia City
4 Council.

5 MR. YADGAROFF: Thank you for
6 having us.

7 COUNCILMAN RIZZO: Recognizing,
8 honoring and celebrating the 40th
9 anniversary of KYW News Radio 1060 for
10 the dedication to pioneering and
11 excellence in the way news is reported.

12 Whereas, September 21st marked
13 the 40th anniversary of KYW News Radio
14 1060; and

15 Whereas, KYW News Radio 1060
16 serves listeners in the Philadelphia
17 region with all news all the time; and

18 Whereas, KYW News Radio has
19 become the news source that more than 1.5
20 million listeners tune to each week for
21 the latest of local, national and
22 international news, weather, sports and
23 traffic; and

24 Whereas, KYW News Radio was one
25 of the pioneers in the format, the second

1 10/20/05 - STATED - PRESENTATIONS

2 all-news station in the country, followed
3 the lead of its group sister station WINS
4 Radio in New York by six months; and

5 Whereas, KYW Radio and its
6 skillful team of news professionals have
7 brought the events that have shaped our
8 community directly to the listeners.
9 From the moon landing to the Move
10 shoot-out, from school teacher strikes to
11 school snow closing numbers, from
12 Woodstock to the tragic events of
13 September 11th, KYW News Radio has been
14 there with award-winning around-the-clock
15 news service; and

16 Whereas, KYW News Radio, an
17 Infinity Broadcasting Station, is the
18 market leader with more listeners than
19 any other radio station in the
20 Philadelphia region and for its integral
21 part of the community and daily life in
22 Pennsylvania, New Jersey and Delaware.

23 Now, therefore, resolved by the
24 Council of the City of Philadelphia, the
25 City Council hereby recognizes, honors

1 10/20/05 - STATED - PRESENTATIONS
2 and celebrates the 40th anniversary of
3 KYW News Radio 1060 for the dedication to
4 pioneering and excellence in the way news
5 is reported.

6 Further resolved, that an
7 engrossed copy of this resolution be
8 presented to David Yadgaroff,
9 Vice-President and General Manager of KYW
10 News Radio 1060 as further evidence of
11 the sincere admiration and gratitude of
12 this legislative body.

13 And, Mr. Yadgaroff, this was
14 supported by every member of Philadelphia
15 City Council. Congratulations.

16 (Applause.)

17 COUNCIL PRESIDENT VERNA: The
18 Chair recognizes Mr. Yadgaroff for
19 remarks.

20 MR. YADGAROFF: Thank you very
21 much. We appreciate the resolution.
22 We're proud to be here.

23 I want to introduce Steve
24 Butler. He's the Director of
25 Programming, and Lauren Lipton, you may

1 10/20/05 - STATED - PRESENTATIONS

2 know her, the Morning Editor, as well as
3 host of Positively Philadelphia.

4 I'd also like to thank City
5 Council for constantly giving us
6 information and news to keep us current
7 and listeners informed.

8 We're proud to be here. We're
9 also proud to be one of a few commercial
10 radio stations licensed in Philadelphia
11 and actually located in the City of
12 Philadelphia.

13 So thank you very much.

14 (Applause.)

15 COUNCIL PRESIDENT VERNA:

16 Council will be at ease.

17 (Council at ease.)

18 COUNCIL PRESIDENT VERNA: The
19 Chair now recognizes Councilman Mariano,
20 who will present a resolution honoring
21 Robert Gessler.

22 I would ask Mr. Gessler and
23 those who are accompanying him to please
24 join the Councilman at the podium. I see
25 that Councilman Kelly is joining

1 10/20/05 - STATED - PRESENTATIONS

2 Councilman Mariano.

3 COUNCILMAN MARIANO: Thank you,
4 Madam President.

5 Honoring Robert Gessler for his
6 service as President of Philadelphia
7 County Board of the Ancient Order of
8 Hibernians.

9 Whereas, Mr. Robert Gessler is
10 the youngest of four children born of
11 Theresa Gessler and Bruce Gessler, and
12 they grew up in the Kensington section of
13 Philadelphia and went to that great
14 institution Northeast Catholic High
15 School and graduated in 1981.

16 COUNCILMAN KELLY: And whereas,
17 Mr. Gessler has been married to fellow
18 life-long Philadelphian, Kathleen
19 Dougherty, for the past 16 years and
20 currently resides with her in the
21 Torresdale section of Philadelphia; and

22 Whereas, Mr. Gessler is the
23 past President of Division 87 --

24 Of course, I belong to Division
25 88.

1 10/20/05 - STATED - PRESENTATIONS

2 MR. GESSLER: That's all right.

3 COUNCILMAN KELLY: --

4 (continued) of the Ancient Order of
5 Hibernians where he served for eight
6 years and as President was recognized by
7 the National Board of the AOH for its
8 numerous charitable endeavors, won three
9 Mayor James Tate Parade Awards and
10 founded a junior division at Northeast
11 Catholic High School. During his tenure,
12 the division grew from 85 members to over
13 650 when he departed; and

14 Whereas, Mr. Gessler was the
15 President of the Philadelphia County
16 Board for over ten years, during which
17 time he was able to transform the County
18 Board into a powerful force for
19 charitable works in the City of
20 Philadelphia by raising over \$500,000 per
21 year for a various myriad of causes; and

22 COUNCILMAN MARIANO: Whereas,
23 Mr. Gessler founded the Hibernian
24 Community Development Corporation to
25 provide housing and educational

1 10/20/05 - STATED - PRESENTATIONS

2 opportunities to disadvantaged
3 Philadelphians and also authorized the
4 Hibernian Hunger Project, which, through
5 the hard work of numerous Hibernians and
6 donations from AOH members, union
7 organizations and private individuals,
8 has fed over 70,000 people in the
9 Delaware Valley and is now a national
10 initiative for the Order.

11 Now, therefore, be it resolved
12 by the Council of the City of
13 Philadelphia that we hereby honor Robert
14 Gessler and thank him for his exemplary
15 service as President of the Philadelphia
16 County Board of the Ancient Order of
17 Hibernians.

18 Further resolved, that an
19 engrossed copy of this resolution be
20 presented to Robert Gessler as evidence
21 of his high esteem and sincere gratitude
22 of this legislative body.

23 Bob, on a personal note, I am a
24 member of 87 and I was glad to have you
25 as the President, glad to know you, and

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2 the stuff that you've done for the Hunger
3 thing is just excellent, and people would
4 have to see that in action like I have a
5 few times. You're a true champion, and
6 I'm proud to be Irish and I'm glad my
7 mother was born in Ireland. Thank you.

8 MR. GESSLER: Thank you very
9 much.

10 (Applause.)

11 COUNCIL PRESIDENT VERNA: The
12 Chair recognizes Mr. Gessler for remarks.

13 MR. GESSLER: Thank you,
14 President Verna and all of the
15 Councilmembers, especially Councilman
16 Mariano, Councilman Kelly.

17 It's easy to stand up here, and
18 I think the only reason I was able to do
19 so much is that I'm the biggest Irish
20 person in the City of Philadelphia
21 stature-wise. But none of this gets done
22 without having a dedicated partner like
23 my wife, Kathy. My mom, Theresa, is down
24 there and Kathy's mom and dad, Charlie
25 and Marie.

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2 You know, as I think back on
3 it, my father, God rest his soul, was
4 formerly involved with the Allegheny
5 Civic Association way back when. I don't
6 know how many people remember that. So I
7 think I got my rabble rouserness from
8 him.

9 But none of this happens really
10 without the dedication and the work of a
11 whole lot of people, not just myself. We
12 are blessed in this City to have people
13 that truly care about others, and the
14 only message I can say is, no one is ever
15 too busy and no one doesn't have enough
16 that they can't help somebody else who
17 needs a little bit more.

18 So I am truly honored by this
19 body, and thank you all very much.

20 (Applause.)

21 COUNCIL PRESIDENT VERNA:

22 Council will be at ease.

23 (Council at ease.)

24 COUNCIL PRESIDENT VERNA: The
25 Chair now recognizes Councilwoman Miller,

1 10/20/05 - STATED - PRESENTATIONS
2 who will present a resolution recognizing
3 October 20, 2005 as Conflict Resolution
4 Day.

5 Will Ms. Cheryl Cutrona and
6 those accompanying her please join the
7 Councilwoman at the podium.

8 COUNCILWOMAN MILLER: Good
9 morning. Resolution recognizing October
10 20, 2005 as Conflict Resolution Day.

11 Whereas, conflict resolution
12 encompasses mediation, arbitration,
13 conciliation and other formal and
14 informal responses to conflict; and

15 Whereas, conflict resolution
16 processes empowers individuals,
17 organizations and families to foster
18 communication and devise solutions that
19 are tailored to their particular needs
20 and interests; and

21 Whereas, conflict resolution is
22 being taught and practiced in many school
23 systems throughout the country, not only
24 as a way of solving individual disputes
25 but also as a means towards a more

1 10/20/05 - STATED - PRESENTATIONS

2 peaceful society; and

3 Whereas, your community-based
4 programs are fairly and equitably
5 resolving neighborhood and community
6 conflicts, thereby strengthening
7 community relationships; and

8 Whereas, collaborative
9 responses to conflicts are being used by
10 administrative agencies, businesses and
11 courts to effectively and efficiently
12 resolve disputes; and

13 Whereas, professional
14 associations of conflict resolvers are
15 promoting the peaceful and creative
16 resolution of disputes.

17 Now, therefore, be it resolved
18 by the Council of the City of
19 Philadelphia that October 20, 2005 be
20 recognized as Conflict Resolution Day,
21 and, further resolved, that an engrossed
22 copy of this resolution be presented to
23 Cheryl Cutrona as Executive Director of
24 the Good Shepherd Mediation Program as
25 evidence of the sincere sentiments of

1 10/20/05 - STATED - PRESENTATIONS

2 this legislative body.

3 This is a true and correct copy
4 of the original resolution adopted by the
5 Council of the City of Philadelphia on
6 the 29th day of September 2005, signed by
7 Anna C. Verna, President, City Council,
8 introduced by Donna Reed Miller and
9 co-sponsored by all members of City
10 Council.

11 (Applause.)

12 COUNCIL PRESIDENT VERNA: The
13 Chair recognizes Ms. Cutrona for remarks.

14 MS. CUTRONA: Well, I'd like to
15 take this opportunity to thank
16 Councilwoman Donna Reed Miller and all of
17 the other members of City Council for
18 recognizing Conflict Resolution Day.

19 As the Executive Director of
20 Good Shepherd Mediation Program and a
21 Board member of the Greater Delaware
22 Valley Chapter of the Association for
23 Conflict Resolution, I'm honored to
24 accept this resolution on behalf of our
25 members and other conflict resolvers

1 10/20/05 - STATED - PRESENTATIONS

2 throughout our region.

3 In our world, conflict between
4 individuals, between individuals and
5 organizations, and between organizations
6 is inevitable, but conflict need not lead
7 to violence, destruction of property or
8 other forms of anti-social behavior. In
9 fact, conflict properly managed and
10 resolved can often generate positive
11 results for those involved in it. The
12 trick, of course, is knowing how.

13 In this proclamation, City
14 Council has acknowledged the importance
15 of knowing how to use and then actually
16 using the many different types of
17 conflict resolution and conflict
18 management methods. Whether in our
19 families, schools, places of work, homes,
20 courts, community organizations or
21 businesses, conflict resolution experts
22 enhance the ability of individuals,
23 businesses and other organizations to
24 resolve their interpersonal and
25 intergroup conflicts expeditiously,

1 10/20/05 - STATED - PRESENTATIONS

2 inexpensively and amicably.

3 Therefore, it is most
4 appropriate that today we celebrate the
5 need for peaceful and creative resolution
6 of all kinds of conflicts and disputes,
7 and challenge each of us to work, not
8 just today but 365 days a year, to spread
9 the use of conflict management and
10 resolution tools throughout our society.

11 I would like to also take this
12 opportunity to introduce to you the
13 President of the Greater Delaware Valley
14 Chapter of the Association for Conflict
15 Resolution, Mr. Jim Rosenstein, and also
16 a very distinguished mediator from our
17 community, Mr. Ed Blumstein. They join
18 me in thanking all of you.

19 (Applause.)

20 COUNCIL PRESIDENT VERNA: Thank
21 you very much.

22 Council will be at ease.

23 (Council at ease.)

24 COUNCIL PRESIDENT VERNA: At
25 this time, the Chair recognizes

1 10/20/05 - STATED - PRESENTATIONS

2 Councilman Kenney, who will present a
3 resolution honoring Karen Lloyd Borski,
4 former Executive Director of the
5 Fairmount Park Commission.

6 Will Ms. Borski and those
7 accompanying her please join the
8 Councilman at the podium. Ms. Borski is
9 joined by her husband, Congressman
10 Borski.

11 So nice seeing you.

12 COUNCILMAN KENNEY: Thank you,
13 Madam President. This is a resolution
14 honoring Karen Lloyd Borski for her
15 service as Executive Director of the
16 Fairmount Park Commission.

17 Whereas, after 11 years as a
18 Commissioner of the Park Commission and
19 over two years as a Chief Executive,
20 Karen Lloyd Borski left the Fairmount
21 Park Commission on July 1, 2005; and

22 Whereas, Ms. Borski was
23 responsible for the day-to-day operations
24 of the 9,100-acre Park system and for
25 implementing its mission to serve the

1 10/20/05 - STATED - PRESENTATIONS

2 citizens of Philadelphia; and

3 Whereas, Ms. Borski oversaw all
4 daily operations, administration and
5 planning, in addition to managing the
6 annual \$14 million budget and the \$4
7 million capital budget and the staff of
8 more than 200, along with numerous
9 independent contractors; and

10 Whereas, during Ms. Borski's
11 tenure, she also chaired the Planning
12 Committee, which concentrates on
13 preserving a consistent mission for the
14 Park, and actively served on the Regional
15 Green Space Alliance and the Glen Ford
16 Conservation Corporation; and

17 Whereas, Borski founded and
18 operated a special events firm that
19 included government agencies,
20 corporations and non-profit organizations
21 as clients and worked extensively in
22 various capacities with local, state and
23 federal governments; and

24 Whereas, Ms. Borski's
25 leadership in the development of the

1 10/20/05 - STATED - PRESENTATIONS

2 Park's Strategic Plan will ensure that
3 her hard work will pay dividends for the
4 Fairmount Park far into the future.

5 Therefore, be it resolved by
6 the Council of the City of Philadelphia,
7 the Council does hereby honor and commend
8 Karen Lloyd Borski for her dedication and
9 service to the Fairmount Park Commission
10 and to the citizens of Philadelphia.

11 Thank you.

12 (Applause.)

13 COUNCIL PRESIDENT Verna: The
14 Chair recognizes Ms. Borski for remarks.

15 MS. BORSKI: Thank you,
16 President Verna, and thank you,
17 Councilman Kenney. You make it sound
18 like I've been very busy.

19 I really want to just thank
20 Council today for their continued
21 attentiveness to this Park system. You
22 have seen it through its strained
23 finances. You understand the asset that
24 it is and the importance it brings to the
25 City we all love. Please keep up the

1 10/20/05 - STATED - COMMUNICATIONS

2 good work, and thank you very much for
3 this recognition.

4 (Applause.)

5 COUNCIL PRESIDENT VERNA:

6 Council will be at ease.

7 (Council at ease.)

8 COUNCIL PRESIDENT VERNA: The
9 next order of business is communications.
10 The Chair requests that the
11 Sergeant-At-Arms deliver the messages
12 from the Mayor to the Chief Clerk.

13 The Chief Clerk will please
14 read the messages from the Mayor.

15 CHIEF CLERK: To the President
16 and members of the Council of the City of
17 Philadelphia, I am pleased to advise you
18 that on October 20, 2005, I signed the
19 following bill that was passed by Council
20 at its session on September 22, 2005:
21 Bill No. 050362-A; and

22 I am pleased to advise you that
23 on October 20, 2005, I signed the
24 following bills that were passed by
25 Council at its session on September 29,

1 10/20/05 - STATED - COMMUNICATIONS

2 2005: Bill No. 050421 and Bill No.
3 050660; and

4 I am transmitting for the
5 consideration of your honorable body a
6 resolution approving the redevelopment
7 contract and disposition supplement of
8 the Redevelopment Authority of the City
9 of Philadelphia for the redevelopment and
10 urban renewal of a portion of the Point
11 Breeze East Urban Renewal Area; and

12 I am transmitting for the
13 consideration of your honorable body an
14 ordinance authorizing the revision of
15 lines and grades on a portion of City
16 Plan No. 299 by striking from the City
17 Plan Domino Lane from Henry Avenue to
18 Hagner Street; and

19 An ordinance consenting to the
20 transfer of control of area II cable
21 television franchise from Urban Cable
22 Works of Pennsylvania to Time Warner
23 Cable, Inc., under certain terms and
24 conditions.

25 COUNCIL PRESIDENT VERNA: Thank

1 10/20/05 - STATED - INTRO. OF BILLS
2 you. The messages will be printed in the
3 Journal.

4 At this time, I would ask the
5 Chief Clerk to please read any other
6 communications in her possession.

7 CHIEF CLERK: That's all I
8 have, Madam President.

9 COUNCIL PRESIDENT VERNA: Thank
10 you.

11 The next order of business is
12 the introduction of bills and
13 resolutions, and the Chair recognizes
14 Councilwoman Blackwell for a motion.

15 COUNCILWOMAN BLACKWELL: Thank
16 you, Madam President. I move that the
17 rules of Council be suspended so as to
18 permit the immediate consideration of
19 resolutions at their time of
20 introduction.

21 (Duly seconded.)

22 COUNCIL PRESIDENT VERNA: It
23 has been moved and properly seconded that
24 the rules of Council be suspended so as
25 to permit immediate consideration of

1 10/20/05 - STATED - INTRO. OF BILLS
2 resolutions at the time of introduction.

3 All in favor will indicate by
4 saying aye.

5 (Aye.)

6 COUNCIL PRESIDENT VERNA: Those
7 opposed?

8 (No response.)

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

11 The Chair recognizes Councilman
12 Kenney.

13 COUNCILMAN KENNEY: Thank you,
14 Madam President. I offer one bill and
15 three resolutions.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 The Chief Clerk will please
19 read the title of the bill.

20 CHIEF CLERK: An ordinance
21 amending Section 9-605 of The
22 Philadelphia Code, entitled "Towing," by
23 providing that no license to engage in
24 the business of towing vehicles shall be
25 issued to a towing company whose business

1 10/20/05 - STATED - INTRO. OF BILLS
2 is located in any political subdivision
3 or state that will not, as a matter of
4 practice or policy, enter into contracts
5 for towing service with any
6 Philadelphia-based towing companies, all
7 under certain terms and conditions.

8 COUNCIL PRESIDENT VERNA: The
9 bill will be referred to the appropriate
10 committee.

11 CHIEF CLERK: And a resolution
12 honoring Octavius V. Catto.

13 COUNCIL PRESIDENT VERNA: The
14 Chair recognizes Councilman Kenney.

15 COUNCILMAN KENNEY: I move the
16 adoption of the resolution.

17 (Duly seconded.)

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

21 All in favor will please say
22 aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 10/20/05 - STATED - INTRO. OF BILLS

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it and the resolution is
5 adopted.

6 CHIEF CLERK: And a resolution
7 authorizing City Council's Committee on
8 Law and Government to hold public
9 hearings to reestablishing the Veterans
10 Advisory Commission with its appointment
11 of members thereof by vitalizing the
12 Commission's mission and reconstructing
13 the Commission's funding.

14 COUNCIL PRESIDENT VERNA: The
15 Chair again recognizes Councilman Kenney.

16 COUNCILMAN KENNEY: I move the
17 adoption of the resolution.

18 (Duly seconded.)

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

22 All in favor will indicate by
23 saying aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 10/20/05 - STATED - INTRO. OF BILLS

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The
5 ayes have it and the resolution will be
6 referred to the Committee on Law and
7 Government.

8 CHIEF CLERK: And a resolution
9 authorizing City Council's Committee on
10 Parks, Recreation and Cultural Affairs to
11 hold public hearings to examine the
12 conditions, maintenance policies and
13 irrigation methods used to maintain
14 functional and safe outdoor athletic
15 fields City-wide and to also explore the
16 option of working with area agricultural
17 colleges to help accomplish this
18 initiative.

19 COUNCIL PRESIDENT VERNA: May I
20 ask the Chief Clerk to give me that for a
21 moment, please.

22 The Chair recognizes Councilman
23 Kenney.

24 COUNCILMAN KENNEY: I move the
25 adoption of the resolution.

1 10/20/05 - STATED - INTRO. OF BILLS

2 (Duly seconded.)

3 COUNCIL PRESIDENT VERNA: It
4 has been moved and seconded that the
5 resolution be adopted.

6 All in favor will say aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it and the resolution will be
13 referred to the Committee on Parks,
14 Recreation and Cultural Affairs.

15 The Chair recognizes
16 Councilwoman Blackwell.

17 COUNCILWOMAN BLACKWELL: Thank
18 you, Madam President. Today I introduce
19 three resolutions, one non-privileged
20 resolution on your behalf, one
21 non-privileged resolution on my own
22 behalf and one privileged resolution that
23 is co-sponsored by all members of
24 Council.

25 COUNCIL PRESIDENT VERNA: Thank

1 10/20/05 - STATED - INTRO. OF BILLS

2 you.

3 The Chief Clerk will please
4 read the title of the first resolution.

5 CHIEF CLERK: A resolution
6 calling on the Committee of Housing,
7 Neighborhood Development and the Homeless
8 to hold public hearings on the
9 Administration's proposed reorganization
10 of housing agencies.

11 COUNCIL PRESIDENT Verna: The
12 Chair recognizes Councilwoman Blackwell.

13 COUNCILWOMAN BLACKWELL: Thank
14 you, Madam President. I move for its
15 adoption.

16 (Duly seconded.)

17 COUNCIL PRESIDENT Verna: It
18 has been moved and seconded that the
19 resolution be adopted.

20 All in favor will indicate by
21 saying aye.

22 (Aye.)

23 COUNCIL PRESIDENT Verna: Those
24 opposed?

25 (No response.)

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2 COUNCIL PRESIDENT VERNA: The
3 ayes have it. The resolution is adopted
4 and will be referred to the Committee on
5 Housing, Neighborhood Development and the
6 Homeless.

7 The Clerk will please read the
8 title of the second resolution.

9 CHIEF CLERK: A resolution
10 approving the redevelopment contract and
11 disposition supplement of the
12 Redevelopment Authority, the City of
13 Philadelphia, for the redevelopment and
14 urban renewal of a portion of the Point
15 Breeze East Urban Renewal Area.

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

18 COUNCILWOMAN BLACKWELL: Thank
19 you, Madam President. I move for the
20 adoption of the resolution.

21 (Duly seconded.)

22 COUNCIL PRESIDENT VERNA: It
23 has been moved and seconded that the
24 resolution be adopted.

25 All in favor will please say

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2 aye.

3 (Aye.)

4 COUNCIL PRESIDENT VERNA: Those
5 opposed?

6 (No response.)

7 COUNCIL PRESIDENT VERNA: The
8 ayes have it and the resolution is
9 adopted.

10 CHIEF CLERK: And a resolution
11 authorizing the Commissioner of Public
12 Property to execute and deliver to the
13 Redevelopment Authority, the City of
14 Philadelphia, deeds located in the Sixth
15 Ward of the City of Philadelphia.

16 COUNCIL PRESIDENT VERNA: The
17 Chair again recognizes Councilwoman
18 Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank
20 you, Madam President. I move for the
21 adoption of the resolution.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and properly seconded that
25 the resolution be adopted.

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2 All in favor will indicate by
3 saying aye.

4 (Aye.)

5 COUNCIL PRESIDENT VERNA: Those
6 opposed?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: The
9 ayes have it and the resolution is
10 adopted.

11 The Chair recognizes
12 Councilwoman Krajewski.

13 COUNCILWOMAN KRAJEWSKI: Madam
14 President, I offer one resolution and one
15 bill.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 The Chief Clerk will please
19 read the title of the bill.

20 CHIEF CLERK: An ordinance
21 amending Section 2 of an ordinance, Bill
22 No. 020429, approved November 13, 2002,
23 entitled "An ordinance authorizing the
24 revision of lines and grades on a portion
25 of City Plan No. 258 by striking from the

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2 City Plan and vacating Brill Street from
3 Torresdale Avenue to Harbison Street."

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

7 CHIEF CLERK: And a resolution
8 honoring the Tacony PAL Center and Police
9 Officer Bill Schneider.

10 COUNCIL PRESIDENT VERNA: The
11 Chair recognizes Councilwoman Krajewski.

12 COUNCILWOMAN KRAJEWSKI: I move
13 for the adoption of the resolution.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and properly seconded that
17 the resolution be adopted.

18 All in favor will please say
19 aye.

20 (Aye.)

21 COUNCIL PRESIDENT VERNA: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT VERNA: The
25 ayes have it and the resolution is

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2 adopted.

3 The Chair recognizes Councilman
4 Mariano.

5 COUNCILMAN MARIANO: Thank you,
6 Madam President. I have three
7 resolutions.

8 COUNCIL PRESIDENT VERNA: Thank
9 you.

10 The Chief Clerk will please
11 read the title of the first resolution.

12 CHIEF CLERK: A resolution
13 calling for the rejection of the proposed
14 settlement and plans for the pending
15 merger between PECO Energy's parent
16 company, Exelon Corporation, and New
17 Jersey's Public Service Enterprise Group,
18 Incorporated and, furthermore, to
19 denounce any utility merger.

20 COUNCIL PRESIDENT VERNA: The
21 Chair recognizes Councilman Mariano.

22 COUNCILMAN MARIANO: Madam
23 President, I move for the adoption of
24 this resolution.

25 (Duly seconded.)

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2 COUNCIL PRESIDENT VERNA: The
3 Chair at this time recognizes
4 Councilwoman Brown.

5 COUNCILWOMAN BROWN: Thank you,
6 Madam President. I'd like to speak on
7 the resolution.

8 COUNCIL PRESIDENT VERNA:
9 Please do.

10 COUNCILWOMAN BROWN: I have to
11 say that I fully understand and
12 appreciate the sponsor's intent and his
13 commitment that he's indicated the pledge
14 that he took with our now deceased
15 colleague, Councilman Cohen. The bad
16 news for me, however, is that I am one
17 who does not fully or adequately
18 understand, A, the substance of the bill
19 and, B, the potential impact it will have
20 on our City's utilities.

21 I also know that our City's
22 well-respected Consumer Advocate indeed
23 now as we speak is investigating this
24 issue of natural gas prices and the
25 impact it will have on our City's

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2 utilities.

3 So given that and given the
4 realization that our City is in a crisis
5 when it comes to PGW, I would like to
6 respectfully appeal to the sponsor of the
7 bill and ask if he would, once again,
8 hold the bill so that I and possibly
9 others can get our arms around this to
10 fully examine what the impact will be.

11 COUNCIL PRESIDENT VERNA: The
12 Chair recognizes Councilman Mariano.

13 COUNCILMAN MARIANO: Thank you,
14 Madam President.

15 Certainly this is important,
16 but nothing is ever too important that we
17 can't wait a week or so.

18 We got into some conversations,
19 and Councilman Kenney made a statement in
20 the Caucus Room that it was a ploy of the
21 Administration or me. I want it to be
22 understood that I'm not a stooge for
23 anybody, and what he was talking about
24 has allegedly been done before and is
25 part of a federal investigation from

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2 another elected official in this City.
3 So I think we should tread very carefully
4 here.

5 So, Councilwoman Brown, who I
6 know has the greatest of intentions, I'll
7 certainly hold it for a week or two weeks
8 if it's necessary, just so everyone
9 understands that it's an important cause
10 and it's a cause that we shouldn't tread
11 on harshly and we should really look at
12 it seriously.

13 COUNCIL PRESIDENT VERNA: I'm
14 sorry. I don't know if your microphone
15 was on, but have you --

16 COUNCILMAN MARIANO: I can say
17 it all again if you want.

18 COUNCIL PRESIDENT VERNA: Have
19 you agreed to hold --

20 COUNCILMAN MARIANO: Yes, and
21 very elegantly, I thought so.

22 COUNCIL PRESIDENT VERNA: I beg
23 your pardon?

24 COUNCILMAN MARIANO: Yes,
25 ma'am, and very elegantly, I thought I

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2 did.

3 COUNCIL PRESIDENT VERNA: Okay,
4 but I didn't hear it.

5 COUNCILMAN MARIANO: I'll hold
6 it.

7 COUNCIL PRESIDENT VERNA:
8 Councilwoman Brown.

9 COUNCILWOMAN BROWN: Yes.
10 Thank you, Madam President.

11 I do want to publicly say thank
12 you to Councilman Rick Mariano, because I
13 do believe, as he has stated, it will
14 give us an opportunity to ultimately make
15 an informed decision on this important
16 issue facing our utilities and this new
17 issue of natural gas. So I want to say
18 thank you to the sponsor of the
19 resolution.

20 COUNCILMAN MARIANO: You're
21 welcome, Councilwoman.

22 COUNCIL PRESIDENT VERNA:
23 Councilman O'Neill, the sponsor has
24 agreed to hold this resolution for a
25 week. Do you still want to be

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2 recognized?

3 COUNCILMAN O'NEILL: I'm fine.

4 Thank you.

5 COUNCIL PRESIDENT VERNA: Fine.

6 Thank you.

7 The resolution will be held
8 until next week, and at this time, I
9 would ask the Chief Clerk to please read
10 the title of the second resolution.

11 CHIEF CLERK: A resolution
12 urging the Southeastern Pennsylvania
13 Transportation Authority to expeditiously
14 negotiate a mutually agreeable new
15 contract between SEPTA and the Transport
16 Workers Union Local 234.

17 COUNCIL PRESIDENT VERNA: The
18 Chair recognizes Councilman Mariano.

19 COUNCILMAN MARIANO: Madam
20 President, I wholeheartedly move for the
21 adoption of this resolution.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that the
25 resolution be adopted.

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2 All in favor will please
3 indicate by saying aye.

4 (Aye.)

5 COUNCIL PRESIDENT VERNA: Those
6 opposed?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: The
9 ayes have it and the resolution is
10 adopted.

11 CHIEF CLERK: And a resolution
12 authorizing the Commissioner of Public
13 Property to execute and deliver to the
14 Redevelopment Authority deeds located in
15 the 12th, 19th and 23rd Wards of the City
16 of Philadelphia.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 The Chair recognizes Councilman
20 Mariano.

21 COUNCILMAN MARIANO: Madam
22 President, I move for the adoption.

23 (Duly seconded.)

24 COUNCIL PRESIDENT VERNA: It
25 has been moved and properly seconded that

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2 the resolution be adopted.
3 All in favor will please say
4 aye.
5 (Aye.)
6 COUNCIL PRESIDENT VERNA: Those
7 opposed?
8 (No response.)
9 COUNCIL PRESIDENT VERNA: The
10 resolution has been adopted.
11 The Chair recognizes
12 Councilwoman Tasco.
13 COUNCILWOMAN TASC0: I offer
14 four resolutions.
15 COUNCIL PRESIDENT VERNA: The
16 Chief Clerk will please read the title of
17 the first resolution.
18 CHIEF CLERK: A resolution
19 honoring Gerry Sizemore.
20 COUNCIL PRESIDENT VERNA: The
21 Chair recognizes Councilwoman Tasco.
22 COUNCILWOMAN TASC0: I move for
23 the adoption of the resolution.
24 (Duly seconded.)
25 COUNCIL PRESIDENT VERNA: It

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2 has been moved and properly seconded that
3 the resolution be adopted.

4 All in favor will please
5 indicate by saying aye.

6 (Aye.)

7 COUNCIL PRESIDENT VERNA: Those
8 opposed?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: The
11 ayes have it and the resolution is
12 adopted.

13 CHIEF CLERK: And a resolution
14 honoring the Fisher Park Community
15 Alliance for their award-winning
16 performance in Pennsylvania Horticultural
17 Society competitions.

18 COUNCIL PRESIDENT VERNA:
19 Again, the Chair recognizes Councilwoman
20 Tasco.

21 COUNCILWOMAN TASCO: I move for
22 the adoption of the resolution.

23 (Duly seconded.)

24 COUNCIL PRESIDENT VERNA: It
25 has been moved and properly seconded that

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2 the resolution be adopted.

3 All in favor will please say

4 aye.

5 (Aye.)

6 COUNCIL PRESIDENT Verna: Those

7 opposed?

8 (No response.)

9 COUNCIL PRESIDENT Verna: The

10 ayes have it and the resolution is

11 adopted.

12 CHIEF CLERK: And a resolution

13 honoring Woodie C. Marcus, Sr.

14 COUNCIL PRESIDENT Verna:

15 Again, the Chair recognizes Councilwoman

16 Tasco.

17 COUNCILWOMAN TASC0: I move for

18 the adoption of the resolution.

19 (Duly seconded.)

20 COUNCIL PRESIDENT Verna: It

21 has been moved and properly seconded that

22 the resolution be adopted.

23 All in favor will indicate by

24 saying aye.

25 (Aye.)

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2 COUNCIL PRESIDENT VERNA: Those
3 opposed?

4 (No response.)

5 COUNCIL PRESIDENT VERNA: The
6 ayes have it and the resolution is
7 adopted.

8 CHIEF CLERK: And a resolution
9 honoring the life of C. Delores Tucker.

10 COUNCIL PRESIDENT VERNA: The
11 Chair recognizes Councilwoman Tasco.

12 COUNCILWOMAN TASCO: Madam
13 President, I move for the adoption of the
14 resolution by a standing recognition.

15 COUNCIL PRESIDENT VERNA: Those
16 standing will be voting to adopt the
17 resolution.

18 (All Councilmembers standing.)

19 COUNCIL PRESIDENT VERNA: The
20 resolution is adopted.

21 The Chair recognizes
22 Councilwoman Miller.

23 COUNCILWOMAN MILLER: Thank
24 you, Madam President. Today I offer two
25 resolutions.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

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

6 CHIEF CLERK: A resolution
7 honoring October 23rd to 31st as National
8 Red Ribbon Week for a drug-free America.

9 COUNCIL PRESIDENT VERNA: The
10 Chair recognizes Councilwoman Miller.

11 COUNCILWOMAN MILLER: I move
12 for the adoption of the resolution.

13 (Duly seconded.)

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

17 All in favor will say aye.

18 (Aye.)

19 COUNCIL PRESIDENT VERNA: Those
20 opposed?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: The
23 ayes have it and the resolution is
24 adopted.

25 CHIEF CLERK: And a resolution

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2 authorizing the Commissioner of Public
3 Property to execute and deliver to the
4 Redevelopment Authority deeds located in
5 the 13th Ward of the City of
6 Philadelphia.

7 COUNCIL PRESIDENT VERNA: The
8 Chair recognizes Councilwoman Miller.

9 COUNCILWOMAN MILLER: I move
10 for the adoption of the resolution.

11 (Duly seconded.)

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

15 All in favor will indicate by
16 saying aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: The
22 ayes have it and the resolution is
23 adopted.

24 The Chair recognizes Councilman
25 Nutter.

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2 COUNCILMAN NUTTER: Thank you,
3 Madam President.

4 Madam President, I offer one
5 bill on behalf of the Administration, two
6 bills of my own, three resolutions, two
7 of which have been co-sponsored by all
8 members of City Council.

9 COUNCIL PRESIDENT VERNA: Thank
10 you.

11 The Chief Clerk will please
12 read the title of the first bill.

13 CHIEF CLERK: An ordinance
14 consenting to the transfer of control of
15 the area II cable television franchise
16 from Urban Cable Works of Pennsylvania to
17 Time Warner Cable, Inc.

18 COUNCIL PRESIDENT VERNA: The
19 bill will be referred to the appropriate
20 committee.

21 CHIEF CLERK: And an ordinance
22 establishing a no truck parking and a
23 tow-away zone regulation for an area
24 bounded by and within Vine Street to
25 Haverford Avenue, 54th Street to 60th

1 10/20/05 - STATED - INTRO. OF BILLS

2 Street.

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

6 CHIEF CLERK: And an ordinance
7 authorizing the revision of lines and
8 grades on a portion of City Plan No. 299
9 by striking from the City Plan Domino
10 Lane from Henry Avenue to Hagner Street.

11 COUNCIL PRESIDENT VERNA: The
12 bill will be referred to the appropriate
13 committee.

14 CHIEF CLERK: And a resolution
15 authorizing the Commissioner of Public
16 Property to execute and deliver to the
17 Redevelopment Authority deeds located in
18 the 52nd Ward of the City of
19 Philadelphia.

20 COUNCIL PRESIDENT VERNA: The
21 Chair recognizes Councilman Nutter.

22 COUNCILMAN NUTTER: Thank you,
23 Madam President. I move the adoption of
24 the resolution.

25 (Duly seconded.)

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

5 All in favor will please
6 indicate by saying aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it and the resolution is
13 adopted.

14 CHIEF CLERK: And a resolution
15 condemning the defiance of Council by CSX
16 Transportation, Inc. for its failure to
17 appear and offer testimony before a
18 hearing on the Committee of
19 Transportation and Public Utilities,
20 memorializing the vote of the Committee
21 to issue a subpoena to compel the
22 attendance of CSX Transportation
23 witnesses at the next hearing before the
24 Committee, and reaffirming this Council's
25 unwavering commitment to do everything in

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2 its power to protect vital City interest
3 and public assets.

4 COUNCIL PRESIDENT VERNA: The
5 Chair again recognizes Councilman Nutter.

6 COUNCILMAN NUTTER: Thank you,
7 Madam President. I wish to move the
8 adoption of the resolution, but I'd like
9 to be heard on the resolution as well.

10 (Duly seconded.)

11 COUNCIL PRESIDENT VERNA: The
12 Chair recognizes Councilman Nutter.

13 COUNCILMAN NUTTER: Madam
14 President, thank you very much.

15 Madam President, with the
16 leadership that you have provided,
17 Councilman Clarke, Councilman Kelly, a
18 number of other members who participated
19 the other day, Councilwoman Miller,
20 Councilman O'Neill, in the proceedings of
21 the Transportation and Public Utilities
22 Committee with regard to issues involving
23 the transportation of materials through
24 Philadelphia but, equally important, the
25 blocking of access to primarily

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2 Schuylkill River Park and other areas
3 throughout the City, the Transportation
4 and Public Utilities Committee sought to
5 hold a duly authorized hearing approved
6 by this body sometime ago.

7 Invitation was extended to
8 representatives directly of CSX and
9 asking them to participate in a hearing,
10 notwithstanding the fact that there is
11 ongoing litigation. Of course, we would
12 not ask any questions that would
13 jeopardize those discussions in the
14 court.

15 CSX waited until the night
16 before the hearing to notify us that they
17 would not be in attendance because of
18 legal concerns.

19 We wrote back, the staff did,
20 explaining we understood those concerns,
21 but that they should still come and
22 provide information and testimony to the
23 Committee. They refused.

24 The Committee then took the
25 action, Madam President, of voting to

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2 authorize subpoenas to be issued to the
3 appropriate representatives. That vote
4 passed unanimously. Those subpoenas were
5 signed on Tuesday. They were delivered
6 to CSX attorneys yesterday.

7 We fully intend to have CSX
8 representatives in this City Council at
9 the witness table to answer questions
10 that this body has a right to ask, and I
11 would ask my colleagues to support this
12 resolution and the work of the
13 Transportation and Public Utilities
14 Committee so that the citizens of this
15 City can get some answers to questions
16 that are reasonable, that are legitimate,
17 and that an enormous opportunity to
18 further develop Schuylkill River Park
19 area in your district and Councilman
20 Clarke primarily would not be negatively
21 impacted by the outrageous and defiant
22 action by CSX to not cooperate with the
23 City of Philadelphia.

24 It is time for this body to
25 stand up, and I ask my colleagues to

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2 support this resolution.

3 Thank you, Madam President.

4 COUNCIL PRESIDENT Verna:

5 You're welcome, Councilman.

6 It has been moved and properly
7 seconded that the resolution be adopted.

8 All in favor will indicate by
9 saying aye.

10 (Aye.)

11 COUNCIL PRESIDENT Verna: Those
12 opposed?

13 (No response.)

14 COUNCIL PRESIDENT Verna: The
15 ayes have it and the resolution is
16 adopted.

17 CHIEF CLERK: And a resolution
18 authorizing the Committee on Legislative
19 Oversight to conduct hearings for the
20 purpose of investigating the procedures
21 utilized by City departments and agencies
22 to monitor compliance with all city,
23 state and federal statutory and
24 regulatory requirements on construction
25 projects so as to ensure that

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2 Philadelphia residents and businesses and
3 women, minorities and youth have the
4 maximum opportunities possible to
5 participate in such projects, and to
6 ensure that all workers are legal U.S.
7 citizens, that all wages and benefits are
8 paid in accordance with area standards,
9 and that all taxes are properly withheld
10 and remitted, that such projects employ
11 the most qualified work force of
12 tradespeople and workers in the area, and
13 that certified apprentice training
14 programs are made available for
15 Philadelphia residents, and especially
16 neighborhood residents who live near such
17 projects, in order to increase the
18 diversity in construction work forces,
19 and further authorizing the Committee in
20 furtherance of such investigation to
21 issue subpoenas, as may be necessary, to
22 compel the attendance of witnesses and
23 the production of documents to the full
24 extent authorized under Section 2-401 of
25 the Home Rule Charter.

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2 COUNCIL PRESIDENT VERNA: The
3 Chair again recognizes Councilman Nutter.

4 COUNCILMAN NUTTER: Thank you,
5 Madam President.

6 Madam President, I move the
7 adoption of the resolution, and I would
8 like to speak on this resolution as well.

9 (Duly seconded.)

10 COUNCIL PRESIDENT VERNA: The
11 Chair recognizes Councilman Nutter.

12 COUNCILMAN NUTTER: Thank you,
13 Madam President.

14 Madam President, this situation
15 involves what can only, in the most
16 positive light, be described as a
17 tremendous construction boom in the City
18 of Philadelphia. We know that there is a
19 tremendous amount of construction
20 activity in development, whether
21 residential or commercial, going on
22 throughout Philadelphia, which is great
23 for this City. It also has resulted in a
24 tremendous spike in real estate tax
25 revenues, which will be the subject of

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2 another speech on another day.

3 In this particular regard, we
4 need to ensure, with all of this
5 construction activity going on, that
6 Philadelphia residents and businesses can
7 participate to the maximum opportunity,
8 regardless of whether or not these
9 projects have anything to do directly
10 with the City of Philadelphia, whether
11 they're supported by the City, subsidized
12 by the City, any financial assistance,
13 tax abatements or anything else that may
14 or may not be going on. This activity is
15 taking place in our City. We continue,
16 unfortunately, to not fully participate
17 in some of the benefits of the economy
18 and continue to lose jobs.

19 We have an unemployment problem
20 here in Philadelphia, and many more
21 people could be working at many of these
22 locations if there was a commitment to
23 support Philadelphia residents, nearby
24 residents to a project and businesses.

25 In that regard, I want to make

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2 sure -- and this resolution was supported
3 by every member. We need to make sure
4 that the various City agencies that
5 participate in the approval processes,
6 that there are plans laid out for how any
7 of these companies will ensure that
8 Philadelphia residents and certainly with
9 a particular emphasis on women, blacks,
10 Latinos, Asian and any other people of
11 color who are often underrepresented in
12 some of these work forces, that those
13 opportunities are maximized to the
14 greatest extent possible.

15 I am certainly aware of at
16 least one particular situation where
17 various promises and commitments were
18 made with regard to a development
19 project. The City doesn't have any money
20 in the project, but it is a particularly
21 high profile development, which will
22 revitalize a neighborhood in a tremendous
23 fashion.

24 But we also need to make sure
25 that the appropriate documentation is

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2 being made of who is working at these
3 sites. In many instances, there are
4 concerns as to whether or not illegal
5 workers who are non-residents of the
6 United States of America may be working
7 at some of these locations, whether or
8 not the appropriate area benefits and
9 wages are being paid at these sites,
10 proper withholding, and that the City is
11 receiving the appropriate amount of tax
12 revenue from people who are working at
13 these locations.

14 It needs to be fully examined.
15 It needs to be explored, and there should
16 be plans in place to make sure that all
17 of the right provisions and all of the
18 safeguards are in place to make sure that
19 Philadelphians are getting more than
20 their fair share. Otherwise, if there is
21 no particular benefit to the citizens of
22 this City, why are we supporting many of
23 these projects?

24 So I would ask for support of
25 my colleagues in this particular

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2 resolution. And when commitments are
3 made, whether to elected officials or
4 boards and agencies, the Zoning Board of
5 Adjustment, when commitments are made on
6 various projects in how they will be
7 built and what work forces will be used,
8 those commitments need to be followed
9 through.

10 I have a transcript that
11 indicates in a particular project a
12 commitment was made in a zoning variance
13 case that the best craftsmen would be
14 used on that particular job site. I do
15 not believe that that is the case in a
16 particular project that is going on right
17 now here in Philadelphia.

18 It needs to be examined. It
19 needs to be investigated, and we need to
20 make sure, and I certainly want to make
21 sure in any particular cases, that the
22 proper due diligence has been done and
23 that any commitments that are made, they
24 are followed through on. Otherwise,
25 that's a problem here in the City, and we

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2 cannot continue to allow people to come
3 in, get the benefit while our citizens
4 are not participating in these kinds of
5 projects.

6 So I ask my colleagues for
7 their full support on this resolution.

8 Thank you, Madam President.

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and properly seconded that
11 the resolution be adopted.

12 All in favor will indicate by
13 saying aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it and the resolution will be
20 referred to the Legislative Oversight
21 Committee.

22 The Chair recognizes
23 Councilwoman Brown.

24 COUNCILWOMAN BROWN: Thank you,
25 Madam President. I offer no bills or

1 10/20/05 - STATED - INTRO. OF BILLS
2 resolutions.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 The Chair recognizes Councilman
6 Goode.

7 COUNCILMAN GOODE: Thank you,
8 Madam President. I offer no bills or
9 resolutions.

10 COUNCIL PRESIDENT VERNA: The
11 Chair thanks the gentleman.

12 The Chair recognizes Councilman
13 Ramos.

14 COUNCILMAN RAMOS: Thank you,
15 Madam President. I offer one resolution
16 co-sponsored by Councilmen Goode and
17 Mariano.

18 COUNCIL PRESIDENT VERNA: The
19 Chief Clerk will please read the title of
20 the resolution.

21 CHIEF CLERK: A resolution
22 urging the United States Department of
23 Justice to order an independent
24 investigation of the circumstances of the
25 fatal shooting of Puerto Rican

1 10/20/05 - STATED - INTRO. OF BILLS
2 nationalist leader Filiberto Ojeda Rios
3 by agents of the Federal Bureau of
4 Investigation.

5 COUNCIL PRESIDENT VERNA: The
6 Chair recognizes Councilman Ramos.

7 COUNCILMAN RAMOS: Madam
8 President, I move for the adoption of the
9 resolution.

10 (Duly seconded.)

11 COUNCIL PRESIDENT VERNA: It
12 has been moved and seconded that the
13 resolution be adopted.

14 All in favor will please say
15 aye.

16 (Aye.)

17 COUNCIL PRESIDENT VERNA: Those
18 opposed?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: The
21 ayes have it and the resolution is
22 adopted.

23 The Chair recognizes Councilman
24 DiCicco.

25 COUNCILMAN DICICCO: Thank you,

1 10/20/05 - STATED - INTRO. OF BILLS

2 Madam President. I offer four bills and
3 four resolutions.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 The Chief Clerk will please
7 read the title of the first bill.

8 CHIEF CLERK: An ordinance
9 amending Section 5 of an ordinance
10 approved June 16, 2005, entitled "An
11 ordinance granting permission to Marie
12 Bontigao, owner of Tabula Rasa Cafe,
13 tenant of the property located at 944
14 North 2nd Street.

15 COUNCIL PRESIDENT VERNA: The
16 bill will be referred to the appropriate
17 committee.

18 CHIEF CLERK: And an ordinance
19 amending Title 9 of The Philadelphia
20 Code, entitled "Regulation of Businesses,
21 Trades and Professions," by adding
22 provisions regulating the operation of
23 tour buses and amphibious tour vehicles,
24 all under certain terms and conditions.

25 COUNCIL PRESIDENT VERNA: This

1 10/20/05 - STATED - INTRO. OF BILLS
2 bill will be referred to the appropriate
3 committee.

4 CHIEF CLERK: And an ordinance
5 amending Section 12-1117 of The
6 Philadelphia Code, entitled "Physically
7 Handicapped and Disabled Or Severely
8 Disabled Veteran Parking," by amending --

9 COUNCIL PRESIDENT VERNA: The
10 bill -- I'm sorry.

11 The bill will be referred to
12 the appropriate committee.

13 CHIEF CLERK: And an ordinance
14 amending Title 12 of The Philadelphia
15 Code, entitled "The Traffic Code," by
16 providing for the establishment of
17 parking for motor-driven cycles.

18 COUNCIL PRESIDENT VERNA: This
19 bill will be referred to the appropriate
20 committee.

21 CHIEF CLERK: And a resolution
22 authorizing the Commissioner of Public
23 Property to execute and deliver to the
24 Redevelopment Authority deeds located in
25 the 31st Ward of the City of

1 10/20/05 - STATED - INTRO. OF BILLS

2 Philadelphia.

3 COUNCIL PRESIDENT VERNA: The
4 Chair recognizes Councilman DiCicco.

5 COUNCILMAN DICICCO: Thank you,
6 Madam President. I move for the adoption
7 of the resolution.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and properly seconded that
11 the resolution be adopted.

12 All in favor will please say
13 aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it and the resolution is
20 adopted.

21 CHIEF CLERK: And a resolution
22 honoring Dorette Rota Jackson and Dawn
23 Rhoades for their dedication to
24 Philadelphia Row Home Magazine.

25 COUNCIL PRESIDENT VERNA: The

1 10/20/05 - STATED - INTRO. OF BILLS

2 Chair again recognizes Councilman

3 DiCicco.

4 COUNCILMAN DICICCO: Thank you,
5 Madam President. I move for the adoption
6 of the resolution.

7 (Duly seconded.)

8 COUNCIL PRESIDENT VERNA: It
9 has been moved and properly seconded that
10 the resolution be adopted.

11 All in favor will indicate by
12 saying aye.

13 (Aye.)

14 COUNCIL PRESIDENT VERNA: Those
15 opposed?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: The
18 ayes have it and the resolution is
19 adopted.

20 CHIEF CLERK: And a resolution
21 commending the Friends of William Penn, a
22 non-profit educational society dedicated
23 to reaffirming his Holy Experiment on the
24 occasion of William Penn's birthday on
25 October 24th.

1 10/20/05 - STATED - INTRO. OF BILLS

2 COUNCIL PRESIDENT VERNA: The
3 Chair again recognizes Councilman
4 DiCicco.

5 COUNCILMAN DICICCO: Thank you,
6 Madam President. I move for the adoption
7 of the resolution.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and seconded that the
11 resolution be adopted.

12 All in favor will indicate by
13 saying aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it and the resolution is
20 adopted.

21 CHIEF CLERK: And a resolution
22 authorizing the Commissioner of Public
23 Property to execute and deliver to the
24 Redevelopment Authority deeds located in
25 the 25th and 31st Wards of the City of

1 10/20/05 - STATED - INTRO. OF BILLS

2 Philadelphia.

3 COUNCIL PRESIDENT VERNA: The

4 Chair recognizes Councilman DiCicco.

5 COUNCILMAN DICICCO: Thank you,

6 Madam President. I move for the adoption

7 of the resolution.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It

10 has been moved and properly seconded that

11 the resolution be adopted.

12 All in favor will indicate by

13 saying aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those

16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The

19 ayes have it and the resolution is

20 adopted.

21 The Chair recognizes Councilman

22 O'Neill.

23 COUNCILMAN O'NEILL: Madam

24 President, I have no bills or

25 resolutions.

1 10/20/05 - STATED - INTRO. OF BILLS

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

4 The Chair recognizes Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Thank you,
7 Madam President. I have one bill that I
8 will be introducing co-sponsored by all
9 members of Council and two bills that I
10 will be introducing on your behalf,
11 Councilman Kelly and Councilman Nutter
12 and myself dealing with the CSX issue.

13 These bills come as a result of
14 CSX's continued unwillingness to support
15 the issues that we seek as it relates to
16 both access and potentially hazardous
17 material going through the City of
18 Philadelphia and particularly in that
19 location.

20 Based on the hearing that we
21 had earlier and their unwillingness to
22 participate and cooperate, we think we
23 have to ratchet it up. So we're going to
24 introduce these bills and we're going to
25 get extremely aggressive on this issue,

1 10/20/05 - STATED - INTRO. OF BILLS

2 because we think this is a very serious
3 issue and we want them to take them
4 serious. So we think on your behalf with
5 these bills, that we will definitely get
6 their attention.

7 COUNCIL PRESIDENT VERNA: Thank
8 you very much, Councilman.

9 The Chief Clerk will please
10 read the title of the first bill.

11 CHIEF CLERK: An ordinance
12 amending Title 9 of The Philadelphia
13 Code, entitled "Regulation of Businesses,
14 Trades and Professions," by adding a
15 section prohibiting advertising of
16 alcohol products within a certain
17 distance of locations frequented by
18 children.

19 COUNCIL PRESIDENT VERNA: The
20 bill will be referred to the appropriate
21 committee.

22 CHIEF CLERK: And an ordinance
23 entitled Title 9 of The Philadelphia
24 Code, entitled "Regulation of Businesses,
25 Trades and Professions," by adding a new

1 10/20/05 - STATED - INTRO. OF BILLS
2 chapter regulating the transportation of
3 hazardous and other substances through
4 the City of Philadelphia, and the
5 temporary storage of such substances
6 within the City incident to such
7 transportation; all under certain terms
8 and conditions.

9 COUNCIL PRESIDENT VERNA: This
10 bill will be referred to the appropriate
11 committee.

12 CHIEF CLERK: And an ordinance
13 amending Title 12 of The Philadelphia
14 Code, entitled "The Traffic Code,"
15 pertaining to railroad trains and the
16 blocking of streets, and excessive idling
17 and noise.

18 COUNCIL PRESIDENT VERNA: This
19 bill will also be referred to the
20 appropriate committee.

21 The Chair recognizes Councilman
22 Kelly.

23 COUNCILMAN KELLY: Thank you,
24 Madam President. I offer one resolution,
25 which is co-sponsored by yourself, by

1 10/20/05 - STATED - INTRO. OF BILLS

2 Councilman Nutter and Councilman Clarke.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 The Chief Clerk will please
6 read the title of the resolution.

7 CHIEF CLERK: A resolution
8 directing the Philadelphia Local
9 Emergency Planning Committee and the
10 Emergency Management Services Director to
11 prepare a report for Council on the
12 transportation of hazardous materials
13 throughout Philadelphia.

14 COUNCIL PRESIDENT VERNA: The
15 Chair again recognizes Councilman Kelly.

16 COUNCILMAN KELLY: I move for
17 the adoption of the resolution.

18 (Duly seconded.)

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

22 All in favor will please say
23 aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 10/20/05 - STATED - INTRO. OF BILLS

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The

5 ayes have it and the resolution is

6 adopted.

7 The Chair recognizes Councilman

8 Rizzo.

9 COUNCILMAN RIZZO: Thank you,

10 Madam President. I have four resolutions

11 today.

12 COUNCIL PRESIDENT VERNA: The

13 Chief Clerk will please read the title of

14 the first resolution.

15 CHIEF CLERK: A resolution

16 recognizing, honoring and celebrating

17 President Judge Frederica Massiah-Jackson

18 on the successful completion of her

19 five-year as head of the First Judicial

20 District.

21 COUNCIL PRESIDENT VERNA: The

22 Chair recognizes Councilman Rizzo.

23 COUNCILMAN RIZZO: I move for

24 the adoption of this resolution.

25 (Duly seconded.)

1 10/20/05 - STATED - INTRO. OF BILLS

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

5 All in favor will please say
6 aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it and the resolution is
13 adopted.

14 CHIEF CLERK: And a resolution
15 recognizing, honoring and celebrating the
16 20th anniversary of the Philadelphia
17 Chamber Music Society for enabling people
18 from all walks of life to enjoy
19 exceptional music-making at affordable
20 ticket prices.

21 COUNCIL PRESIDENT VERNA: The
22 Chair again recognizes Councilman Rizzo.

23 COUNCILMAN RIZZO: I move for
24 the adoption of this resolution.

25 (Duly seconded.)

1 10/20/05 - STATED - INTRO. OF BILLS

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

5 All in favor will please
6 indicate by saying aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it and the resolution is
13 adopted.

14 CHIEF CLERK: And a resolution
15 recognizing, honoring and celebrating Sid
16 Mark on the occasion of his radio
17 program's 50th anniversary: 2005,
18 "Friday with Frank," "Saturday with
19 Sinatra" and "Sunday with Sinatra."

20 COUNCIL PRESIDENT VERNA: The
21 Chair recognizes Councilman Rizzo.

22 COUNCILMAN RIZZO: I move for
23 the adoption of the resolution.

24 (Duly seconded.)

25 COUNCIL PRESIDENT VERNA: It

1 10/20/05 - STATED - INTRO. OF BILLS

2 has been moved and seconded that the
3 resolution be adopted.

4 All in favor will say aye.

5 (Aye.)

6 COUNCIL PRESIDENT VERNA: Those
7 opposed?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: The
10 ayes have it and the resolution is
11 adopted.

12 CHIEF CLERK: And a resolution
13 recognizing, honoring and celebrating
14 Robert "Link" Harper on his retirement
15 from the City of Philadelphia's
16 Department of Records for 23 years of
17 service and photographic excellence.

18 COUNCIL PRESIDENT VERNA: The
19 Chair recognizes Councilman Rizzo.

20 COUNCILMAN RIZZO: I move for
21 the adoption of this resolution.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that the
25 resolution be adopted.

1 10/20/05 - STATED - REPORTS

2 All in favor will please say
3 aye.

4 (Aye.)

5 COUNCIL PRESIDENT VERNA: Those
6 opposed?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: The
9 ayes have it and the resolution is
10 adopted.

11 The next order of business is
12 reports from Committee, and the Chair
13 recognizes Councilwoman Blackwell for a
14 report from the Committee of the Whole.

15 COUNCILWOMAN BLACKWELL: Thank
16 you, Madam President. The Committee of
17 the Whole reports out one bill with a
18 favorable recommendation.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 The Chief Clerk will please
22 read the report.

23 CHIEF CLERK: To the President
24 and members of the Council of the City of
25 Philadelphia, the Committee of the Whole,

1 10/20/05 - STATED - REPORTS

2 to which was referred Bill No. 050742,
3 entitled "An ordinance amending Title 9
4 of The Philadelphia Code, entitled
5 'Regulation of Businesses, Trades and
6 Professions,' by adding a new chapter
7 setting forth rules and regulations
8 governing Council's consideration of
9 requests for approval of permits to sell
10 malt or brewed beverages for consumption
11 off premises in Philadelphia, all under
12 certain terms and conditions,"
13 respectfully reports it has considered
14 the same and returns the attached bill to
15 Council with a favorable recommendation.

16 COUNCIL PRESIDENT VERNA: Thank
17 you. Bill No. 050742 will be placed on
18 our First Reading Calendar for our next
19 Council session.

20 At this time, the Chair
21 recognizes Councilman Clarke for a report
22 on the Committee of Rules.

23 COUNCILMAN CLARKE: Thank you,
24 Madam President.

25 Madam President, the Committee

1 10/20/05 - STATED - REPORTS

2 on Rules reports three bills with a
3 favorable recommendation.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 The Chief Clerk will please
7 read the report.

8 CHIEF CLERK: To the President
9 and members of the Council of the City of
10 Philadelphia, the Committee on Rules, to
11 which was referred Bill No. 050510,
12 entitled "An ordinance to amend the
13 Philadelphia Zoning Maps by changing the
14 zoning designations of certain areas of
15 land located within an area bounded by
16 Allegheny Avenue, Collins Street,
17 Westmoreland Street and Tulip Street";
18 and

19 Bill No. 050750, entitled "An
20 ordinance amending Section 14-1621 of The
21 Philadelphia Code, entitled 'Passyunk
22 Avenue Special District Controls'"; and

23 Bill No. 050796, entitled "An
24 ordinance to amend the Philadelphia
25 Zoning Maps by changing zoning

1 10/20/05 - STATED - REPORTS

2 designations of certain areas of land,"
3 respectfully reports it has considered
4 and amended the same and returns the
5 attached bills to Council with a
6 favorable recommendation.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 The Chair recognizes Councilman
10 Clarke.

11 COUNCILMAN CLARKE: Madam
12 President, I move that the rules of
13 Council be suspended so as to permit
14 first reading this day of Bill No. 050750
15 and Bill No. 050796.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and properly seconded that
19 the rules of Council be suspended so as
20 to permit first reading this day of Bill
21 Nos. 050750 and 050796.

22 All in favor will say aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 10/20/05 - STATED - REPORTS

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it and Bill Nos. 050750 and
5 050796 will be placed on our First
6 Reading Calendar for today. Bill No.
7 050510 will be placed on our First
8 Reading Calendar for our next session of
9 Council.

10 The Chair now recognizes
11 Councilman DiCicco for a report from the
12 Committee on Streets and Services.

13 COUNCILMAN DICICCO: The moment
14 we have all been waiting for. The
15 Committee on Streets and Services reports
16 56 bills out with a favorable
17 recommendation -- 55. Excuse me. 55.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 The Chief Clerk will please
21 read the report.

22 CHIEF CLERK: To the President
23 and members of the Council of the City of
24 Philadelphia, the Committee of Streets
25 and Service, to which was referred Bill

1 10/20/05 - STATED - REPORTS

2 No. 050578, entitled "An ordinance
3 granting permission to Nancy
4 Trachtenberg, owner of Benna's Cafe, to
5 operate and maintain an open air sidewalk
6 cafe"; and

7 Bill No. 050579, entitled "An
8 ordinance granting permission to Green
9 Street Collaborative, owner of the
10 property 2019 to 23 Green Street, to
11 construct, own and maintain a two
12 exterior step encroachment"; and

13 Bill No. 050650, entitled "An
14 ordinance establishing a parking
15 regulation on Fitzwater Street, north
16 side"; and

17 Bill No. 050651, entitled "An
18 ordinance establishing a parking
19 regulation on Opal Street, west side,
20 Dickinson Street to Tasker Street"; and

21 Bill No. 050653, entitled "An
22 ordinance establishing a parking
23 regulation on Powelton Avenue, north
24 side"; and

25 Bill No. 050654, entitled "An

1 10/20/05 - STATED - REPORTS

2 ordinance establishing a parking
3 regulation on 46th Street, both sides";
4 and

5 Bill No. 050655, entitled "An
6 ordinance revising parking regulations on
7 Osage Avenue, both sides"; and

8 Bill No. 050656, entitled "An
9 ordinance establishing a parking
10 regulation on 32nd Street, both sides";
11 and

12 Bill No. 050657, entitled "An
13 ordinance establishing a parking
14 regulation on Spring Garden Street, both
15 sides"; and

16 Bill No. 050658, entitled "An
17 ordinance establishing a parking
18 regulation on Baring Street, both sides";
19 and

20 Bill No. 050659, entitled "An
21 ordinance establishing a parking
22 regulation on 15th Street, both sides";
23 and

24 Bill No. 050662, entitled "An
25 ordinance establishing a parking

1 10/20/05 - STATED - REPORTS

2 regulation on 5th Street, both sides";

3 and

4 Bill No. 050663, entitled "An

5 ordinance establishing a parking

6 regulation on Cayuga Street, north side";

7 and

8 Bill No. 050664, entitled "An

9 ordinance establishing a parking

10 regulation on Griscom Street, both

11 sides"; and

12 Bill No. 050665, entitled "An

13 ordinance establishing a parking

14 regulation on Marvine Street, both

15 sides"; and

16 Bill No. 050666, entitled "An

17 ordinance establishing a parking

18 regulation on Venango Street, both

19 sides"; and

20 Bill No. 050667, entitled "An

21 ordinance establishing a parking

22 regulation on Stanton Street, both

23 sides"; and

24 Bill No. 050668, entitled "An

25 ordinance establishing a parking

1 10/20/05 - STATED - REPORTS

2 regulation on Ridge Avenue, east side";
3 and

4 Bill No. 050670, entitled "An
5 ordinance granting permission to Center
6 City ERUV Corporation, all under certain
7 terms and conditions"; and

8 Bill No. 050671, entitled "An
9 ordinance granting permission to Abhay V.
10 Sheth, owner of the newsstand at the
11 northwest corner of 12th and Filbert
12 Streets, under certain terms and
13 conditions"; and

14 Bill No. 050672, entitled "An
15 ordinance establishing a parking
16 regulation on Wolf Street, both sides";
17 and

18 Bill No. 050673, entitled "An
19 ordinance establishing a parking
20 regulation on 12th Street, both sides";
21 and

22 Bill No. 050674, entitled "An
23 ordinance establishing a parking
24 regulation on Christian Street, both
25 sides"; and

1 10/20/05 - STATED - REPORTS

2 Bill No. 050675, entitled "An
3 ordinance establishing a parking
4 regulation on Marvine Street, east side";
5 and

6 Bill No. 050676, entitled "An
7 ordinance establishing a parking
8 regulation on 13th Street, both sides";
9 and

10 Bill No. 050677, entitled "An
11 ordinance establishing a parking
12 regulation an Allen Street, west side";
13 and

14 Bill No. 050678, entitled "An
15 ordinance establishing a parking
16 regulation on Christian Street, both
17 sides"; and

18 Bill No. 050679, entitled "An
19 ordinance establishing a parking
20 regulation on Fitzgerald Street, south
21 side"; and

22 Bill No. 050680, entitled "An
23 ordinance establishing a parking
24 regulation on Lawrence Street, both
25 sides"; and

1 10/20/05 - STATED - REPORTS

2 Bill No. 050681, entitled "An
3 ordinance establishing a parking
4 regulation on Christian Street, north
5 side"; and

6 Bill No. 050682, entitled "An
7 ordinance establishing a parking
8 regulation on 12th Street, east side";
9 and

10 Bill No. 050683, entitled "An
11 ordinance establishing a parking
12 regulation on Oregon Avenue, south side";
13 and

14 Bill No. 050684, entitled "An
15 ordinance establishing a parking
16 regulation on Catharine Street, south
17 side"; and

18 Bill No. 050685, entitled "An
19 ordinance establishing a parking
20 regulation on Brown Street, both sides";
21 and

22 Bill No. 050686, entitled "An
23 ordinance establishing a parking
24 regulation on Ellsworth Street, both
25 sides"; and

1 10/20/05 - STATED - REPORTS

2 Bill No. 050687, entitled "An
3 ordinance establishing a parking
4 regulation on Catharine Street, south
5 side"; and

6 Bill No. 050688, entitled "An
7 ordinance establishing a parking
8 regulation on Jackson Street, south
9 side"; and

10 Bill No. 050689, entitled "An
11 ordinance establishing a parking
12 regulation on Catharine Street, north
13 side"; and

14 Bill No. 050690, entitled "An
15 ordinance establishing a parking
16 regulation on Hutchinson Street, east
17 side"; and

18 Bill No. 050691, entitled "An
19 ordinance establishing a parking
20 regulation on Catharine Street, south
21 side"; and

22 Bill No. 050692, entitled "An
23 ordinance establishing a parking
24 regulation on 12th Street, west side";
25 and

1 10/20/05 - STATED - REPORTS

2 Bill No. 050693, entitled "An
3 ordinance establishing a parking
4 regulation on Catharine Street, south
5 side"; and

6 Bill No. 050694, entitled "An
7 ordinance establishing a parking
8 regulation on 12th Street, west side";
9 and

10 Bill No. 050695, entitled "An
11 ordinance establishing a parking
12 regulation on North Street, north side";
13 and

14 Bill No. 050696, entitled "An
15 ordinance revising parking regulations on
16 Aspen Street, both sides"; and

17 Bill No. 050751, entitled "An
18 ordinance authorizing the revision of
19 lines and grades on City Plan No. 119";
20 and

21 Bill No. 050788, entitled "An
22 ordinance amending Section 2 of an
23 ordinance approved July 1, 2004, entitled
24 "An ordinance authorizing the revision of
25 lines and grades on City Plan No. 205";

1 10/20/05 - STATED - REPORTS

2 and

3 Bill No. 050789, entitled "An
4 ordinance amending Section 2 of an
5 ordinance approved June 21, 2004, an
6 ordinance authorizing the revision of
7 lines and grades on City Plan No. 55";
8 and

9 Bill No. 050798, entitled "An
10 ordinance establishing a no parking
11 regulation on Hamilton Street, between
12 13th Street and Broad Street"; and

13 Bill No. 050799, entitled "An
14 ordinance regulating the direction of
15 movement of traffic on Hamilton Street";
16 and

17 Bill No. 050832, entitled "An
18 ordinance authorizing the paving of
19 Meetinghouse Drive"; and

20 Bill No. 050833, entitled "An
21 ordinance authorizing and directing the
22 revision of lines and grades on a portion
23 of City Plan No. 395"; and

24 Bill No. 050834, entitled "An
25 ordinance authorizing and directing the

1 10/20/05 - STATED - REPORTS

2 revision of lines and grades on a portion
3 of City Plan No. 395"; and

4 Bill No. 050835, entitled "An
5 ordinance regulating the direction of
6 movement of traffic on Ruth Way"; and

7 Bill No. 050836, entitled "An
8 ordinance authorizing the paving of Meyer
9 Place and Ruth Way, under certain terms
10 and conditions," respectfully reports it
11 has considered the same and returns the
12 attached bills to Council with a
13 favorable recommendation.

14 COUNCIL PRESIDENT VERNA: Thank
15 you very much.

16 Would the Sergeant-of-Arms get
17 the Chief Clerk a glass of water, please.

18 The Chair recognizes Councilman
19 DiCicco.

20 COUNCILMAN DICICCO: Thank you,
21 Madam President. I move that the rules
22 of Council be suspended so as to permit
23 first reading this day of the following
24 bills. What I will do, Madam President,
25 with your permission, is, I will read the

1 10/20/05 - STATED - REPORTS

2 first bill in its entirety, the numbers
3 of the first bill in its entirety, and
4 then proceed with the last three numbers,
5 since all bills are preceded by the
6 numbers 050.

7 COUNCIL PRESIDENT VERNA: That
8 would be fine.

9 COUNCILMAN DICICCO: 050578 --

10 COUNCIL PRESIDENT VERNA: I'm
11 sure no one has objection to that?

12 (No response.)

13 COUNCIL PRESIDENT VERNA: Fine.
14 Then please proceed.

15 COUNCILMAN DICICCO: Bill No.
16 050578, 579, 666, 670, 671, 672, 673,
17 674, 676, 679, 680, 683, 684, 685, 686,
18 688, 690, 691, 694, 695, 696, 751, 832,
19 833, 834, 835 and 836.

20 (Duly seconded.)

21 COUNCIL PRESIDENT VERNA: It
22 has been moved and properly seconded that
23 the rules of Council be suspended so as
24 to permit first reading this day of bills
25 just read, and I am not going to repeat

1 10/20/05 - STATED - 1ST READING

2 them, by Councilman DiCicco.

3 All in favor will please

4 indicate by saying aye.

5 (Aye.)

6 COUNCIL PRESIDENT VERNA: Those

7 opposed?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: The

10 ayes have it and the bills just read by

11 the Councilman will be on our First

12 Reading Calendar for today. All of the

13 other bills will be placed on our First

14 Reading Calendar for our next session of

15 Council.

16 The next order of business is

17 the consideration of the Calendar. I

18 would ask the Chief Clerk to please read

19 the bills on the First Reading Calendar.

20 CHIEF CLERK: Bill No. 050750,

21 an ordinance amending Section 14-1621 of

22 The Philadelphia Code, entitled "Passyunk

23 Avenue Special District Controls."

24 COUNCIL PRESIDENT VERNA: The

25 Chair agrees.

1 10/20/05 - STATED - 1ST READING

2 CHIEF CLERK: And Bill No.

3 050796, an ordinance to amend the
4 Philadelphia Zoning Maps by changing
5 zoning designations of certain areas of
6 land.

7 COUNCIL PRESIDENT VERNA: The
8 Chair agrees.

9 CHIEF CLERK: And Bill No.
10 050578, an ordinance granting permission
11 to Nancy Trachtenberg, owner of Benna's
12 Cafe, to operate and maintain an open air
13 sidewalk cafe.

14 COUNCIL PRESIDENT VERNA: The
15 Chair agrees.

16 CHIEF CLERK: And Bill No.
17 050579, an ordinance granting permission
18 to Green Street Collaborative, under
19 certain terms and conditions.

20 COUNCIL PRESIDENT VERNA: The
21 Chair agrees.

22 CHIEF CLERK: And Bill No.
23 050666, an ordinance establishing a
24 parking regulation on Venango Street,
25 both sides.

1 10/20/05 - STATED - 1ST READING

2 COUNCIL PRESIDENT VERNA: The
3 Chair agrees.

4 CHIEF CLERK: And Bill No.
5 050670, an ordinance granting permission
6 to Center City ERUV Corporation, under
7 certain terms and conditions.

8 COUNCIL PRESIDENT VERNA: The
9 Chair agrees.

10 CHIEF CLERK: And Bill No.
11 050671, an ordinance granting permission
12 to Abhay Sheth, owner of the newsstand at
13 the northwest corner of 12th Street,
14 under certain terms and conditions.

15 COUNCIL PRESIDENT VERNA: The
16 Chair agrees.

17 CHIEF CLERK: And Bill No.
18 050672, an ordinance establishing a
19 parking regulation on Wolf Street, both
20 sides.

21 COUNCIL PRESIDENT VERNA: The
22 Chair agrees.

23 CHIEF CLERK: And Bill No.
24 050673, an ordinance establishing a
25 parking regulation on 12th Street, both

1 10/20/05 - STATED - 1ST READING

2 sides.

3 COUNCIL PRESIDENT VERNA: The
4 Chair agrees.

5 CHIEF CLERK: And Bill No.
6 050674, an ordinance establishing a
7 parking regulation on Christian Street,
8 both sides.

9 COUNCIL PRESIDENT VERNA: The
10 Chair agrees.

11 CHIEF CLERK: And Bill No.
12 050676, an ordinance establishing a
13 parking regulation on 13th Street, both
14 sides.

15 COUNCIL PRESIDENT VERNA: The
16 Chair agrees.

17 CHIEF CLERK: And Bill No.
18 050679, an ordinance establishing a
19 parking regulation on Fitzgerald Street,
20 south side.

21 COUNCIL PRESIDENT VERNA: The
22 Chair agrees.

23 CHIEF CLERK: And Bill No.
24 050680, an ordinance establishing a
25 parking regulation on Lawrence Street,

1 10/20/05 - STATED - 1ST READING

2 both sides.

3 COUNCIL PRESIDENT VERNA: The
4 Chair agrees.

5 CHIEF CLERK: And Bill No.
6 050683, an ordinance establishing a
7 parking regulation on Oregon Avenue,
8 south side.

9 COUNCIL PRESIDENT VERNA: The
10 Chair agrees.

11 CHIEF CLERK: And Bill No.
12 050684, an ordinance establishing a
13 parking regulation on Catharine Street,
14 south side.

15 COUNCIL PRESIDENT VERNA: The
16 Chair agrees.

17 CHIEF CLERK: And Bill No.
18 050685, an ordinance establishing a
19 parking regulation on Brown Street, both
20 sides.

21 COUNCIL PRESIDENT VERNA: The
22 Chair agrees.

23 CHIEF CLERK: And Bill No.
24 050686, an ordinance establishing a
25 parking regulation on Ellsworth Street,

1 10/20/05 - STATED - 1ST READING

2 side.

3 COUNCIL PRESIDENT VERNA: The
4 Chair agrees.

5 CHIEF CLERK: And Bill No.
6 050695, an ordinance establishing a
7 parking regulation on North Street, north
8 side.

9 COUNCIL PRESIDENT VERNA: The
10 Chair agrees.

11 CHIEF CLERK: And Bill No.
12 050696, an ordinance revising parking
13 regulations on Aspen Street, both sides.

14 COUNCIL PRESIDENT VERNA: The
15 Chair agrees.

16 CHIEF CLERK: And Bill No.
17 050751, an ordinance authorizing the
18 revision of lines and grades on a portion
19 of City Plan No. 119.

20 COUNCIL PRESIDENT VERNA: The
21 Chair agrees.

22 CHIEF CLERK: And Bill No.
23 050832, an ordinance authorizing the
24 paving of Meetinghouse Drive.

25 COUNCIL PRESIDENT VERNA: The

1 10/20/05 - STATED - 1ST READING

2 Chair agrees.

3 CHIEF CLERK: And Bill No.
4 050833, an ordinance authorizing and
5 directing the revision of lines and
6 grades on a portion of City Plan No. 395.

7 COUNCIL PRESIDENT VERNA: The
8 Chair agrees.

9 CHIEF CLERK: And Bill No.
10 050834, an ordinance authorizing and
11 directing the revision of lines and
12 grades on a portion of City Plan No.
13 395.

14 COUNCIL PRESIDENT VERNA: The
15 Chair agrees.

16 CHIEF CLERK: And Bill No.
17 050835, an ordinance regulating the
18 direction of movement of traffic on Ruth
19 Way from Ashton Road to Meyer Place.

20 COUNCIL PRESIDENT VERNA: The
21 Chair agrees.

22 CHIEF CLERK: And Bill No.
23 050836, an ordinance authorizing the
24 paving of Meyer Place and Ruth Way, under
25 certain terms and conditions.

1 10/20/05 - STATED - 1ST READING

2 COUNCIL PRESIDENT VERNA: The
3 Chair agrees.

4 That completes our First
5 Reading Calendar for today. The bills
6 just read will be placed on our Second
7 Reading and Final Passage Calendar for
8 next week.

9 Councilwoman Blackwell, it is
10 my understanding that we have no bills on
11 the Second Reading and Final Passage
12 Calendar to be considered today.

13 Okay. I would ask my
14 colleagues to really pay attention to
15 what we're going to be doing, because
16 this is something rather new to all of
17 us.

18 We will now proceed to the
19 consideration of applications for
20 take-out beer permits under Act 39.
21 There are 39 applications that must be
22 considered at today's session of Council.
23 If no action is taken on those
24 applications today, they will be deemed
25 approved under the provision of Act 39

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 that requires Council to act within 45
3 days of the date of an application.

4 We have distributed to each of
5 you in advance of today's session a copy
6 of the Hearing Examiner's recommendation
7 on each application, as well as
8 transcripts of the hearings.

9 Following the procedure
10 discussed in caucus today, we will
11 consider the applications one by one in
12 order of application number. The
13 exception will be that all applications
14 from the Second Councilmanic District
15 will be considered at the end. I have
16 recused myself from all such
17 applications, so Councilwoman Blackwell
18 will preside when those applications are
19 considered.

20 We will now begin to consider
21 the applications. The first application
22 is No. BPA2005-12.

23 COUNCILMAN KENNEY: Madam
24 President?

25 COUNCIL PRESIDENT VERNA: Yes,

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Councilman Kenney.

3 COUNCILMAN KENNEY: Is there
4 some way we could group these? I see
5 there's recommendations for approval and
6 disapproval and some disapprove with
7 conditions.

8 Is there some way that we can
9 group the approved ones together and do
10 them as a consent agenda?

11 COUNCIL PRESIDENT VERNA: I
12 don't believe that's possible, because I
13 believe in some instances -- and,
14 Mr. Auerbach, you could correct me if I'm
15 wrong -- in some instances, the
16 Councilman has recused himself and others
17 he has not. It would be rather difficult
18 to do, I'm told.

19 COUNCILMAN KENNEY: All right.
20 Thank you.

21 COUNCIL PRESIDENT VERNA: We
22 have thought of that earlier, to be
23 honest with you, Councilman, but maybe
24 there's an easier way. We're going to be
25 confronted with this type of a list just

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 about every week.

3 COUNCILMAN KENNEY: Is this
4 going to be a voice mode or roll call?

5 COUNCIL PRESIDENT VERNA:
6 Voice.

7 COUNCILMAN KENNEY: Okay.

8 COUNCIL PRESIDENT VERNA: So
9 the first bill that we will consider will
10 be BPA2005-12. The applicant is 3403
11 Inc., and the application is for the
12 premises located at 3403 Germantown
13 Avenue.

14 The Chair at this time
15 recognizes Councilwoman Blackwell.

16 COUNCILWOMAN BLACKWELL: Thank
17 you, Madam President. I move for the
18 rejection of the resolution.

19 (Duly seconded.)

20 COUNCIL PRESIDENT VERNA: No.
21 I'm sorry. I think, Councilwoman, as I
22 said, this is a learning session for all
23 of us. I believe you simply offer the
24 resolution, if you will.

25 COUNCILWOMAN BLACKWELL: Thank

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 you, Madam President.

3 COUNCIL PRESIDENT VERNA:
4 Councilwoman, it's the very first one on
5 our list.

6 COUNCILWOMAN BLACKWELL: I'm
7 sorry. I didn't hear you, Madam
8 President.

9 Madam President, I offer one
10 resolution on your behalf.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 The Clerk will please read the
14 title of the resolution.

15 CHIEF CLERK: A resolution
16 rejecting the recommendation of the
17 Hearing Examiner on approving, with
18 conditions, the following application for
19 a permit to sell malt and brewed
20 beverages for consumption off premises:
21 3403 Inc., 3403 Germantown Avenue,
22 Philadelphia 19140.

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 The Chair recognizes

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Councilwoman Blackwell for a motion on
3 the resolution.

4 COUNCILWOMAN BLACKWELL: Thank
5 you, Madam President. I move for the
6 rejection of this resolution.

7 (Duly seconded.)

8 COUNCIL PRESIDENT Verna: I
9 think we just move for the adoption.
10 Councilwoman Blackwell, I believe --

11 COUNCILWOMAN BLACKWELL: I
12 believe that we're recommending that the
13 Hearing Examiner's recommendation be
14 rejected.

15 COUNCIL PRESIDENT Verna: No.

16 COUNCILWOMAN BLACKWELL: I did
17 move for the adoption of the resolution.

18 COUNCILWOMAN TASC0: To reject.

19 COUNCIL PRESIDENT Verna: I
20 believe at this time you simply move for
21 the adoption of the resolution.

22 COUNCILWOMAN BLACKWELL: I did.
23 I'll say it again. I move for the
24 adoption of the resolution.

25 (Duly seconded.)

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCIL PRESIDENT VERNA: Those
3 in favor will please say aye.

4 (Aye.)

5 COUNCIL PRESIDENT VERNA: Those
6 opposed?

7 COUNCILWOMAN TASC0: There are
8 two resolutions. It should be I move to
9 approve the resolution to reject.

10 COUNCIL PRESIDENT VERNA: No.
11 There are two resolutions that each of us
12 have in our possession. If it is not
13 adopted, then there is a second
14 resolution which could be offered to
15 reject.

16 I am being told by Mr. Auerbach
17 that this is one of four resolutions
18 where there is an exception, because I
19 think they're all Councilman Clarke's.

20 Councilman Clarke, why don't
21 you address your issue. I'm sorry. You
22 can't do that.

23 COUNCILWOMAN TASC0: Madam
24 President, all I want to know is that the
25 vote we're taking is that we are voting

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 to accept the recommendation of the
3 Hearing Examiner's --
4 COUNCIL PRESIDENT VERNA:
5 Findings.
6 COUNCILWOMAN TASC0: --
7 findings to reject this application.
8 COUNCIL PRESIDENT VERNA:
9 Right.
10 COUNCILWOMAN TASC0: That's all
11 I want to say.
12 COUNCIL PRESIDENT VERNA:
13 Right. I think when we were in
14 Council --
15 COUNCILMAN GOODE: Point of
16 order.
17 COUNCIL PRESIDENT VERNA: -- I
18 believe that every Councilmember --
19 COUNCILWOMAN KRAJEWSKI: Point
20 of order.
21 COUNCIL PRESIDENT VERNA: Can I
22 just finish my conversation here, please?
23 Somebody asked a question.
24 I believe that when we were in
25 caucus, Mr. Auerbach distributed a copy

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 of each and every application, either for
3 or in opposition to.

4 Councilman Goode, did you want
5 to add something?

6 COUNCILMAN GOODE: Yes. The
7 point of order is simply that the
8 resolution does not read as Councilwoman
9 Tasco said. The resolution I have says
10 rejecting the recommendation of the
11 Hearing Examiner and approving, with
12 conditions, the following application.

13 COUNCIL PRESIDENT VERNA:
14 That's right.

15 COUNCILMAN GOODE: So this
16 would be approving the application with
17 conditions.

18 COUNCIL PRESIDENT VERNA:
19 Exactly.

20 COUNCILMAN NUTTER: Madam
21 President?

22 COUNCILMAN GOODE: So if we're
23 voting against the application, we will
24 be voting against the resolution.

25 COUNCIL PRESIDENT VERNA:

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 Right. You're absolutely right.

3 COUNCILMAN NUTTER: Let me ask
4 a question. Madam President?

5 COUNCIL PRESIDENT VERNA:

6 Mr. Auerbach, I think that we tried to
7 explain all of this in the Caucus Room,
8 and I knew that there would be a great
9 deal of confusion. So if you don't mind,
10 would you please.

11 COUNCILWOMAN BLACKWELL: Like I
12 told you it would be.

13 COUNCIL PRESIDENT VERNA: Yes.
14 We all knew that.

15 So, Mr. Auerbach, would you
16 please explain again what it is that
17 we're doing.

18 MR. AUERBACH: Unfortunately,
19 the first application on the list is one
20 of the four exceptions. It never fails.
21 Generally, there will be two resolutions,
22 one to accept the recommendation, one to
23 reject. We'll first consider the
24 resolution to accept the recommendation.
25 If that's not adopted, we will then

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 consider the resolution to reject the
3 recommendation.

4 This is one of four exceptions.
5 In this case, the protestant, who happens
6 to be Councilman Clarke, continued to
7 negotiate with the applicant after the
8 hearing was concluded and reached an
9 agreement with the applicant to approve
10 it with conditions, and Councilman Clarke
11 wrote to the Council President to say
12 that there had been continuing
13 negotiations and an agreement had been
14 reached, and he requested the Council
15 President to offer a resolution
16 approving, with conditions, and --

17 COUNCILMAN GOODE: Point of
18 order.

19 MR. AUERBACH: -- that's the
20 resolution before us.

21 COUNCILMAN GOODE: Point of
22 order.

23 COUNCIL PRESIDENT VERNA: Yes.
24 The Chair recognizes Councilman Goode.

25 COUNCILMAN GOODE: We will get

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 caught up in the description of the
3 process, which I don't even think is
4 necessary. I think what is necessary is,
5 we deal with this as we deal with veto
6 overrides where on each vote we take,
7 whether it's only four votes or not,
8 there's a clarification of the vote. I
9 think in the end, people want to know
10 whether they're voting for or against an
11 application.

12 And so on the first one, for
13 example, we need to clarify that a vote
14 against the resolution is a vote against
15 the application.

16 COUNCILMAN NUTTER: That was
17 going to be my --

18 MR. AUERBACH: The problem is
19 to disapprove an application would need a
20 second resolution.

21 COUNCILMAN GOODE: Like I said,
22 if you choose to go through the process
23 on each resolution, it's going to be
24 confusing. All we need to do is vote for
25 or against the applications. We can

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 explain what that vote is; in other
3 words, like we do on veto overrides. In
4 other words, a vote for the resolution is
5 a vote for the application. A vote
6 against the resolution is a vote against
7 the application in this case.

8 COUNCILWOMAN BLACKWELL: Madam
9 President, point of order.

10 COUNCIL PRESIDENT VERNA: Yes.
11 The Chair recognizes Councilwoman
12 Blackwell.

13 COUNCILWOMAN BLACKWELL: I
14 believe in this instance where I move for
15 the adoption --

16 COUNCIL PRESIDENT VERNA: I'm
17 sorry. There's too much noise.

18 COUNCILWOMAN BLACKWELL: I
19 believe in this instance where we move
20 for the adoption of the resolution, that
21 we were in order.

22 To further try to clarify what
23 my colleague, Councilman Goode, is
24 saying, I agree that we don't want to go
25 through with provisions and all of that.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 All we want to do is vote for the
3 adoption of the resolution or vote for
4 the rejection of the resolution, and the
5 adoption of the resolution means that we
6 accept the Hearing Examiner's
7 recommendation and the rejection of the
8 resolution would mean we vote against the
9 Hearing Examiner's recommendation,
10 because the Hearing Examiner could have
11 voted aye or nay.

12 So everything that we vote for
13 is based on the Hearing Examiner's
14 recommendation. I'm just clarifying
15 that.

16 MR. AUERBACH: Can I just
17 explain one thing? The problem is that
18 if the resolution is to accept the
19 Hearing Examiner's report to approve and
20 the Council votes not to adopt that
21 resolution, that doesn't disapprove the
22 application. All that means is, Council
23 has not adopted a resolution. There's no
24 action of Council. You need an
25 affirmative vote to adopt a resolution

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 that disapproves the application, unless
3 there's that vote --

4 COUNCILWOMAN BLACKWELL: I do
5 not know what you're saying now.

6 COUNCILMAN NUTTER: If the
7 resolution as presented to us was
8 approved, what would be the impact on
9 this application?

10 MR. AUERBACH: The application
11 would be approved with conditions.

12 COUNCILMAN NUTTER: And if the
13 resolution fails, what would be the
14 impact on that application?

15 MR. AUERBACH: If Council takes
16 no further action, the practical effect
17 will be to approve the application
18 because Council has failed to --

19 COUNCILMAN NUTTER: That's not
20 my question. This resolution is before
21 us. I'm asking, suppose this resolution
22 is voted on and fails. What's the impact
23 on this particular application?

24 MR. AUERBACH: If Council does
25 nothing else, there's no impact. Council

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 has failed to adopt a resolution. The
3 Council has taken no action.

4 COUNCILMAN NUTTER: And then
5 the 45-day rule kicks in?

6 MR. AUERBACH: The 45 days will
7 run. It will be deemed approved.

8 COUNCILWOMAN BLACKWELL: Point
9 of information, if I may, to follow up on
10 what my colleague, Councilman Nutter, is
11 saying. I have one case here that the
12 Hearing Examiner approved them that I
13 want Council to reject. So you're saying
14 if I vote for a rejection of the
15 resolution, you're saying nothing
16 happens?

17 MR. AUERBACH: No. In that
18 case, Councilwoman, you will be
19 introducing a resolution that will say a
20 resolution rejecting the recommendation
21 of the Hearing Examiner and disapproving
22 the application, and if that resolution
23 passes, the application will be
24 disapproved.

25 COUNCILWOMAN BLACKWELL: So

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 then we can't just say the adoption of
3 the resolution. I don't have to say I
4 move for the adoption of the resolution
5 with conditions, but I have to say I move
6 for the rejection of the resolution and
7 denial of the application?

8 MR. AUERBACH: No. You will be
9 introducing a resolution that disapproves
10 the application. You would then move for
11 adoption of that resolution.

12 COUNCILWOMAN BLACKWELL: It
13 doesn't have to say Hearing Examiner in
14 it, because otherwise --

15 COUNCIL PRESIDENT VERNA: I
16 think in your possession what was given
17 out today in the Caucus Room was to
18 approve what the Hearing Examiners have
19 found.

20 COUNCILWOMAN BLACKWELL:
21 Absolutely.

22 COUNCIL PRESIDENT VERNA: If
23 you're objecting, you also have in your
24 possession for that same bill number one
25 opposing or rejecting the findings of the

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Hearing Officer which we can then vote
3 on.

4 COUNCILWOMAN BLACKWELL: I
5 still don't understand, Madam President.
6 If I am to put in a motion for adoption
7 of the resolution or rejection of the
8 resolution and -- I'm voting on mine, as
9 all of you know, but for my colleagues,
10 how are people -- let's use the first one
11 for example. 3403 Germantown Avenue.
12 How am I supposed to know how to vote?

13 COUNCILMAN NUTTER: Madam
14 President?

15 COUNCILWOMAN BLACKWELL: I
16 don't know every stop-and-go in the
17 entire City of Philadelphia.

18 COUNCILMAN NUTTER: Madam
19 President?

20 COUNCIL PRESIDENT VERNA:
21 Councilman Nutter.

22 COUNCILMAN NUTTER: If I can
23 just add to the record. As a part of
24 this report, the last page may give some
25 indication as to what the situation is.

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Attached to this document it says,
3 "Approval Conditions: The office of
4 Councilman Darrell Clarke, protestant,
5 and the owner/operator of the above
6 location, applicant, have agreed to the
7 following as conditions for the approval
8 of the application," and there are eight
9 conditions. This is Exhibit-B.

10 In order to support what has
11 apparently been agreed to, it appears
12 that we would have to vote yes to this
13 resolution in order to allow the
14 application to go through being approved
15 with the conditions that are on
16 Exhibit-B. Is that correct?

17 COUNCIL PRESIDENT VERNA:

18 Exactly.

19 COUNCILWOMAN BLACKWELL: That's
20 correct for No. 1, yes.

21 COUNCILMAN NUTTER: Just for
22 the one. We'll see what happens to the
23 other 38. Let's get one under our belt.

24 COUNCILMAN CLARKE: Madam
25 President?

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILWOMAN BLACKWELL: You
3 see, Madam President, if I may, part of
4 the confusion is -- I'll use myself for
5 an example. I have an application here,
6 Laov's -- I'll use me for an example,
7 because I don't talk about anybody
8 else -- at 52nd and Girard.

9 COUNCIL PRESIDENT VERNA:
10 Excuse me, Councilwoman.
11 There's entirely too much
12 noise.

13 COUNCILWOMAN BLACKWELL: Just
14 for the sake of clarification, I'll use
15 myself for an example. I have an
16 application, 889, for Laov's Inc. at 5217
17 West Girard, is the worst thing I've seen
18 in the City. Having said that, the
19 Hearing Examiner approved it, did not
20 look up records that there's no zoning
21 and all that stuff.

22 So in my case, I'm asking for
23 the rejection of the resolution, which I
24 assume is rejection of the Hearing
25 Examiner's recommendation, because the

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 Hearing Examiner voted to approve it.

3 COUNCIL PRESIDENT VERNA:

4 Right.

5 COUNCILWOMAN BLACKWELL: Is

6 that correct?

7 COUNCIL PRESIDENT VERNA: Yes.

8 COUNCILWOMAN BLACKWELL: So for

9 me, since I'm voting, I know how I feel,

10 so I don't need then to introduce two

11 resolutions for or against, correct?

12 COUNCIL PRESIDENT VERNA:

13 Absolutely not. Not one in favor and one

14 disapproving. You just introduce the

15 one.

16 COUNCILWOMAN BLACKWELL: But I

17 don't know what happens in other

18 instances, I'm saying, for my colleagues,

19 because since they can't say how they

20 feel, I have absolutely no idea how

21 they -- I have to assume then they agree

22 with the Hearing Examiner, I guess.

23 COUNCIL PRESIDENT VERNA: And I

24 think that on a daily basis, I am told

25 there were transcripts circulated and I

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 think the Councilmanic offices certainly
3 had an opportunity to have a staff member
4 go through them to ascertain what the
5 findings of the Examiner was,
6 particularly those in your district.

7 Councilman Kelly.

8 COUNCILMAN KELLY: I just want
9 to know, is it critical that this matter
10 be voted on today? It seems like there's
11 a lot of confusion in this Council
12 Chambers, and I just think --

13 COUNCIL PRESIDENT VERNA: There
14 is and there will be because, as I said
15 to you in caucus, this is the first time
16 we're doing this. I got this at 4:30
17 yesterday afternoon, as I'm sure everyone
18 else did, and I am told that if we don't
19 do it today, then we are jeopardizing
20 what has been done because of the 45-day
21 issue.

22 COUNCILMAN KELLY: Then we
23 are --

24 COUNCIL PRESIDENT VERNA: Am I
25 correct, Mr. Auerbach?

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 MR. AUERBACH: Yes.

3 COUNCIL PRESIDENT VERNA: So we
4 must consider these today.

5 COUNCILMAN KELLY: Thank you,
6 Madam President.

7 COUNCIL PRESIDENT VERNA: Can
8 we proceed?

9 I believe on BPA2005-12,
10 Councilwoman Blackwell, I believe you
11 made a motion for the resolution to be
12 adopted.

13 COUNCILWOMAN BLACKWELL:
14 Correct.

15 COUNCIL PRESIDENT VERNA: All
16 in favor will please indicate by saying
17 aye.

18 (Aye.)

19 COUNCIL PRESIDENT VERNA: Those
20 opposed?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: The
23 ayes have it, the resolution is adopted,
24 and the record will reflect that
25 Councilman Clarke recused himself.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 The next application number is
3 BPA2005-21. The Chair recognizes
4 Councilwoman Blackwell. Oh, I'm sorry.
5 I didn't give the name. Myung Enterprise
6 Inc., and the application is for the
7 premises located at 1101 North 66th
8 Street.

9 The Chair recognizes
10 Councilwoman Blackwell.

11 COUNCILWOMAN BLACKWELL: Madam
12 President, assuming I'm not totally
13 confused, do I offer this resolution?

14 COUNCIL PRESIDENT VERNA: You
15 offer a resolution.

16 COUNCILWOMAN BLACKWELL: I
17 offer a resolution on your behalf.

18 COUNCIL PRESIDENT VERNA: The
19 Clerk will please read the title of the
20 resolution.

21 CHIEF CLERK: A resolution
22 accepting the recommendation of the
23 Hearing Examiner and approving, with
24 conditions, the following application for
25 a permit to sell malt and brewed

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 beverages for consumption off premises:
3 Myung Enterprise, 1101 North 66th Street,
4 Philadelphia 19151.

5 COUNCIL PRESIDENT VERNA: Thank
6 you.

7 The Chair recognizes
8 Councilwoman Blackwell for a motion on
9 the resolution.

10 COUNCILWOMAN BLACKWELL: Madam
11 President, I move for rejection of the
12 resolution.

13 (Duly seconded.)

14 COUNCIL PRESIDENT VERNA: I'm
15 sorry. You move for --

16 COUNCILWOMAN BLACKWELL: Yes.
17 I understand that I move for rejection of
18 the resolution.

19 COUNCILMAN NUTTER: Can I
20 recuse myself?

21 COUNCIL PRESIDENT VERNA: I
22 understand you have to -- I'll tell you,
23 before next Thursday, we're going to have
24 to have a session where we're all
25 informed as to how this process will be

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2 working, because there's a great deal of
3 confusion and, as I said, just having
4 that brief explanation this morning in
5 the Caucus Room apparently was not ample
6 for everybody to understand what we were
7 doing.

8 COUNCILMAN NUTTER: Madam
9 President?

10 COUNCIL PRESIDENT VERNA:
11 Councilman Nutter.

12 COUNCILMAN NUTTER: Thank you,
13 Madam President.

14 Madam President, in accordance
15 with the rules that were adopted by City
16 Council, you know that I submitted to you
17 and circulated to my colleagues a letter
18 of recusal in this particular matter
19 because of my participation in this
20 matter. So I will not be voting.

21 COUNCIL PRESIDENT VERNA: I
22 understand.

23 COUNCILMAN NUTTER: Thank you.

24 COUNCILMAN O'NEILL: Madam
25 President, clarification on this. I just

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2 want to make sure, if I vote no on the
3 resolution that was just presented, I
4 will then be voting on another resolution
5 on the same store, same applicant, and I
6 will be voting yes --

7 COUNCIL PRESIDENT VERNA: To
8 approve.

9 COUNCILMAN O'NEILL: The second
10 one will be a rejection of the
11 application. Fine.

12 COUNCILWOMAN BLACKWELL: So,
13 Madam President, you are saying we have
14 to vote two ways on every resolution
15 instead of saying --

16 COUNCIL PRESIDENT VERNA: First
17 you are moving that the resolution be
18 adopted. If that does not pass, if that
19 has not been approved, you then introduce
20 the second resolution.

21 COUNCILWOMAN BLACKWELL: This
22 doesn't make sense to me, Madam
23 President. It seems to me --

24 COUNCILMAN O'NEILL: Madam
25 President, it was said earlier, and I

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2 think I got it.

3 Councilwoman Blackwell, if
4 Council agrees by a majority vote with
5 the recommendation of the Hearing
6 Examiner, there's only one resolution
7 required. If we reject in the first
8 resolution the Hearing Examiner's
9 recommendation, then we need a second one
10 where we affirmatively reject the
11 application, not just deal with the
12 Hearing Examiner's recommendation as we
13 did in the first of the two.

14 COUNCIL PRESIDENT VERNA:

15 Exactly. Perfect explanation.

16 So was the resolution read?

17 CHIEF CLERK: It was accepting.

18 COUNCIL PRESIDENT VERNA:

19 Again, Councilwoman Blackwell.

20 COUNCILWOMAN BLACKWELL: Madam
21 President, I move for the adoption of the
22 resolution.

23 COUNCIL PRESIDENT VERNA: Is
24 there a second?

25 (Duly seconded.)

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

5 All in favor will please
6 indicate by saying aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 COUNCILMAN O'NEILL: No.

11 COUNCIL PRESIDENT VERNA: How
12 many no's are there?

13 COUNCILMAN RIZZO: No.

14 COUNCILWOMAN KRAJEWSKI: No.

15 COUNCILMAN KELLY: No.

16 COUNCIL PRESIDENT VERNA: The
17 record will reflect --

18 COUNCILMAN MARIANO: I'm no.

19 COUNCIL PRESIDENT VERNA: Are
20 we going to have to have a roll call?

21 Yes, Councilwoman.

22 COUNCILWOMAN TASC0: This is
23 really very -- it's a disadvantage to the
24 Councilperson to have to recuse himself.
25 The other Councilmembers don't know what

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2 the circumstances are in the community.
3 They can't speak up and say why they want
4 it rejected. I mean, there's something
5 wrong with it. I mean, we need to look
6 at this process. It doesn't work.

7 I didn't recuse myself because
8 I wanted to be able to speak and let
9 people know how --

10 COUNCIL PRESIDENT VERNA: I'm
11 sorry, Councilwoman. I can't hear you.

12 COUNCILWOMAN TASCO: I didn't
13 recuse myself because I wanted to be able
14 to have the voice on the floor to let my
15 colleagues know how I wanted them to vote
16 on the application and let the
17 organization up to the other elected
18 officials in my district.

19 COUNCIL PRESIDENT VERNA: All
20 right.

21 Again, I'm going to ask all in
22 favor of the adoption of the resolution
23 will say aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 opposed?

3 COUNCILWOMAN BLACKWELL: No.

4 COUNCILMAN O'NEILL: No.

5 COUNCIL PRESIDENT VERNA: We
6 need a roll call, because I cannot --
7 very quickly, Pat.

8 We're going to have a roll call
9 vote, please.

10 CHIEF CLERK: Councilwoman
11 Blackwell.

12 COUNCILWOMAN BLACKWELL: No.

13 CHIEF CLERK: Councilman
14 Clarke.

15 COUNCILMAN CLARKE: No.

16 CHIEF CLERK: Councilman
17 DiCicco.

18 COUNCILMAN DICICCO: No.

19 CHIEF CLERK: Councilman Goode.

20 COUNCILMAN GOODE: No.

21 CHIEF CLERK: Councilman Kelly.

22 COUNCILMAN KELLY: No.

23 CHIEF CLERK: Councilman
24 Kenney.

25 (Not in Chambers.)

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2 CHIEF CLERK: Councilwoman
3 Krajewski.
4 COUNCILWOMAN KRAJEWSKI: No.
5 CHIEF CLERK: Councilman
6 Mariano.
7 COUNCILMAN MARIANO: No.
8 CHIEF CLERK: Councilwoman
9 Miller.
10 COUNCILWOMAN MILLER: No.
11 CHIEF CLERK: Councilman
12 Nutter.
13 COUNCIL PRESIDENT VERNA: He's
14 recusing himself.
15 CHIEF CLERK: Councilman
16 O'Neill.
17 COUNCILMAN O'NEILL: No.
18 CHIEF CLERK: Councilman Ramos.
19 COUNCILMAN RAMOS: No.
20 CHIEF CLERK: Councilwoman
21 Reynolds Brown.
22 COUNCILWOMAN BROWN: No.
23 CHIEF CLERK: Councilman Rizzo.
24 COUNCILMAN RIZZO: No.
25 CHIEF CLERK: Councilwoman

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2 Tasco.

3 COUNCILWOMAN TASCO: No.

4 CHIEF CLERK: Council President
5 Verna.

6 COUNCIL PRESIDENT VERNA: No.

7 The record will indicate that
8 the vote is 14 to nothing. Councilman
9 Kenney was not present to vote and
10 Councilman Nutter recused himself.

11 The next application number
12 is -- I'm sorry. Excuse me. The Chair
13 recognizes Councilwoman Blackwell.

14 COUNCILWOMAN BLACKWELL: Thank
15 you, Madam President. I move for the
16 rejection of the resolution.

17 Okay, Madam President, if you
18 want me to restate it another way, I can
19 move for the -- I did say I move for the
20 rejection of the resolution. Do you want
21 me to restate it another way?

22 All right, Madam President.

23 They tell me I start all over again.

24 Madam President, I offer one resolution
25 on your behalf.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 The Chief Clerk will please
5 read the resolution.

6 CHIEF CLERK: A resolution
7 rejecting the recommendation of the
8 Hearing Examiner and disapproving the
9 following application for a permit to
10 sell malt and brewed beverages for
11 consumption off premises: Myung
12 Enterprise, 1101 North 66th Street,
13 Philadelphia 19151.

14 COUNCIL PRESIDENT VERNA: So
15 that everybody understands, we are now
16 voting on the resolution rejecting the
17 Hearing Examiner's recommendation. All
18 in favor will indicate by saying aye.

19 (Aye.)

20 COUNCIL PRESIDENT VERNA: Those
21 opposed?

22 (No response.)

23 COUNCIL PRESIDENT VERNA: The
24 ayes have it. The motion carries.

25 Councilwoman, did you make a

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 motion? Are we all getting confused?

3 COUNCILWOMAN BLACKWELL: I
4 don't think I made a resolution to accept
5 the resolution.

6 COUNCIL PRESIDENT VERNA: So
7 would you move --

8 COUNCILWOMAN BLACKWELL: I move
9 for the adoption of the resolution.

10 COUNCIL PRESIDENT VERNA: Is
11 there a second?

12 (Duly seconded.)

13 COUNCIL PRESIDENT VERNA: All
14 those in favor of the rejection of the
15 Examiner's recommendation will vote aye.

16 COUNCILWOMAN TASC0: Which one
17 is it?

18 COUNCIL PRESIDENT VERNA: It's
19 on the same application.

20 COUNCILWOMAN TASC0: We already
21 said aye.

22 COUNCIL PRESIDENT VERNA: All
23 of those in favor will vote aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The
5 ayes have it and the motion carries.

6 The next application is
7 BPA2005-90.

8 COUNCILMAN O'NEILL: Madam
9 President, on the No. 90, EAP Inc., 2150
10 North 20th Street, have we voted on that
11 yet?

12 COUNCIL PRESIDENT VERNA: We're
13 just going to vote on it. That's what
14 I'm calling up now.

15 COUNCILMAN O'NEILL: What was
16 the voice vote a minute ago?

17 COUNCIL PRESIDENT VERNA: The
18 voice vote that we just had -- if you
19 recall, on 21, we did not adopt the
20 Examiner's recommendation. So what we
21 did on the second vote was to move for
22 the adoption of the resolution rejecting
23 the Hearing Examiner's recommendation.

24 COUNCILMAN O'NEILL: Okay. I
25 thought we had already done that and then

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2 there was another voice vote that I
3 missed. Okay.

4 COUNCILMAN KELLY: I think we
5 did it twice.

6 COUNCILMAN O'NEILL: Oh, we did
7 it twice? That's it. Thank you.

8 COUNCIL PRESIDENT VERNA:
9 Again, we're back to No. 90, EAP Inc.
10 The address of the premises is 2333 North
11 Front Street -- I'm sorry; 2150 North
12 20th Street. EAP Inc., 2150 North 20th
13 Street.

14 At this time, I would recognize
15 Councilwoman Blackwell.

16 COUNCILWOMAN BLACKWELL: Thank
17 you, Madam President. I offer one
18 resolution on your behalf.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

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

23 CHIEF CLERK: A resolution
24 modifying the recommendation of the
25 Hearing Examiner approving, with

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2 conditions, the following application for
3 a permit to sell malt and brewed
4 beverages for consumption off premises:
5 The EAP Inc., 2150 North 20th Street,
6 Philadelphia 19121.

7 COUNCIL PRESIDENT VERNA: The
8 Chair again recognizes Councilwoman
9 Blackwell.

10 COUNCILWOMAN BLACKWELL: I move
11 for the adoption.

12 (Duly seconded.)

13 COUNCIL PRESIDENT VERNA: All
14 in favor of the adoption of the
15 resolution will signify by saying aye.

16 (No response.)

17 COUNCIL PRESIDENT VERNA: Are
18 we all together here? Am I by myself up
19 here thoroughly confused?

20 All of those in favor of the
21 adoption of the resolution will signify
22 by saying aye.

23 (No response.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

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2 (No.)

3 COUNCIL PRESIDENT VERNA: Okay.

4 So, again, I would recognize Councilwoman
5 Blackwell. And the record should also
6 reflect on the application that we are
7 presently considering that Councilman
8 Clarke has recused himself.

9 Councilwoman Blackwell.

10 COUNCILWOMAN BLACKWELL: Madam
11 President, my understanding is that some
12 provisions were agreed to at a hearing on
13 this. Therefore, we move for the
14 adoption of this resolution.

15 COUNCIL PRESIDENT VERNA: All
16 right. We're going back.

17 COUNCILMAN O'NEILL: I might
18 say, Madam President, that's not my
19 understanding.

20 COUNCILWOMAN BLACKWELL: That's
21 what I'm told by our staff, that
22 agreements were made on this.

23 COUNCILMAN CLARKE: Madam
24 President?

25 COUNCIL PRESIDENT VERNA:

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2 Councilwoman Clarke.

3 COUNCILMAN CLARKE: Councilman
4 Clarke.

5 COUNCIL PRESIDENT VERNA:
6 Councilman Clarke.

7 COUNCILMAN CLARKE: I know it's
8 confusing, but it's not that confusing.

9 Council President, while I did
10 recuse, apparently a part of the problem
11 is stemming -- and I understand the time
12 associated with pulling all this
13 together -- is that the sheet that we
14 have that categorizes the various
15 applications and some of the information
16 pertaining to districts and
17 recommendations does not coincide with
18 the resolutions.

19 So while on this particular
20 case there was a recommendation as it
21 related to our Council office and some
22 members of the community about
23 conditions, that's not reflected on this
24 document.

25 So the problem, as I see it, is

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2 that people are responding to this
3 document that we got earlier on in the
4 day, and when we came into Council, we
5 had this stack of resolutions.

6 All that to say, in this
7 particular case, there was an agreement
8 to place certain conditions on this
9 particular application.

10 COUNCILMAN O'NEILL: Madam
11 President, I would move that the
12 resolution on No. 90 be reconsidered.

13 (Duly seconded.)

14 COUNCILWOMAN BLACKWELL: We did
15 that already. We moved that it be
16 adopted, Madam President.

17 COUNCIL PRESIDENT VERNA: I'm
18 sorry.

19 COUNCILWOMAN BLACKWELL: We
20 moved that this resolution be adopted, so
21 we're in order. All we have to do is
22 vote.

23 COUNCIL PRESIDENT VERNA: We
24 need a second. Is there a second for the
25 adoption of the resolution?

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2 COUNCILMAN O'NEILL: Madam

3 President, I thought we had rejected the
4 original motion. That's the only reason
5 I asked for a reconsideration of it. I
6 didn't want to ignore the no vote.

7 COUNCIL PRESIDENT VERNA: All
8 right. So ask for a reconsideration.

9 COUNCILWOMAN BLACKWELL: Madam
10 President, our understanding, as
11 Councilman Clarke has just said, we don't
12 have the most recent information that at
13 the last minute a community made an
14 agreement and somehow that's somewhere in
15 technical staff, so we don't know. So
16 we're kind of going in the dark, and
17 that's how this --

18 COUNCIL PRESIDENT VERNA:
19 Councilman O'Neill has asked for a
20 reconsideration of your motion that was
21 passed earlier.

22 Councilman Goode.

23 COUNCILMAN O'NEILL: It wasn't
24 passed.

25 COUNCILWOMAN BLACKWELL: But

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 he's asking for reconsideration of a
3 motion that we didn't vote on and we're
4 all on the same side. So we're all
5 moving for the adoption.

6 COUNCIL PRESIDENT VERNA: It
7 was seconded.

8 COUNCILWOMAN BLACKWELL: Why
9 don't we start over.

10 COUNCIL PRESIDENT VERNA: I
11 think we did vote no on it.

12 COUNCILMAN GOODE: Point of
13 order.

14 COUNCIL PRESIDENT VERNA:
15 Councilman Goode.

16 COUNCILMAN GOODE: I believe we
17 disapproved the last one. I believe that
18 the body probably wants to approve it, so
19 I'm seconding Councilman O'Neill's motion
20 to reconsider the resolution.

21 COUNCILWOMAN BLACKWELL: That's
22 fine.

23 COUNCILMAN GOODE: I second
24 Councilman O'Neill's motion to reconsider
25 this resolution.

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2 COUNCIL PRESIDENT VERNA: All
3 of those in favor of the motion will say
4 aye.

5 (Aye.)

6 COUNCIL PRESIDENT VERNA: Those
7 opposed?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: The
10 ayes have it. And, again, the Chair
11 recognizes Councilwoman Blackwell for a
12 motion.

13 COUNCILWOMAN BLACKWELL: I move
14 for the adoption of the resolution.

15 (Duly seconded.)

16 COUNCIL PRESIDENT VERNA: It
17 has been moved and seconded that the
18 resolution be adopted.

19 All in favor will indicate by
20 saying aye.

21 (Aye.)

22 COUNCILWOMAN TASC0: Which
23 resolution?

24 COUNCILWOMAN MILLER: We have
25 so many resolutions.

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2 COUNCIL PRESIDENT VERNA: For
3 the approval of the Hearing Examiner's
4 recommendation.

5 COUNCILWOMAN TASCO: Should
6 that be stated each time? Thank you.

7 COUNCILMAN NUTTER: Madam
8 President?

9 COUNCIL PRESIDENT VERNA: Yes.

10 COUNCILMAN NUTTER: If I might,
11 and I think Councilwoman Tasco just said
12 the same thing, if I might ask, prior to
13 a vote, when it's mentioned about the
14 resolution, if there could be just some
15 additional language as to what that
16 particular resolution either is or does,
17 that would be helpful as we listen.

18 COUNCIL PRESIDENT VERNA: Would
19 Councilwoman Blackwell have that
20 information?

21 COUNCILWOMAN BLACKWELL: Madam
22 President, I do not.

23 COUNCIL PRESIDENT VERNA: You
24 should. It was distributed this morning.

25 COUNCILWOMAN BLACKWELL:

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2 Anything that was just distributed --

3 COUNCIL PRESIDENT VERNA: And
4 it's the title that Pat reads.

5 COUNCILWOMAN TASC0: We all
6 have a resolution on it.

7 COUNCILWOMAN BLACKWELL: We
8 have the initial packet that everyone
9 has.

10 COUNCIL PRESIDENT VERNA: And I
11 believe the Chief Clerk does read the
12 title.

13 COUNCILMAN NUTTER: Okay.

14 COUNCILWOMAN TASC0: Would you
15 read it again, please.

16 CHIEF CLERK: Sure. A
17 resolution modifying the recommendations
18 of the Hearing Examiner and approving,
19 with conditions, the following
20 application for a permit to sell malt and
21 brewed beverages for consumption off
22 premises: EAP Inc., 2150 North 20th
23 Street, Philadelphia 19121.

24 COUNCILWOMAN TASC0: All right.
25 That's fine.

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2 COUNCIL PRESIDENT VERNA: Okay.

3 So you made a motion, Councilwoman,

4 for --

5 COUNCILWOMAN BLACKWELL: We
6 move for the adoption of this resolution.

7 COUNCIL PRESIDENT VERNA: Is
8 there a second?

9 (Duly seconded.)

10 COUNCIL PRESIDENT VERNA: It
11 has been moved and seconded that the
12 resolution be adopted.

13 All in favor will please say
14 aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: The
20 ayes have it, the resolution is adopted,
21 and, again, I would like the record to
22 reflect that Councilman Clarke has
23 recused himself.

24 COUNCILMAN O'NEILL: Madam
25 President, I would like to be recorded as

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2 no on that. This is North Front Street?

3 COUNCIL PRESIDENT VERNA: No;

4 North 20th.

5 COUNCILMAN O'NEILL: Why are we

6 still doing 20th Street?

7 COUNCIL PRESIDENT VERNA: It's

8 2150 North 20th. It's No. 90,

9 Councilman.

10 COUNCILMAN O'NEILL: Okay.

11 Thank you.

12 COUNCIL PRESIDENT VERNA: So

13 what is your position?

14 COUNCILMAN O'NEILL: I'm fine.

15 I had the wrong one. I don't know how I

16 can be confused on this.

17 COUNCIL PRESIDENT VERNA: The

18 next application is BPA2005-152. It's

19 Jae Eop Lee. The location of the

20 premises is 2333 North Front Street.

21 The Chair recognizes

22 Councilwoman Blackwell.

23 COUNCILWOMAN BLACKWELL: Thank

24 you, Madam President. I offer one

25 resolution on your behalf.

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2 COUNCIL PRESIDENT VERNA: The
3 Chief Clerk will please read the title.

4 CHIEF CLERK: A resolution
5 accepting the recommendations of the
6 Hearing Examiner and approving the
7 following application for a permit to
8 sell malt and brewed beverages for
9 consumption off premises: The Jae Eop
10 Lee, 2333 North Front Street,
11 Philadelphia 19133.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 The Chair recognizes
15 Councilwoman Blackwell.

16 COUNCILWOMAN BLACKWELL: I move
17 for the adoption of the resolution.

18 COUNCIL PRESIDENT VERNA: Is
19 there a second?

20 COUNCILMAN O'NEILL: Second.

21 COUNCIL PRESIDENT VERNA: All
22 in favor will indicate by saying aye.

23 COUNCILMAN O'NEILL: I'd like
24 to speak on it.

25 COUNCIL PRESIDENT VERNA:

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2 Councilman O'Neill.

3 COUNCILMAN O'NEILL: It's my
4 understanding that the immediate
5 community is against the approval of this
6 application, and I would just ask my
7 colleagues if anybody has any other
8 information, that they let me know, speak
9 up now before we vote, because I'll be
10 voting no.

11 COUNCIL PRESIDENT VERNA: Does
12 anyone have any more information than
13 what was provided to us that could be
14 added to this record?

15 (No response.)

16 COUNCIL PRESIDENT VERNA:
17 Councilman, I don't think anyone has any
18 further information.

19 COUNCILMAN O'NEILL: Okay.
20 Thank you.

21 COUNCIL PRESIDENT VERNA: All
22 those in favor of the adoption of the
23 resolution will say aye.

24 (No response.)

25 COUNCIL PRESIDENT VERNA: Those

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 opposed?

3 (No.)

4 COUNCIL PRESIDENT Verna: And
5 Councilman Mariano has recused himself.

6 I would ask the Chief Clerk
7 to -- Councilwoman Blackwell.

8 COUNCILWOMAN BLACKWELL: Madam
9 President, I introduce another resolution
10 on your behalf.

11 COUNCIL PRESIDENT Verna: The
12 Chief Clerk will please read the title of
13 the resolution.

14 CHIEF CLERK: A resolution
15 rejecting the Hearing Examiner's
16 recommendation and disapproving the
17 following application for a permit to
18 sell malt and brewed beverages for
19 consumption off premises: The Jae Eop
20 Lee, 2333 North Front Street,
21 Philadelphia 19133.

22 COUNCIL PRESIDENT Verna: The
23 Chair recognizes Councilwoman Blackwell.

24 COUNCILWOMAN BLACKWELL: I move
25 for the adoption of the resolution.

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2 (Duly seconded.)

3 COUNCIL PRESIDENT VERNA: It
4 has been moved and seconded that the
5 resolution be adopted.

6 All in favor will say aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it and the resolution just read
13 has been adopted.

14 We will now consider
15 Application No. BPA2005-155. The name is
16 2047 Deli Inc. The location is 2047
17 Chestnut Street.

18 The Chair recognizes
19 Councilwoman Blackwell.

20 COUNCILWOMAN BLACKWELL: Madam
21 President, I understand Councilman Clarke
22 wants to introduce it.

23 COUNCIL PRESIDENT VERNA: I'm
24 recognizing Councilman Clarke, since you
25 have not recused yourself on this.

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2 COUNCILMAN CLARKE: Correct.

3 Would it be more appropriate for me to
4 make my comments after the motion on the
5 resolution or prior to?

6 COUNCIL PRESIDENT VERNA:

7 Councilwoman Blackwell, do you want to
8 move for the adoption.

9 COUNCILWOMAN BLACKWELL: Madam
10 President, then I offer one resolution on
11 your behalf.

12 MR. AUERBACH: Can I just have
13 a second with Councilman Clarke?

14 COUNCIL PRESIDENT VERNA: Sure.

15 Mr. Auerbach just had a
16 discussion with Councilman Clarke. I am
17 told at this point we will recognize
18 Councilman Clarke for a motion.

19 COUNCILMAN CLARKE: Madam
20 President, I just want to give clarity.
21 On this particular case, because I have
22 not recused myself, I can obviously vote.

23 In terms of the introduction of
24 the resolution, do I not have to
25 introduce both resolutions? I can just

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2 simply go to the resolution in terms of
3 what --

4 COUNCIL PRESIDENT VERNA: Yes,
5 you would.

6 COUNCILMAN CLARKE: All right.
7 First, I'd like to say that this
8 particular application, although approved
9 with conditions by the Examiner, in fact
10 did not meet the threshold of the
11 residents, particularly the Center City
12 Residents Association and some of the
13 other protestants for this particular
14 operation. There were numerous problems
15 that we believe will continue to exist in
16 spite of the conditions that were
17 imposed, so for that matter, I cannot
18 support this particular application.

19 So I will now introduce the
20 resolution. Do you want me to read it?
21 A resolution rejecting the recommendation
22 of the Hearing Examiner and disapproving
23 the following application for a permit to
24 sell malt and brewed beverages for
25 consumption off premises.

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2 COUNCILMAN O'NEILL: Madam
3 President, point of clarification. I
4 just want to make sure everybody
5 realizes, because I just found out, that
6 we don't need two resolutions in this
7 case because the Councilman is not
8 recusing himself.

9 COUNCIL PRESIDENT VERNA:
10 Right.

11 COUNCILMAN O'NEILL: Okay.
12 Thank you.

13 COUNCIL PRESIDENT VERNA: So,
14 Councilman, you have made a motion.

15 (Duly seconded.)

16 COUNCILMAN CLARKE: Yes, Madam
17 President.

18 COUNCIL PRESIDENT VERNA: And
19 it has been seconded.

20 All those in favor?

21 I'm sorry. Did you read it,
22 Pat.

23 CHIEF CLERK: No, I didn't.
24 The Councilman did.

25 COUNCIL PRESIDENT VERNA: The

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Councilman read it. Councilman Clarke
3 did read the title.

4 Pat, I'm told that you should
5 read it.

6 CHIEF CLERK: A resolution
7 rejecting the recommendation of the
8 Hearing Examiner and disapproving the
9 following application for a permit to
10 sell malt and brewed beverages for
11 consumption off premises: 2047 Deli,
12 2047 Chestnut Street, Philadelphia 19103.

13 COUNCIL PRESIDENT VERNA: The
14 Chair recognizes Councilman Clarke.

15 COUNCILMAN CLARKE: Madam
16 President, I move for the adoption of the
17 resolution.

18 (Duly seconded.)

19 COUNCIL PRESIDENT VERNA: It
20 has been moved and seconded that the
21 resolution be adopted, and the resolution
22 is rejecting the Hearing Examiner's
23 recommendation.

24 All in favor will indicate by
25 saying aye.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (Aye.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: The
7 ayes have it and the motion carries.

8 The next application is BPA2005
9 No. 168. The name of the applicant is
10 H&M Beer Inc. The location, 1344 East
11 Luzerne Street.

12 The Chair recognizes
13 Councilwoman Blackwell.

14 COUNCILWOMAN BLACKWELL: Thank
15 you, Madam President. I offer one
16 resolution on your behalf.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 The Chief Clerk will please
20 read the title of the resolution.

21 CHIEF CLERK: A resolution
22 accepting the recommendation of the
23 Hearing Examiner and approving the
24 following application for a permit to
25 sell malt and brewed beverages for

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 consumption off premises: The H&M Beer
3 Inc., 1344 East Luzerne Street,
4 Philadelphia 19124.

5 COUNCIL PRESIDENT VERNA: The
6 Chair again recognizes Councilwoman
7 Blackwell.

8 COUNCILWOMAN BLACKWELL: Thank
9 you, Madam President. I move for the
10 adoption of the resolution.

11 (Duly seconded.)

12 COUNCIL PRESIDENT VERNA: It
13 has been moved and seconded that the
14 resolution be adopted.

15 All in favor will say aye.

16 (Aye.)

17 COUNCIL PRESIDENT VERNA: Those
18 opposed?

19 COUNCILMAN GOODE: Nay.

20 COUNCIL PRESIDENT VERNA: The
21 record will reflect that Councilman Goode
22 voted nay. Also, Councilman Mariano has
23 recused himself.

24 The next application number is
25 BPA2005 No. 172. The name of the

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 applicant is 1057 H&K Corporation. The
3 address is 1057 South 52nd Street.

4 Councilwoman Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank
6 you, Madam President. I introduce this
7 resolution.

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

11 CHIEF CLERK: A resolution
12 rejecting the Hearing Examiner's
13 recommendation and disapproving the
14 following application for a permit to
15 sell malt and brewed beverages for
16 consumption off premises.

17 COUNCIL PRESIDENT VERNA: The
18 Chair recognizes Councilwoman Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank
20 you, Madam President. I move for the
21 adoption of the resolution.

22 COUNCIL PRESIDENT VERNA: Is
23 there a second?

24 (Duly seconded.)

25 COUNCIL PRESIDENT VERNA:

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 Councilman O'Neill, you look as though
3 you wanted to say something.

4 COUNCILMAN O'NEILL: Madam
5 President, it's my understanding that the
6 community is opposed to the approval of
7 this --

8 COUNCILWOMAN BLACKWELL:
9 Correct.

10 COUNCILMAN O'NEILL: --
11 recommendation, and I'm just questioning
12 the --

13 COUNCILWOMAN BLACKWELL: Madam
14 President, the legislation introduced was
15 to reject the application. So we move to
16 reject the Hearing Examiner's
17 recommendation.

18 COUNCIL PRESIDENT VERNA: Okay.
19 It has been moved and seconded that the
20 resolution introduced by Councilwoman
21 Blackwell rejecting the Hearing
22 Examiner's recommendation on this
23 particular application be adopted.

24 All in favor will please say
25 aye.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (Aye.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: The
7 ayes have it and the resolution has been
8 adopted.

9 The next application is No.
10 BPA2005 No. 182. The name of the
11 establishment is 2729 Inc. located at
12 2729 West Girard Avenue. I would ask
13 Councilwoman Blackwell to please offer
14 the resolution.

15 COUNCILWOMAN BLACKWELL: Thank
16 you, Madam President. I offer one
17 resolution on your behalf.

18 COUNCIL PRESIDENT VERNA: The
19 Chief Clerk will please read the title of
20 the resolution.

21 CHIEF CLERK: A resolution
22 modifying the recommendation of the
23 Hearing Examiner and approving, with
24 conditions, the following application for
25 a permit to sell malt and brewed

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 beverages for consumption off premises.

3 COUNCIL PRESIDENT VERNA: The
4 Chair recognizes Councilwoman Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank
6 you, Madam President. I move for the
7 adoption of the resolution.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and seconded that the
11 resolution be adopted.

12 All in favor will please
13 indicate by saying aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it, the resolution is adopted,
20 and the record will reflect that
21 Councilman Clarke recused himself.

22 The next application number is
23 BPA2005-343. The name of the
24 establishment is 1102 LAM Inc. located at
25 1102-1106 South 47th Street, and the

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 Chair recognizes Councilwoman Blackwell.

3 COUNCILWOMAN BLACKWELL: Thank
4 you, Madam President. I offer one
5 resolution.

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

9 CHIEF CLERK: A resolution
10 accepting the Hearing Examiner's
11 recommendation and disapproving the
12 following application for a permit to
13 sell malt and brewed beverages for
14 consumption off premises.

15 COUNCIL PRESIDENT VERNA: Is
16 that a disapproval or an approval?

17 CHIEF CLERK: It's an accepting
18 the Hearing Examiner's recommendation and
19 disapproving the following application
20 for a permit to sell malt and brewed
21 beverages for consumption off premises.

22 COUNCIL PRESIDENT VERNA: The
23 Chair recognizes Councilwoman Blackwell.

24 Councilwoman O'Neill, your
25 light is on.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILMAN O'NEILL: Is the
3 motion before us?

4 COUNCIL PRESIDENT VERNA: A
5 resolution was just read. I am now
6 recognizing Councilwoman Blackwell for a
7 motion.

8 Councilwoman Blackwell.

9 COUNCILWOMAN BLACKWELL: Thank
10 you, Madam President. I move for the
11 adoption of the resolution.

12 (Duly seconded.)

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

16 All in favor will please say
17 aye.

18 (Aye.)

19 COUNCIL PRESIDENT VERNA: Those
20 opposed?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: The
23 ayes have it and the resolution is
24 adopted.

25 The next application is No.

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 BPA2005-409. The name of the company is
3 Harry's Ogontz Deli Inc. located at 7701
4 Ogontz Avenue.

5 The Chair recognizes
6 Councilwoman Tasco.

7 COUNCILWOMAN TASCO: Madam
8 President, I move for the adoption of the
9 resolution. I'd like to speak on the
10 resolution

11 COUNCIL PRESIDENT Verna: Yes.
12 Is there a second?

13 (Duly seconded.)

14 COUNCIL PRESIDENT Verna: The
15 Chair recognizes Councilwoman Tasco.

16 COUNCILWOMAN TASCO: Madam
17 President, we had --

18 COUNCIL PRESIDENT Verna: Wait
19 just a minute.

20 COUNCILWOMAN TASCO: I'll
21 introduce it. Should I read it?

22 COUNCIL PRESIDENT Verna: Yes,
23 would you introduce --

24 COUNCILWOMAN TASCO: What do I
25 say?

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCIL PRESIDENT Verna:

3 Please introduce --

4 COUNCILWOMAN TASC0: I

5 introduce a resolution accepting the
6 recommendation of the Hearing Examiner
7 and approving the following application
8 for a permit to sell malt and brewed
9 beverages for consumption off premises at
10 Harry's Ogontz Deli Inc., 7701 Ogontz
11 Avenue.

12 CHIEF CLERK: A resolution
13 accepting the recommendation of the
14 Hearing Examiner and approving the
15 following application for a permit to
16 sell malt and brewed beverages for
17 consumption off premises: Harry's Ogontz
18 Deli, 7701 Ogontz Avenue, Philadelphia
19 19150.

20 COUNCIL PRESIDENT Verna: The
21 Chair recognizes Councilwoman Tasco for a
22 motion.

23 COUNCILWOMAN TASC0: I move for
24 the adoption of the resolution. I'd like
25 to speak on it.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (Duly seconded.)

3 COUNCIL PRESIDENT Verna: It
4 has been moved and seconded, and the
5 Chair recognizes Councilwoman Tasco.

6 COUNCILWOMAN TESCO: I'd just
7 like to say that we had gotten some
8 complaints about this deli, mainly about
9 the congregation of people in front of
10 the deli, but during the course of the
11 hearing, we received two letters from the
12 Block Captains in support of the deli, as
13 well as signed petitions, although a
14 number of the signers did not live in the
15 area within 500 feet of whatever we go
16 before the Zoning Board, a number of them
17 did. So, therefore, while I disagree
18 with the recommendation, I will support
19 the application.

20 COUNCIL PRESIDENT Verna: Thank
21 you.

22 It has been moved and seconded
23 that the resolution be adopted.

24 All in favor will please say
25 aye.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (Aye.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 COUNCILMAN GOODE: Nay.

6 COUNCIL PRESIDENT VERNA: I'm
7 sorry. Who is saying nay?

8 COUNCILMAN GOODE: Nay.

9 COUNCIL PRESIDENT VERNA: The
10 record will reflect that Councilman Goode
11 voted no. All other Councilmembers have
12 voted in the affirmative.

13 The next application is
14 BPA2005-413. The name of the company is
15 63 CVA Inc. located at 2501 North 31st
16 Street.

17 The Chair recognizes
18 Councilwoman Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank
20 you, Madam President. I offer one
21 resolution on your behalf.

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 The Chief Clerk will please
25 read the title of the resolution.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 CHIEF CLERK: A resolution
3 accepting the Hearing Examiner's
4 recommendation and disapproving the
5 following application for a permit to
6 sell malt and brewed beverages for
7 consumption off premises.

8 COUNCIL PRESIDENT VERNA: Thank
9 you.

10 The Chair recognizes
11 Councilwoman Blackwell.

12 COUNCILWOMAN BLACKWELL: Thank
13 you, Madam President. I move for the
14 adoption of the resolution.

15 (Duly seconded.)

16 COUNCIL PRESIDENT VERNA: It
17 has been moved and seconded that the
18 resolution be adopted.

19 All in favor will please say
20 aye.

21 (Aye.)

22 COUNCIL PRESIDENT VERNA: Those
23 opposed?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: The

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 ayes have it, the resolution is adopted,
3 and the record should reflect that
4 Councilman Clarke recused himself.

5 The next application is
6 BPA2005-432. We are now considering
7 Shin's Market located at 2248 Ridge
8 Avenue.

9 The Chair recognizes
10 Councilwoman Blackwell.

11 COUNCILWOMAN BLACKWELL: Thank
12 you, Madam President. I offer one
13 resolution on your behalf.

14 COUNCIL PRESIDENT VERNA: The
15 Chief Clerk will please read the title of
16 the resolution.

17 CHIEF CLERK: A resolution
18 accepting the recommendation of the
19 Hearing Examiner and approving the
20 following application for a permit to
21 sell malt and brewed beverages for
22 consumption off premises: Shins's
23 Market, 2248 Ridge Avenue, Philadelphia
24 19121.

25 COUNCIL PRESIDENT VERNA: The

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 Chair again recognizes Councilwoman
3 Blackwell.

4 COUNCILWOMAN BLACKWELL: I move
5 for the adoption of the resolution.

6 COUNCIL PRESIDENT VERNA: Is
7 there a second?

8 COUNCILMAN O'NEILL: Second,
9 and I'd like to be heard on it.

10 COUNCIL PRESIDENT VERNA: The
11 Chair recognizes Councilman O'Neill.

12 COUNCILMAN O'NEILL: Madam
13 President, it's my understanding that the
14 local community is opposed to the
15 decision or the recommendation to approve
16 this application, and I'll be voting no.
17 Again, if any other members have contrary
18 information, I'd appreciate hearing it.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 You all heard Councilman
22 O'Neill's remarks. Does anybody have any
23 further information on this?

24 The Chair recognizes Councilman
25 Ramos.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILMAN RAMOS: Madam
3 President, I concur with the expressions.
4 I come from segments of the community in
5 opposition to the licensing of this
6 establishment.

7 COUNCIL PRESIDENT VERNA: Okay.
8 A motion was made. We did not get a
9 second.

10 Oh, Councilman O'Neill, you did
11 second it.

12 COUNCILMAN O'NEILL: Yes.

13 COUNCIL PRESIDENT VERNA: All
14 those in favor will say aye.

15 (No response.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No.)

19 COUNCIL PRESIDENT VERNA: The
20 Chair again recognizes Councilwoman
21 Blackwell.

22 COUNCILWOMAN BLACKWELL: Thank
23 you, Madam President. I offer another
24 resolution on your behalf.

25 COUNCIL PRESIDENT VERNA: Thank

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 you.

3 The Chief Clerk will please
4 read the title of the resolution.

5 CHIEF CLERK: A resolution
6 rejecting the Hearing Examiner's
7 recommendation and disapproving the
8 following application for a permit to
9 sell malt and brewed beverages for
10 consumption off premises: Shin's Market,
11 2248 Ridge Avenue.

12 COUNCIL PRESIDENT VERNA: The
13 Chair recognizes Councilwoman Blackwell.

14 COUNCILWOMAN BLACKWELL: I move
15 for the adoption of the resolution.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and seconded that the
19 resolution rejecting the Hearing
20 Examiner's recommendation be adopted.

21 All in favor will indicate by
22 saying aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it. The resolution is adopted.
5 Also, the record will reflect that
6 Councilman Clarke recused himself.

7 We will now consider
8 application BPA2005-437, Northeast Deli
9 located at 6518 Castor Avenue.

10 The Chair recognizes
11 Councilwoman Blackwell.

12 COUNCILWOMAN BLACKWELL: Thank
13 you, Madam President. I offer one
14 resolution on your behalf.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 The Chief Clerk will please
18 read the title of the resolution.

19 CHIEF CLERK: A resolution
20 accepting the recommendation of the
21 Hearing Examiner and approving the
22 following application for a permit to
23 sell malt and brewed beverages for
24 consumption off premises: Northeast
25 Deli, 6518 Castor Avenue, Philadelphia

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 19149.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 The Chair recognizes
6 Councilwoman Blackwell.

7 COUNCILWOMAN BLACKWELL: Madam
8 President, I move for the adoption of the
9 resolution.

10 (Duly seconded.)

11 COUNCIL PRESIDENT VERNA: It
12 has been moved and seconded that the
13 resolution be adopted.

14 All in favor will please say
15 aye.

16 (Aye.)

17 COUNCIL PRESIDENT VERNA: Those
18 opposed?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: The
21 ayes have it, the resolution is adopted,
22 and the record will reflect that
23 Councilman Mariano did in fact recuse
24 himself.

25 The next application, No.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 BPA2005-461. The name of the
3 establishment is 7401 Kim and Kim Inc.
4 located at 7401 Stenton Avenue.

5 The Chair recognizes
6 Councilwoman Tasco.

7 COUNCILWOMAN TASCO: Madam
8 President, I offer one resolution.

9 COUNCIL PRESIDENT VERNA: The
10 Chief Clerk will please read the title of
11 the resolution.

12 CHIEF CLERK: A resolution
13 accepting the recommendation of the
14 Hearing Examiner and approving, with
15 conditions, the following application for
16 a permit to sell malt and brewed
17 beverages for consumption off premises:
18 7401 Kim and Kim, 7401 Stenton Avenue,
19 Philadelphia 19150

20 COUNCIL PRESIDENT VERNA: The
21 Chair recognizes Councilwoman Tasco.

22 COUNCILWOMAN TASCO: Madam
23 President, I move for the adoption of the
24 resolution.

25 (Duly seconded.)

1 10/20/05 - STATED - ACT 39 APPLICATIONS

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

5 All in favor will please say
6 aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it and the resolution is
13 adopted.

14 We will now consider
15 application BPA2005-536. The name of the
16 establishment is Lyric 99 Inc. located at
17 6000-6002 Haverford Avenue, and the Chair
18 recognizes Councilwoman Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank
20 you, Madam President. I offer one
21 resolution on your behalf.

22 COUNCIL PRESIDENT VERNA: The
23 Chief Clerk will please read the title of
24 the resolution.

25 CHIEF CLERK: A resolution

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 accepting the recommendation of the
3 Hearing Examiner and approving with
4 conditions the following application for
5 a permit to sell malt and brewed
6 beverages for consumption off premises:
7 Lyric 99, 6000 to 6002 Haverford Avenue.

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

10 COUNCILWOMAN BLACKWELL: Madam
11 President, I move for the adoption of the
12 resolution.

13 (Duly seconded.)

14 COUNCIL PRESIDENT VERNA: The
15 Chair recognizes Councilman O'Neill.

16 COUNCILMAN O'NEILL: Yes, Madam
17 President. I concur with the opposition
18 of the local community on this, and I
19 will be voting no. Thank you.

20 COUNCIL PRESIDENT VERNA: Okay.
21 Did we have a second?

22 COUNCILWOMAN TASC0: Second.

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that the
25 resolution be adopted.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 All in favor will indicate by
3 saying aye.

4 (No response.)

5 COUNCIL PRESIDENT VERNA: Those
6 opposed?

7 (No.)

8 COUNCIL PRESIDENT VERNA: Since
9 everyone is in opposition, I would ask
10 Councilwoman Blackwell to please present
11 another resolution.

12 COUNCILWOMAN BLACKWELL: Thank
13 you, Madam President. I introduce
14 another resolution on your behalf.

15 CHIEF CLERK: A resolution
16 rejecting the recommendation of the
17 Hearing Examiner and disapproving the
18 following application for a permit to
19 sell malt and brewed beverages for
20 consumption off premises: Lyric 99, 6000
21 to 02 Haverford Avenue.

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 The Chair recognizes
25 Councilwoman Blackwell.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILWOMAN BLACKWELL: Madam
3 President, I move for the adoption of
4 this resolution.

5 COUNCIL PRESIDENT VERNA: Do I
6 hear a second?

7 (Duly seconded.)

8 COUNCIL PRESIDENT VERNA: It
9 has been moved and seconded that this
10 resolution be adopted, and that would be
11 rejecting the Hearing Examiner's
12 recommendation.

13 All in favor will please
14 indicate by saying aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: And
20 the record will reflect that Councilman
21 Nutter has recused himself from this.

22 COUNCIL PRESIDENT VERNA: The
23 next application is BPA2005-756. The
24 name of the establishment is New 17th
25 Inc. located at 2501 North 17th Street.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 The Chair recognizes
3 Councilwoman Blackwell.

4 COUNCILWOMAN BLACKWELL: Thank
5 you, Madam President. I introduce one
6 resolution on your behalf.

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

10 CHIEF CLERK: A resolution
11 accepting the recommendation of the
12 Hearing Examiner and approving, with
13 conditions, the following application for
14 a permit to sell malt and brewed
15 beverages for consumption off premises:
16 New 17th, 2501 North 17th Street,
17 Philadelphia 19132.

18 COUNCIL PRESIDENT VERNA: The
19 Chair recognizes Councilwoman Blackwell.

20 COUNCILWOMAN BLACKWELL: Thank
21 you, Madam President. I move for the
22 adoption of the resolution.

23 (Duly seconded.)

24 COUNCIL PRESIDENT VERNA: It
25 has been moved and seconded that the

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 resolution be adopted.

3 All in favor will say aye.

4 (Aye.)

5 COUNCIL PRESIDENT VERNA: Those
6 opposed?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: The
9 ayes have it, the resolution is adopted,
10 and the record will reflect that
11 Councilman Clarke recused himself on this
12 particular application.

13 The Chair recognizes
14 Councilwoman Miller.

15 COUNCILWOMAN MILLER: Thank
16 you, Madam President. Madam President, I
17 need to be excused to attend to Council
18 business. I know I can't leave a vote,
19 but if anybody has any questions about
20 anything in the 8th Council District, my
21 legislative aide, St. Martin Torrence,
22 will be here in the room, and I recuse
23 myself anyway.

24 COUNCIL PRESIDENT VERNA: Fine.

25 COUNCILWOMAN MILLER: Thank

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 you.

3 COUNCIL PRESIDENT VERNA: You
4 will be excused. Thank you.

5 The next application is
6 BPA2005-779, Khov-Tieg-Eap Enterprises
7 located at 2001 West York Street.

8 The Chair recognizes
9 Councilwoman Blackwell.

10 COUNCILWOMAN BLACKWELL: Thank
11 you, Madam President. I offer one
12 resolution on your behalf.

13 COUNCIL PRESIDENT VERNA: The
14 Chief Clerk will please read the title of
15 the resolution.

16 CHIEF CLERK: A resolution
17 modifying the recommendation of the
18 Hearing Examiner and approving, with
19 conditions, the following application for
20 a permit to sell malt and brewed
21 beverages for consumption off premises:
22 The EAP Enterprises, 2001 West York
23 Street, Philadelphia, PA 19132.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 The Chair recognizes

3 Councilwoman Blackwell.

4 COUNCILWOMAN BLACKWELL: Thank

5 you, Madam President. I move for the

6 adoption of the resolution.

7 (Duly seconded.)

8 COUNCIL PRESIDENT VERNA: It

9 has been moved and seconded that the

10 resolution be adopted.

11 All in favor will say aye.

12 (Aye.)

13 COUNCIL PRESIDENT VERNA: Those

14 opposed?

15 (No response.)

16 COUNCIL PRESIDENT VERNA: The

17 ayes have it, the resolution is adopted,

18 and, again, the record will reflect

19 Councilman Clarke has recused himself.

20 The next application number is

21 BPA2005-790, Jimmy's Germantown Place

22 Inc. located at 3509-15 Germantown

23 Avenue.

24 The Chair recognizes

25 Councilwoman Blackwell.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILWOMAN BLACKWELL: Thank
3 you, Madam President. I offer one
4 resolution on your behalf.

5 COUNCIL PRESIDENT Verna: The
6 Chief Clerk will please read the title of
7 the resolution.

8 CHIEF CLERK: A resolution
9 accepting the recommendation of the
10 Hearing Examiner and approving, with
11 conditions, the following application for
12 a permit to sell malt and brewed
13 beverages for consumption off premises:
14 Jimmy's Germantown Place, 3509 to 15
15 Germantown Avenue, Philadelphia 19140.

16 COUNCIL PRESIDENT Verna: The
17 Chair recognizes Councilwoman Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank
19 you, Madam President. I move for the
20 adoption of the resolution.

21 (Duly seconded.)

22 COUNCIL PRESIDENT Verna: It
23 has been moved and seconded that the
24 resolution be adopted.

25 All in favor?

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (Aye.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: The
7 ayes have it, the resolution is adopted,
8 and the record, again, will reflect that
9 Councilman Clarke recused himself.

10 The next application is
11 BPA2005-889, Loav's Inc., 5217 West
12 Girard Avenue.

13 The Chair recognizes
14 Councilwoman Blackwell.

15 COUNCILWOMAN BLACKWELL: Thank
16 you, Madam President. I offer one
17 resolution.

18 COUNCIL PRESIDENT VERNA: The
19 Chief Clerk will please read the title of
20 the resolution.

21 CHIEF CLERK: A resolution
22 rejecting the Hearing Examiner's
23 recommendation and disapproving the
24 following application for a permit to
25 sell malt and brewed beverages for

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 consumption off premises: Loav's Inc.,
3 5217 West Girard Avenue, Philadelphia
4 19131.

5 COUNCIL PRESIDENT Verna:
6 Councilwoman, that's rejecting the
7 Hearing Examiner's recommendation?

8 COUNCILWOMAN Blackwell: Yes,
9 ma'am.

10 COUNCIL PRESIDENT Verna: I
11 just wanted everybody to be aware of
12 that.

13 The Chair recognizes
14 Councilwoman Blackwell.

15 COUNCILWOMAN Blackwell: Thank
16 you, Madam President. I move for the
17 adoption of the resolution.

18 (Duly seconded.)

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

22 All in favor will please say
23 aye.

24 (Aye.)

25 COUNCIL PRESIDENT Verna: Those

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The
5 ayes have it and the resolution is
6 adopted.

7 The next application is
8 BPA2005-995, Yuong Enterprises -- I guess
9 I'm pronouncing that right -- Inc.,
10 2201-2207 Ridge Avenue, and the Chair
11 recognizes Councilwoman Blackwell.

12 COUNCILWOMAN BLACKWELL: Thank
13 you, Madam President. I offer one
14 resolution on your behalf.

15 COUNCIL PRESIDENT VERNA: The
16 Chief Clerk will please read the title of
17 the resolution.

18 CHIEF CLERK: A resolution
19 accepting the Hearing Examiner's
20 recommendation and disapproving the
21 following application for a permit to
22 sell malt and brewed beverages for
23 consumption off premises: Yuong
24 Enterprise, 2201 to 07 Ridge Avenue,
25 Philadelphia 19121.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCIL PRESIDENT VERNA: The
3 Chair recognizes Councilwoman Blackwell.

4 COUNCILWOMAN BLACKWELL: I move
5 for the adoption of the resolution.

6 (Duly seconded.)

7 COUNCIL PRESIDENT VERNA: It
8 has been moved and properly seconded that
9 the resolution be adopted.

10 All in favor will please say
11 aye.

12 (Aye.)

13 COUNCIL PRESIDENT VERNA: Those
14 opposed?

15 (No response.)

16 COUNCIL PRESIDENT VERNA: The
17 ayes have it, the resolution is adopted,
18 and, again, the record will reflect that
19 Councilman Clarke recused himself.

20 The next application number is
21 BPA2005-1095, Thorne Corporation, 1315-17
22 Bainbridge Street, and the Chair
23 recognizes Councilwoman Blackwell.

24 COUNCILWOMAN BLACKWELL: Thank
25 you, Madam President. I offer one

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 resolution on your behalf.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 The Chief Clerk will please
6 read the title of the resolution.

7 COUNCILMAN DICICCO: Point of
8 order, Madam President.

9 COUNCIL PRESIDENT VERNA: Yes.

10 COUNCILMAN DICICCO: I will be
11 recusing myself from this vote.

12 COUNCIL PRESIDENT VERNA: I
13 know. Thank you.

14 CHIEF CLERK: A resolution
15 accepting the Hearing Examiner's
16 recommendation and disapproving the
17 following application for a permit to
18 sell malt and brewed beverages for
19 consumption off premises: Thorne
20 Corporation, 1315 to 17 Bainbridge
21 Street, Philadelphia 19147.

22 COUNCIL PRESIDENT VERNA: I am
23 advising my colleagues that we need nine
24 votes, so I am suggesting that we not --
25 Councilman O'Neill.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILMAN O'NEILL: Point of
3 clarification, Madam President. On
4 resolutions, my understanding is it's a
5 majority of those present.

6 MR. McPHERSON: We need nine in
7 the room, five for the quorum.

8 COUNCIL PRESIDENT VERNA: We
9 need nine in the room. That's what I
10 just said.

11 COUNCILMAN O'NEILL: You had
12 said we need nine votes.

13 COUNCIL PRESIDENT VERNA: Well,
14 that's what you just said.

15 COUNCILMAN O'NEILL: Nine
16 voters, not nine votes.

17 COUNCIL PRESIDENT VERNA:
18 Right.

19 COUNCILMAN O'NEILL: Okay.
20 Thank you.

21 COUNCIL PRESIDENT VERNA: The
22 Chair recognizes Councilwoman Blackwell.

23 COUNCILWOMAN BLACKWELL: Thank
24 you, Madam President. Are we up for the
25 next bill?

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 I move for the adoption.

3 Sorry. I'm reading ahead.

4 COUNCIL PRESIDENT VERNA: It
5 has been moved and seconded that the
6 resolution be adopted.

7 All in favor will say aye.

8 (Aye.)

9 COUNCIL PRESIDENT VERNA: Those
10 opposed?

11 (No response.)

12 COUNCIL PRESIDENT VERNA: The
13 ayes have it, the resolution is adopted,
14 and the record will reflect that
15 Councilman DiCicco recused himself.

16 The next application is
17 BPA2005-1160. The name of the
18 establishment is 1338 BT Inc. located at
19 1338 West Cambria Street, and the Chair
20 recognizes Councilwoman Blackwell.

21 COUNCILWOMAN BLACKWELL: Thank
22 you, Madam President. I offer one
23 resolution on your behalf.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 The Chief Clerk will please
3 read the title of the resolution.

4 CHIEF CLERK: A resolution
5 accepting the recommendation of the
6 Hearing Examiner and approving, with
7 conditions, the following application for
8 a permit to sell malt and brewed
9 beverages for consumption off premises:
10 1338 BT Inc., 1338 West Cambria Street,
11 Philadelphia 19132.

12 COUNCIL PRESIDENT VERNA: The
13 Chair recognizes Councilwoman Blackwell.

14 COUNCILWOMAN BLACKWELL: Thank
15 you, Madam President. I move for the
16 adoption of the resolution.

17 (Duly seconded.)

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

21 All in favor will please
22 indicate by saying aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it, the resolution is adopted,
5 and Councilman Clarke has recused himself
6 on this application.

7 The next application is No.
8 BPA2005-1338 and the name of the
9 establishment is NGO Belfield Inc.
10 located at 1757 Belfield Avenue.

11 The Chair recognizes
12 Councilwoman Blackwell.

13 COUNCILWOMAN BLACKWELL: Thank
14 you, Madam President. I offer one
15 resolution on your behalf.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 The Chief Clerk will please
19 read the title of the resolution.

20 CHIEF CLERK: A resolution
21 accepting the recommendation of the
22 Hearing Examiner and approving the
23 following application for a permit to
24 sell malt and brewed beverages for
25 consumption off premises: NGO Belfield

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Inc., 1757 Belfield Avenue, Philadelphia
3 19141.

4 COUNCIL PRESIDENT VERNA: The
5 Chair recognizes Councilwoman Blackwell.

6 COUNCILWOMAN BLACKWELL: Thank
7 you, Madam President. I move for the
8 adoption of the resolution.

9 (Duly seconded.)

10 COUNCIL PRESIDENT VERNA: It
11 has been moved and seconded that the
12 resolution be adopted.

13 All in favor will please say
14 aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 COUNCILMAN GOODE: Nay.

19 COUNCIL PRESIDENT VERNA:
20 Councilman Goode is voting no. All other
21 members are voting aye, and the record
22 will reflect that Councilwoman Miller
23 recused herself.

24 The next application is No.

25 BPA2005-1366, H&M Deli located at 800

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 East Chelten Avenue.

3 The Chair recognizes

4 Councilwoman Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank

6 you, Madam President. I offer one

7 resolution on your behalf.

8 COUNCIL PRESIDENT VERNA: Thank

9 you.

10 The Chief Clerk will please

11 read the title of the resolution.

12 CHIEF CLERK: A resolution

13 accepting the recommendation of the

14 Hearing Examiner and approving, with

15 conditions, the following application for

16 a permit to sell malt and brewed

17 beverages for consumption off premises:

18 H&M Deli, 800 East Chelten Avenue,

19 Philadelphia 19138.

20 COUNCIL PRESIDENT VERNA: The

21 Chair recognizes Councilwoman Blackwell.

22 COUNCILWOMAN BLACKWELL: Thank

23 you, Madam President. I move for the

24 adoption.

25 (Duly seconded.)

1 10/20/05 - STATED - ACT 39 APPLICATIONS

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

5 All in favor will say aye.
6 (Aye.)

7 COUNCIL PRESIDENT VERNA: Those
8 opposed?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: The
11 ayes have it, the resolution is adopted,
12 and the record will reflect that
13 Councilwoman Miller recused herself.

14 The next application is No.
15 BPA2005-1580, RCP No. 3 located at
16 105-107 Grape Street.

17 The Chair recognizes
18 Councilwoman Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank
20 you, Madam President. I offer one
21 resolution on your behalf.

22 COUNCIL PRESIDENT VERNA: The
23 Chief Clerk will please read the title of
24 the resolution.

25 CHIEF CLERK: A resolution

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 accepting the recommendation of the
3 Hearing Examiner and approving, with
4 conditions, the following application for
5 a permit to sell malt and brewed
6 beverages for consumption off premises:
7 RCP No. 3, 105 to 107 Grape Street,
8 Philadelphia 19127.

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

11 COUNCILWOMAN BLACKWELL: Thank
12 you, Madam President. I move for the
13 adoption of the resolution.

14 (Duly seconded.)

15 COUNCIL PRESIDENT Verna: It
16 has been moved and seconded that the
17 resolution be adopted.

18 All in favor will say aye.

19 (Aye.)

20 COUNCIL PRESIDENT Verna: Those
21 opposed?

22 COUNCILMAN O'NEILL: Madam
23 President.

24 COUNCIL PRESIDENT Verna: The
25 Chair recognizes Councilman O'Neill.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILMAN O'NEILL: This is
3 RCP No. 3, 1580?

4 COUNCIL PRESIDENT VERNA: Yes.

5 COUNCILMAN O'NEILL: It's my
6 understanding that the local community is
7 against this, and I'll be voting no on
8 it. If there's any other information on
9 that, I'd appreciate hearing it.

10 COUNCIL PRESIDENT VERNA: Is
11 there any other information on this
12 application?

13 (No response.)

14 COUNCIL PRESIDENT VERNA:
15 Exactly where were we?

16 COUNCILWOMAN BLACKWELL: Madam
17 President, it's time for us to vote.

18 COUNCIL PRESIDENT VERNA: No.

19 COUNCILWOMAN BLACKWELL: Did we
20 vote already?

21 COUNCIL PRESIDENT VERNA: We
22 did not.

23 COUNCILWOMAN BLACKWELL: Then
24 it's time for me to offer another
25 resolution, Madam President.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCIL PRESIDENT VERNA: No.

3 We didn't vote.

4 COUNCILWOMAN BLACKWELL: That's
5 what I thought.

6 COUNCIL PRESIDENT VERNA: I
7 think you moved that the application be
8 approved. Was there a second? I don't
9 recall.

10 COUNCILMAN O'NEILL: I'll
11 second it, but I think it was.

12 COUNCIL PRESIDENT VERNA: All
13 in favor of the adoption of the
14 resolution will say aye.

15 (No response.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No.)

19 COUNCIL PRESIDENT VERNA: With
20 that being in opposition, I would ask
21 Councilwoman Blackwell to please present
22 another resolution.

23 COUNCILWOMAN BLACKWELL: Thank
24 you, Madam President. I offer another
25 resolution on your behalf.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCIL PRESIDENT VERNA: Thank
3 you.

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

6 CHIEF CLERK: A resolution
7 rejecting the recommendation of the
8 Hearing Examiner and disapproving the
9 following application for a permit to
10 sell malt and brewed beverages for
11 consumption off premises: RCP No. 3, 105
12 to 107 Grape Street, Philadelphia 19127.

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

15 COUNCILWOMAN BLACKWELL: Thank
16 you, Madam President. I move for the
17 adoption of the resolution.

18 (Duly seconded.)

19 COUNCIL PRESIDENT VERNA: We
20 are now voting on the adoption of a
21 resolution rejecting the Hearing
22 Examiner's recommendation.

23 All in favor will indicate by
24 saying aye.

25 (Aye.)

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCIL PRESIDENT VERNA: Those
3 opposed?

4 (No response.)

5 COUNCIL PRESIDENT VERNA: The
6 ayes have it and the resolution is
7 adopted. The record will reflect that
8 Councilman Nutter recused himself.

9 The next application is
10 BPA2005-1621. The name of the
11 establishment is Three Main Inc. located
12 at 4245 Main Street.

13 The Chair recognizes
14 Councilwoman Blackwell.

15 COUNCILWOMAN BLACKWELL: Thank
16 you, Madam President. I introduce one
17 resolution on your behalf.

18 COUNCIL PRESIDENT: Thank you.

19 The Chief Clerk will please
20 read the title of the resolution.

21 CHIEF CLERK: A resolution
22 accepting the recommendation of the
23 Hearing Examiner and approving the
24 following application for a permit to
25 sell malt and brewed beverages for

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 consumption off premises: Three Main
3 Inc., 4245 Main Street, Philadelphia
4 19127.

5 COUNCIL PRESIDENT VERNA: The
6 Chair recognizes Councilwoman Blackwell.

7 COUNCILWOMAN BLACKWELL: Thank
8 you, Madam President. I move for the
9 adoption of the resolution.

10 (Duly seconded.)

11 COUNCIL PRESIDENT VERNA: It
12 has been moved and seconded and I see
13 that -- all those in favor?

14 Councilman O'Neill.

15 COUNCILMAN O'NEILL: This is on
16 Main Street, right, 4245?

17 COUNCIL PRESIDENT VERNA: 4245
18 Main.

19 COUNCILMAN O'NEILL: Yes. I
20 understand the community is opposed to
21 this and I would be voting no.

22 COUNCIL PRESIDENT VERNA: Okay.
23 I believe a motion was made and seconded
24 that the resolution be approved.

25 All in favor will say aye.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (No response.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 (No.)

6 COUNCIL PRESIDENT VERNA: The
7 no's have it, and I would ask
8 Councilwoman Blackwell to please present
9 another resolution.

10 COUNCILWOMAN BLACKWELL: Thank
11 you, Madam President. I introduce
12 another resolution on your behalf.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

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

17 CHIEF CLERK: A resolution
18 rejecting the Hearing Examiner's
19 recommendation and disapproving the
20 following application for a permit to
21 sell malt and brewed beverages for
22 consumption off premises: Three Main
23 Inc., 4245 Main Street, Philadelphia
24 19127.

25 COUNCIL PRESIDENT VERNA: Thank

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 you.

3 The Chair recognizes
4 Councilwoman Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank
6 you, Madam President. I move for the
7 adoption of the resolution.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and seconded that the
11 resolution rejecting the Hearing
12 Examiner's recommendation be adopted.

13 All in favor will indicate by
14 saying aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: The
20 ayes have it and the resolution is
21 adopted, and we will note that Councilman
22 Nutter recused himself.

23 The next application is
24 BPA2005-1645, Woney Inc., 428-430 South
25 13th Street, and the Chair recognizes

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Councilwoman Blackwell.

3 COUNCILWOMAN BLACKWELL: Thank
4 you, Madam President. I offer one
5 resolution on your behalf.

6 COUNCIL PRESIDENT VERNA: Thank
7 you.

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

10 CHIEF CLERK: A resolution
11 accepting the recommendation of the
12 Hearing Examiner and approving, with
13 conditions, the following application for
14 a permit to sell malt and brewed
15 beverages for consumption off premises:
16 Woney Inc., 428 to 430 South 13th Street,
17 Philadelphia 19147.

18 COUNCIL PRESIDENT VERNA: The
19 Chair recognizes Councilwoman Blackwell.

20 COUNCILWOMAN BLACKWELL: Thank
21 you, Madam President. I move for the
22 adoption of the resolution.

23 (Duly seconded.)

24 COUNCIL PRESIDENT VERNA: It
25 has been moved and seconded that the

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 resolution be adopted.

3 All in favor will signify by
4 saying aye.

5 (Aye.)

6 COUNCIL PRESIDENT VERNA: Those
7 opposed?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: The
10 ayes have it, the resolution is adopted,
11 and the record will indicate that
12 Councilman DiCicco recused himself.

13 The next application is No.
14 BPA2005-1658, Cresson Inn Bar & Grill
15 Inc., 114 Gay Street.

16 The Chair recognizes
17 Councilwoman Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank
19 you, Madam President. I offer one
20 resolution on your behalf.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 The Chief Clerk will please
24 read the title of the resolution.

25 CHIEF CLERK: A resolution

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 accepting the recommendation of the
3 Hearing Examiner and approving, with
4 conditions, the following application for
5 a permit to sell malt and brewed
6 beverages for consumption off premises:
7 The Cresson Inn Bar & Grill, 114 Gay
8 Street, Philadelphia 19127.

9 COUNCIL PRESIDENT VERNA: The
10 Chair recognizes Councilwoman Blackwell.

11 COUNCILWOMAN BLACKWELL: Madam
12 President, I move for the adoption of the
13 resolution.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded, and the
17 Chair recognizes Councilman O'Neill.

18 COUNCILMAN O'NEILL: Madam
19 President, I understand the local
20 community is opposed to this, and I will
21 be voting no.

22 COUNCIL PRESIDENT VERNA: Would
23 anyone else like to be recognized at this
24 time?

25 (No response.)

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCIL PRESIDENT VERNA: There
3 has been a motion made and seconded that
4 the resolution be adopted.

5 All in favor will say aye.

6 (No response.)

7 COUNCIL PRESIDENT VERNA: Those
8 opposed?

9 (No.)

10 COUNCIL PRESIDENT VERNA: With
11 it being no, I would ask Councilwoman
12 Blackwell to please present another
13 resolution.

14 COUNCILWOMAN BLACKWELL: Thank
15 you, Madam President. I offer another
16 resolution on your behalf.

17 COUNCIL PRESIDENT VERNA: The
18 Chief Clerk will please read the title of
19 the resolution.

20 CHIEF CLERK: A resolution
21 rejecting the recommendation of the
22 Hearing Examiner and disapproving the
23 following application for a permit to
24 sell malt and brewed beverages for
25 consumption off premises: The Cresson

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Inn Bar & Grill, 114 Gay Street,
3 Philadelphia 19127.

4 COUNCIL PRESIDENT VERNA: The
5 Chair recognizes Councilwoman Blackwell.

6 COUNCILWOMAN BLACKWELL: Madam
7 President, I move for the adoption of the
8 resolution.

9 (Duly seconded.)

10 COUNCIL PRESIDENT VERNA: It
11 has been moved and seconded that the
12 resolution be adopted.

13 All in favor will indicate by
14 saying aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: The
20 ayes have it, the resolution is adopted,
21 and the record will indicate that
22 Councilman Nutter recused himself.

23 The next application is
24 BPA2005-1712, 4100 H&T Enterprises Inc.
25 located at 4100 Lancaster Avenue.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 The Chair recognizes
3 Councilwoman Blackwell.

4 COUNCILWOMAN BLACKWELL: Thank
5 you, Madam President. I offer one
6 resolution.

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

10 CHIEF CLERK: A resolution
11 rejecting the recommendation of the
12 Hearing Examiner and disapproving the
13 following application for a permit to
14 sell malt and brewed beverages for
15 consumption off premises: 4100 H&T
16 Enterprise, 4100 Lancaster Avenue,
17 Philadelphia 19104.

18 COUNCIL PRESIDENT VERNA: The
19 Chair recognizes Councilwoman Blackwell.

20 COUNCILWOMAN BLACKWELL: Thank
21 you, Madam President. I move for the
22 adoption of the resolution.

23 (Duly seconded.)

24 COUNCIL PRESIDENT VERNA: It
25 has been moved and seconded that the

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 resolution be adopted.

3 All in favor will indicate by
4 saying aye.

5 (Aye.)

6 COUNCIL PRESIDENT VERNA: Those
7 opposed?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: The
10 ayes have it. The resolution is adopted.

11 The next application number is
12 BPA2005-1794 and the name of the
13 establishment is 2200 LY Inc. located at
14 2200 North 18th Street.

15 I would ask Councilwoman
16 Blackwell to be introducing a resolution
17 at this time.

18 COUNCILWOMAN BLACKWELL: Thank
19 you, Madam President. I offer one
20 resolution on your behalf.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 The Chief Clerk will please
24 read the title of the resolution.

25 CHIEF CLERK: A resolution

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 accepting the recommendation of the
3 Hearing Examiner and approving, with
4 conditions, the following application for
5 a permit to sell malt and brewed
6 beverages for consumption off premises:
7 2200 LY, 2200 North 18th Street,
8 Philadelphia 19132.

9 COUNCIL PRESIDENT VERNA: The
10 Chair recognizes Councilwoman Blackwell.

11 COUNCILWOMAN BLACKWELL: Thank
12 you, Madam President. I move for the
13 adoption of the resolution.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded that the
17 resolution be adopted.

18 All in favor will signify by
19 saying aye.

20 (Aye.)

21 COUNCIL PRESIDENT VERNA: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT VERNA: The
25 ayes have it. The resolution is adopted.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 The record will reflect that Councilman
3 Clarke did in fact recuse himself.

4 The next application number is
5 BPA2005-1898. The name of the
6 establishment is C Lee Inc. located at
7 2272 North Bouvier Street.

8 The Chair recognizes
9 Councilwoman Blackwell.

10 COUNCILWOMAN BLACKWELL: Thank
11 you, Madam President. I offer one
12 resolution on your behalf.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

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

17 CHIEF CLERK: A resolution
18 accepting the recommendation of the
19 Hearing Examiner and approving, with
20 conditions, the following application for
21 a permit to sell malt and brewed
22 beverages for consumption off premises:
23 C Lee Inc., 2272 North Bouvier Street,
24 Philadelphia 19132.

25 COUNCIL PRESIDENT VERNA: The

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 Chair recognizes Councilwoman Blackwell.

3 COUNCILWOMAN BLACKWELL: Thank
4 you, Madam President. I move for the
5 adoption of the resolution.

6 (Duly seconded.)

7 COUNCIL PRESIDENT VERNA: It
8 has been moved and seconded that the
9 resolution be adopted.

10 All in favor will please say
11 aye.

12 (Aye.)

13 COUNCIL PRESIDENT VERNA: Those
14 opposed?

15 (No response.)

16 COUNCIL PRESIDENT VERNA: The
17 ayes have it, the resolution is adopted,
18 and the record will reflect that
19 Councilman Clarke recused himself.

20 The next application number is
21 BPA2005-1904. The name of the
22 establishment is Sit Down Corp located at
23 2200 North Broad Street.

24 The Chair recognizes
25 Councilwoman Blackwell.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILWOMAN BLACKWELL: Thank
3 you, Madam President. I offer one
4 resolution on your behalf.

5 COUNCIL PRESIDENT VERNA: The
6 Chief Clerk will please read the title of
7 the resolution.

8 CHIEF CLERK: A resolution
9 accepting the Hearing Examiner's
10 recommendation and disapproving the
11 following application for a permit to
12 sell malt and brewed beverages for
13 consumption off premises: Sit Down Corp,
14 2200 North Broad, Philadelphia 19132.

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

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

20 (Duly seconded.)

21 COUNCIL PRESIDENT VERNA: It
22 has been moved and seconded that the
23 resolution be adopted.

24 All in favor will please say
25 aye.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (Aye.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: The
7 ayes have it, the resolution is adopted,
8 and the record will indicate that
9 Councilman Clarke recused himself.

10 The following will be
11 applications in the Second District that
12 will be called up for consideration.
13 Since I have recused myself from
14 consideration of those applications, I
15 now designate Councilwoman Blackwell to
16 act as President Pro Tem while those
17 applications are being considered.

18 Councilwoman Blackwell.

19 COUNCILWOMAN BLACKWELL: The
20 next application is number BPA2005-148,
21 255 Latimer Deli Inc., 255-257 South 15th
22 Street.

23 The Chair recognizes
24 Councilwoman Tasco.

25 COUNCILWOMAN TASCO: Madam

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 President Pro Tem, I offer one resolution
3 on your behalf.

4 COUNCILWOMAN BLACKWELL: Thank
5 you.

6 The Clerk will please read the
7 title of the resolution.

8 CHIEF CLERK: A resolution
9 accepting the recommendation of the
10 Hearing Examiner and approving with
11 conditions the following application for
12 a permit to sell malt and brewed
13 beverages for consumption off premises:
14 LST Services, 6001 Upland Street,
15 Philadelphia 19142.

16 COUNCILWOMAN TASC0: That's the
17 wrong one.

18 CHIEF CLERK: It is.

19 COUNCILWOMAN BLACKWELL: The
20 Chair recognizes Councilwoman Tasco for a
21 motion on the resolution.

22 COUNCILWOMAN TASC0: Just one
23 second, please. I think that we should
24 be looking at Latimer Street.

25 COUNCILWOMAN BLACKWELL: It's

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Latimer Deli, Councilwoman, at 255-57
3 South 15th Street. Latimer is the name
4 of the deli, not the street.

5 COUNCILWOMAN TASC0: Right. We
6 gave you the wrong one.

7 CHIEF CLERK: A resolution
8 accepting the recommendation of the
9 Hearing Examiner and approving the
10 following application for a permit to
11 sell malt and brewed beverages for
12 consumption off premises: 255 Latimer
13 Deli, 255 to 257 South 15th Street,
14 Philadelphia 19102.

15 COUNCILWOMAN BLACKWELL: All in
16 favor of the adoption of the resolution
17 will signify by saying aye.

18 COUNCILWOMAN TASC0: I have to
19 move it first.

20 COUNCILWOMAN BLACKWELL: I'm
21 sorry. Everybody is in my head.

22 COUNCILWOMAN TASC0: I move for
23 the adoption of the resolution.

24 (Duly seconded.)

25 COUNCILWOMAN BLACKWELL: Thank

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 you. The resolution has been moved and
3 seconded.

4 The Chair recognizes Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Thank you,
7 Madam Pro Tem.

8 Madam Pro Tem, this particular
9 location is actually in the Second
10 Councilmanic District, but it used to be
11 in the Councilmanic District that I
12 represented prior to redistricting, so
13 I'm very familiar with not only its
14 location but a lot of the community
15 residents in the surrounding area and
16 also members of CCRA.

17 CCRA has indicated both through
18 letter and through conversations to my
19 office they are adamantly opposed to the
20 granting of this particular application.
21 So I just want to say for the record that
22 I will be voting no for this particular
23 application.

24 COUNCILWOMAN BLACKWELL: Thank
25 you, Councilman.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 The record will show that
3 Council President Verna has recused
4 herself in this matter and is not voting.

5 The Chair will now recognize
6 Councilwoman Tasco, who will introduce
7 and move for adoption of the resolution
8 rejecting the Hearing Examiner's
9 recommendation.

10 COUNCILWOMAN TASCO: We have to
11 vote on the first one. We didn't vote on
12 the first resolution.

13 COUNCILWOMAN BLACKWELL: Sorry.
14 Sorry. Sorry. I'm getting ahead of
15 myself.

16 The Chair recognizes
17 Councilwoman Tasco for a motion.

18 COUNCILWOMAN TASCO: I had it
19 moved. We had a second. Now we're ready
20 for the vote, Madam Pro Tem.

21 COUNCILWOMAN BLACKWELL: All in
22 favor will say aye.

23 (No response.)

24 COUNCILWOMAN BLACKWELL: All in
25 favor of adoption of the resolution will

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 signify by saying aye. Those opposed
3 will say nay.

4 (Nay.)

5 COUNCILWOMAN BLACKWELL: The
6 Chair recognizes Councilwoman Tasco, who
7 will now introduce and move for the
8 adoption of the resolution rejecting the
9 Hearing Examiner's recommendation.

10 CHIEF CLERK: A resolution
11 rejecting the Hearing Examiner's
12 recommendation and disapproving the
13 following application for a permit to
14 sell malt and brewed beverages for
15 consumption off premises: 255 Latimer
16 Deli, 255-57 South 15th Street,
17 Philadelphia 19102.

18 COUNCILWOMAN BLACKWELL: All in
19 favor of the adoption of the resolution
20 will signify by saying aye.

21 (Aye.)

22 COUNCILWOMAN BLACKWELL: Those
23 opposed, nay.

24 (No response.)

25 COUNCILWOMAN BLACKWELL: The

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 ayes have it and the resolution is
3 adopted. Thank you very much.

4 I'm told we didn't have a
5 motion rejecting the Hearing Examiner's
6 recommendation. I think we did. Did we
7 not complete that? I thought we just
8 voted, but voting twice won't hurt it.

9 The Chair recognizes
10 Councilwoman Tasco.

11 COUNCILWOMAN TASCO: I move for
12 the adoption of the resolution.

13 (Duly seconded.)

14 COUNCILWOMAN BLACKWELL: It has
15 been moved and seconded that the
16 resolution be adopted.

17 All in favor will say aye.

18 (Aye.)

19 COUNCILWOMAN BLACKWELL: Those
20 opposed?

21 (No response.)

22 COUNCILWOMAN BLACKWELL: And so
23 the resolution has been adopted.

24 COUNCILWOMAN TASCO: Madam Pro
25 Tem, just so that there will be no

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 confusion, we were voting on the 255
3 Latimer Deli?

4 COUNCILWOMAN BLACKWELL:

5 Absolutely. Thank you very much.

6 The next application is
7 numbered BPA2005-431, LST Services Inc.,
8 and the address for the application is
9 6001 Upland Street.

10 The Chair recognizes
11 Councilwoman Tasco.

12 COUNCILWOMAN TASCO: Madam
13 President Pro Tem, I offer one
14 resolution.

15 COUNCILWOMAN BLACKWELL: Thank
16 you.

17 The Clerk will please read the
18 title of the resolution.

19 CHIEF CLERK: A resolution
20 accepting the recommendation of the
21 Hearing Examiner and approving, with
22 conditions, the following application for
23 a permit to sell malt and brewed
24 beverages for consumption off premises:
25 LST Services, 6001 Upland Street,

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 Philadelphia 19142.

3 COUNCILWOMAN BLACKWELL: Thank
4 you.

5 All in favor of the adoption of
6 the resolution will signify --

7 COUNCILWOMAN TASC0: I move for
8 the adoption of the resolution.

9 COUNCILWOMAN BLACKWELL: Thank
10 you, Councilwoman.

11 Is there a second?

12 (Duly seconded.)

13 COUNCILWOMAN BLACKWELL: All in
14 favor of the adoption of the resolution
15 will signify by saying aye.

16 (Aye.)

17 COUNCILWOMAN BLACKWELL: Those
18 opposed?

19 (No response.)

20 COUNCILWOMAN BLACKWELL: The
21 ayes have it and the resolution is
22 adopted.

23 The record will show that
24 Council President Verna has recused
25 herself in this matter and is not voting.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 COUNCILWOMAN TASC0: I will
3 offer one resolution on your behalf.

4 COUNCILWOMAN BLACKWELL: Thank
5 you very much.

6 The Chief Clerk will please
7 read the title of the resolution.

8 CHIEF CLERK: A resolution
9 accepting the recommendation of the
10 Hearing Examiner and approving the
11 following application for a permit to
12 sell malt and brewed beverages for
13 consumption off premises: 770 Ameribeer
14 Inc., 1501 to 03 Federal Street,
15 Philadelphia 19146.

16 COUNCILWOMAN BLACKWELL: The
17 Chair recognizes Councilwoman Tasco.

18 COUNCILWOMAN TASC0: I move for
19 the adoption of the resolution.

20 (Duly seconded.)

21 COUNCILWOMAN BLACKWELL: All in
22 favor will indicate by saying aye.

23 (Aye.)

24 COUNCILWOMAN BLACKWELL:

25 Opposed?

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (No response.)

3 COUNCILWOMAN BLACKWELL: The
4 ayes have it and so the resolution is
5 adopted.

6 The next application is
7 numbered BPA2005-618, Roberts Twi-Lite
8 Lounge Inc., 700 South 20th Street.

9 The Chair recognizes
10 Councilwoman Tasco.

11 COUNCILWOMAN TASCO: I move for
12 the adoption of the resolution.

13 COUNCILWOMAN BLACKWELL: Would
14 you offer the resolution for
15 introduction.

16 COUNCILWOMAN TASCO: I did. I
17 didn't? What did I do?

18 COUNCILWOMAN BLACKWELL: We
19 need you to offer the resolution.

20 COUNCILWOMAN TASCO: I said it
21 early. I offer the resolution.

22 COUNCILWOMAN BLACKWELL: Thank
23 you.

24 CHIEF CLERK: A resolution
25 accepting the recommendation of the

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Hearing Examiner and approving, with
3 conditions, the following application for
4 a permit to sell malt and brewed
5 beverages for consumption off premises:
6 Roberts Twi-Lite Lounge, 700 South 20th,
7 Philadelphia 19146.

8 COUNCILWOMAN BLACKWELL: The
9 Chair recognizes Councilwoman Tasco for a
10 motion.

11 COUNCILWOMAN TASCO: I move for
12 the adoption of the resolution.

13 (Duly seconded.)

14 COUNCILWOMAN BLACKWELL: It has
15 been moved and seconded.

16 All in favor will signify by
17 voting aye.

18 (Aye.)

19 COUNCILWOMAN BLACKWELL: Those
20 opposed?

21 (No response.)

22 COUNCILWOMAN BLACKWELL: The
23 Chair recognizes Councilwoman Tasco to
24 introduce another resolution.

25 COUNCILWOMAN TASCO: I'd just

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 like for the record that President Verna
3 has recused herself from that last
4 resolution, 700 South 20th Street.

5 COUNCILWOMAN BLACKWELL: Thank
6 you for making that important note for
7 the record.

8 COUNCILWOMAN TASC0: I offer
9 one resolution on your behalf.

10 COUNCILWOMAN BLACKWELL: Thank
11 you.

12 The Chief Clerk will read the
13 title of the resolution.

14 CHIEF CLERK: A resolution
15 accepting the recommendation of the
16 Hearing Examiner and approving with
17 conditions the following application for
18 a permit to sell malt and brewed
19 beverages for consumption off premises:
20 Pine Deli, 1613 Pine Street, Philadelphia
21 19103.

22 COUNCILWOMAN TASC0: I move for
23 the adoption of the resolution.

24 (Duly seconded.)

25 COUNCILWOMAN BLACKWELL:

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 Councilman Clarke, you would like to be
3 noted on this?

4 COUNCILMAN CLARKE: Yes, thank
5 you, Madam Pro Tem.

6 Madam Pro Tem, although this
7 particular resolution has indicated their
8 approval with conditions, there are some
9 additional conditions, and at this time,
10 I would like to offer an amendment to
11 change some of the conditions and make
12 some deletions and additions to the
13 conditions. This had been circulated
14 earlier among the body, so I'd like to
15 offer this amendment at this time for
16 approval.

17 COUNCILWOMAN BLACKWELL: Thank
18 you very much.

19 The Chief Clerk will please
20 read the title of the amendments just
21 offered by Councilman Clarke.

22 CHIEF CLERK: An amendment to
23 BPA2005-1651, amending a resolution
24 accepting the recommendation of the
25 Hearing Examiner and approving, with

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 conditions, the following application for
3 a permit to sell malt and brewed
4 beverages for consumption off premises:
5 Pine Deli, 1613 Pine Street, Philadelphia
6 19103, to delete the final sentence on
7 the first page of the resolution, which
8 reads, "This approval is subject to the
9 conditions set forth in Hearing
10 Examiner's report attached as Exhibit-A
11 and substitute in its place the following
12 sentence: 'This approval is subject to
13 the following condition as agreed to by
14 the parties at the time of the hearing.'"

15 COUNCILWOMAN BLACKWELL: Thank
16 you very much.

17 The Chair recognizes
18 Councilwoman Tasco.

19 COUNCILWOMAN TASCO: I move for
20 the adoption of the amended resolution.

21 (Duly seconded.)

22 COUNCILWOMAN BLACKWELL: It's
23 been moved and seconded that the
24 recommendations be adopted.

25 All in favor will say aye.

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 (Aye.)

3 COUNCILWOMAN BLACKWELL: Those
4 opposed?

5 (No response.)

6 COUNCILWOMAN BLACKWELL: We
7 will move for the adoption of the
8 amendment.

9 Councilman Clarke.

10 COUNCILMAN CLARKE: I move for
11 the adoption of the amendment.

12 (Duly seconded.)

13 COUNCILWOMAN BLACKWELL: It's
14 been moved and seconded that the
15 amendments should be adopted.

16 All in favor will say aye.

17 (Aye.)

18 COUNCILWOMAN BLACKWELL: So the
19 amendments are adopted.

20 The Chair now recognizes
21 Councilwoman Tasco.

22 COUNCILWOMAN TASCO: I move for
23 the adoption of the amended resolution.

24 (Duly seconded.)

25 COUNCILWOMAN BLACKWELL: It has

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 been moved and seconded that the amended
3 resolution be adopted.

4 All in favor will say aye.
5 (Aye.)

6 COUNCILWOMAN BLACKWELL:
7 Opposed?

8 (No response.)

9 COUNCILWOMAN BLACKWELL: Let
10 the record also show that Council
11 President Verna has recused herself in
12 this matter and is not voting.

13 The Chair now recognizes
14 Councilwoman Tasco for the purpose of
15 introducing another resolution.

16 COUNCILWOMAN TASCO: I offer
17 one resolution on your behalf, Madam
18 President Pro Tem.

19 COUNCILWOMAN BLACKWELL: Thank
20 you.

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

23 CHIEF CLERK: A resolution
24 accepting the recommendation of the
25 Hearing Examiner and approving the

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 following application for a permit to
3 sell malt and brewed beverages for
4 consumption off premises: Lucky Sue
5 Inc., 1639 South 24th Street,
6 Philadelphia 19145.

7 COUNCILWOMAN BLACKWELL: Thank
8 you.

9 The Chair recognizes
10 Councilwoman Tasco for a motion.

11 COUNCILWOMAN TASCO: I move for
12 the adoption of the resolution.

13 (Duly seconded.)

14 COUNCILWOMAN BLACKWELL: It has
15 been moved and seconded that the
16 resolution be adopted.

17 All in favor will say aye.

18 (Aye.)

19 COUNCILWOMAN BLACKWELL: Those
20 opposed?

21 (No response.)

22 COUNCILWOMAN BLACKWELL: If
23 there's no opposition, then this
24 resolution is adopted.

25 The next application is for

1 10/20/05 - STATED - ACT 39 APPLICATIONS
2 BPA2005 No. 1874, JEFF Inc. at 1644
3 Wharton Street.

4 The Chair recognizes
5 Councilwoman Tasco for purposes of
6 offering a resolution.

7 COUNCILWOMAN TASCO: I offer
8 one resolution on your behalf.

9 COUNCILWOMAN BLACKWELL: The
10 Chief Clerk will read the title of the
11 resolution.

12 CHIEF CLERK: A resolution
13 accepting the recommendation of the
14 Hearing Examiner and approving, with
15 conditions, the following application for
16 a permit to sell malt and brewed
17 beverages for consumption off premises:
18 JEFF Inc., 1644 Wharton Street,
19 Philadelphia 19146.

20 COUNCILWOMAN BLACKWELL: The
21 Chair recognizes Councilwoman Tasco.

22 COUNCILWOMAN TASCO: I move for
23 the adoption of the resolution.

24 (Duly seconded.)

25 COUNCILWOMAN BLACKWELL: It has

1 10/20/05 - STATED - ACT 39 APPLICATIONS

2 been moved and seconded that the
3 resolution be adopted.

4 All in favor will say aye.

5 (Aye.)

6 COUNCILWOMAN BLACKWELL: Those
7 opposed?

8 (No response.)

9 COUNCILWOMAN BLACKWELL: There
10 are none. The ayes have it, and so this
11 resolution is adopted. The record will
12 also show that President Verna has
13 recused herself in this matter and is not
14 voting. Thank you.

15 COUNCIL PRESIDENT VERNA: As
16 difficult as it was, we have concluded
17 the applications for today.

18 At this time, I would ask if
19 there are any speeches on the part of the
20 Minority?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: Are
23 there speeches on the part of the
24 Majority?

25 COUNCILMAN RIZZO: Would you

1 10/20/05 - STATED - SPEECHES

2 explain that process again.

3 COUNCIL PRESIDENT VERNA: Yes.

4 I think we have to stay after school for
5 this.

6 At this point in time, the
7 Chair recognizes Councilwoman Tasco for a
8 motion to adjourn.

9 COUNCILWOMAN TASCO: I would
10 like to speak on the part of the Majority
11 first. I just have an announcement to
12 make.

13 COUNCIL PRESIDENT VERNA: I'm
14 sorry. The Chair recognizes Councilwoman
15 Tasco.

16 COUNCILWOMAN TASCO: There has
17 been an effort to try to figure out a way
18 how to deal with PGW, and State
19 Representative Dwight Evans engaged the
20 former PUC Chairman, Joe Rhoads, to
21 conduct an investigation on the best
22 possible way to deal with PGW. There
23 will be a meeting tomorrow from 1:00 to
24 2:30 at the State Office Building,
25 Hearing Room No. 2 to discuss some of the

1 10/20/05 - STATED - SPEECHES
2 alternatives, including the issue of a
3 merger with PGW and/or any other utility.
4 That might be helpful to members of City
5 Council.

6 It is an information meeting,
7 which will present the pros and cons of
8 some of the discussions that we've had
9 today, and we invite the Councilmembers,
10 if they are available, to attend.

11 COUNCIL PRESIDENT VERNA: I'm
12 very happy that you mentioned that,
13 because I think I received a letter --

14 COUNCILWOMAN TASC0: I think
15 all the Councilmembers received a letter.

16 COUNCIL PRESIDENT VERNA: --
17 this morning, and with all of the
18 confusion about these applications, I
19 neglected to really make it be known, but
20 I think it would be very interesting for
21 all of us to be there.

22 COUNCILWOMAN TASC0: I think
23 the discussion is appropriate at this
24 time. There's a lot of information.
25 There's not a simple answer to it.

1 10/20/05 - STATED - ADJOURNMENT

2 COUNCIL PRESIDENT Verna:

3 Right.

4 Are there any other speeches on
5 the part of the Majority?

6 (No response.)

7 COUNCIL PRESIDENT Verna:

8 Seeing none, again, the Chair recognizes
9 Councilwoman Tasco for a motion to
10 adjourn.

11 COUNCILWOMAN TESCO: I move
12 that Council stand adjourned until
13 Thursday, October the 27th at 10:00 a.m.

14 (Duly seconded.)

15 COUNCIL PRESIDENT Verna: It
16 has been moved and seconded that Council
17 stand adjourned until Thursday, October
18 27, 2005 at 10:00 a.m.

19 All in favor will say aye.

20 (Aye.)

21 COUNCIL PRESIDENT Verna: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT Verna: The
25 ayes have it. The motion carries.

1 10/20/05 - STATED - ADJOURNMENT

2 Thank you very much.

3 (Stated Meeting adjourned at
4 1:50 p.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on October 20, 2005, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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