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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON THE ENVIRONMENT

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Room 400, City Hall

Philadelphia, Pennsylvania

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Wednesday, November 19, 2008

10:20 a.m.

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PRESENT:

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COUNCILMAN JAMES F. KENNEY, CHAIR

COUNCILMAN CURTIS JONES, JR.

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COUNCILMAN JACK KELLY

COUNCILMAN FRANK RIZZO

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BILL 080025 - An ordinance amending Chapter

17-100 of The Philadelphia Code, entitled

14

"Procurement Contracts," by adding a new

Section, providing that any contract for the

15

construction, extension or major renovation of

certain buildings...

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17

BILL 080758 - An ordinance amending Title 9 of

The Philadelphia Code, entitled "Regulation of

Businesses, Trades and Professions," by

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creating a new Chapter relating to energy

conservation...

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COUNCILMAN KENNEY: Good

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morning, ladies and gentlemen. The

4

Committee on the Environment is now in

5

session to hear one bill actually. Bill

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No. 080025 is being held, and we will now

7

hear testimony on Bill No. 080758, and

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the Chair recognizes Councilmember Jones

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for the purpose of making comments on

10

behalf of Councilmember Reynolds Brown.

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COUNCILMAN JONES: With this

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public policy, the City of Philadelphia

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will further help to conserve energy,

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reduce peak power consumption demands in

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hot weather periods. This environmental

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pollution will allow us to participate in

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a way to reduce the carbon footprint and

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prevent global warming.

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Prohibiting commercial

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establishments from leaving their doors

21

ajar while air conditioners and central

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air cooling systems are on is a sensible

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energy conservation measure. According

24

to the City of New York, who recently

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enacted a similar measure to stop the

1 11/19/08 - ENVIRONMENT - BILL 080758
2 practice of leaving doors open while air
3 conditioners and cooling systems are on,
4 estimate that the amount of increased
5 electrical usage is somewhere in the
6 neighborhood of 20 to 25 percent. Such
7 practices -- and power plants are
8 overextended during these periods and the
9 related pollution is heightened and
10 energy demands of local utility companies
11 during the hot summer months are
12 excessive consumption and lead to power
13 shortages and power outages.

14 This idea comes as I often walk
15 downtown and notice the cool breezes that
16 come from locations that are inside of
17 business establishments. I would quickly
18 wonder why the air conditioning is on and
19 permitted to blow onto the streets. What
20 a waste.

21 Yes, some might say that this
22 is the owner's operating expense. Well,
23 not anymore. While cap rates are coming
24 off, it is time to look at every
25 opportunity and every option to conserve

1 11/19/08 - ENVIRONMENT - BILL 080758
2 energy by methods such as requiring
3 businesses to do the right thing and keep
4 the energy consumption to a minimum.
5 This is one step in the right direction.

6 Thank you, Mr. Chairman.

7 COUNCILMAN KENNEY: Thank you
8 very much.

9 In order to get the record
10 clear, I would ask the stenographer to
11 put those comments after the reading of
12 the bill, which I neglected to do, which
13 is Bill No. 080758, an ordinance amending
14 Title 9 of The Philadelphia Code,
15 entitled "Regulation of Businesses,
16 Trades and Professions," by creating a
17 new Chapter relating to energy
18 conservation, by providing for certain
19 requirements regarding the efficient
20 operation of air conditioning and cooling
21 systems in certain buildings and
22 structures, and providing for penalties
23 for violations, all under certain terms
24 and conditions.

25 Mr. Haigler, would you like to

1 11/19/08 - ENVIRONMENT - BILL 080758

2 testify.

3 (Witness approached witness
4 table.)

5 MR. HAIGLER: Good morning --

6 COUNCILMAN KENNEY: Good
7 morning.

8 MR. HAIGLER: -- Councilman
9 Kenney and members of the Committee. I
10 am Otis Haigler, Jr., Director of
11 Legislative Affairs for the Department of
12 Licenses and Inspections. Today I am
13 here to provide testimony on Bill 080758,
14 which, if enacted, will amend Title 9 of
15 The Philadelphia Code related to
16 Businesses, Trades and Practices in order
17 to require that doors to certain
18 businesses remain closed during periods
19 when air conditioning is operating.

20 While L&I supports the basic
21 intent of this bill as it relates to
22 energy conservation and sustainability,
23 which is laudable and is a goal of this
24 Administration's, we do not believe that
25 L&I is the appropriate agency to

1 11/19/08 - ENVIRONMENT - BILL 080758

2 designate with the responsibility to
3 enforce provisions of this bill since it
4 is outside of our core mission to
5 regulate business activity and/or
6 occupancies for public safety and welfare
7 in general.

8 Commissioner Burns has
9 expressed her desire to work with
10 Councilwoman Reynolds Brown's office and
11 the Mayor's Office of Sustainability in
12 the future should a discussion group be
13 formed to explore this issue in detail.

14 Thank you for the opportunity
15 to provide the Department's testimony on
16 this bill.

17 Thank you.

18 COUNCILMAN KENNEY: Councilman
19 Jones.

20 COUNCILMAN JONES: Good
21 morning.

22 MR. HAIGLER: Good morning.

23 COUNCILMAN JONES: You
24 mentioned that this may not be within the
25 core mission as you see it of L&I, or at

1 11/19/08 - ENVIRONMENT - BILL 080758

2 least that's the opinion expressed by the
3 Commissioner, correct?

4 MR. HAIGLER: That's correct.

5 COUNCILMAN JONES: Do you in
6 your enforcement period, particularly
7 among commercial businesses, are you
8 required as part of your core mission to
9 look at business establishments that
10 leave their doors open that have high
11 octaves of music playing? Is that a part
12 of your core mission?

13 MR. HAIGLER: No, sir.

14 COUNCILMAN JONES: So you're
15 saying to me that there's no record on
16 the book that when you go down a
17 commercial corridor -- Air Management in
18 the Health Department.

19 MR. HAIGLER: That's correct.

20 COUNCILMAN JONES: Thank you,
21 Mr. Chairman.

22 So that's under their auspices?

23 MR. HAIGLER: That's correct.

24 COUNCILMAN JONES: So your
25 comment is to say that that's where that

1 11/19/08 - ENVIRONMENT - BILL 080758

2 enforcement end should be?

3 MR. HAIGLER: I'm not exactly
4 sure where the enforcement end for this
5 particular bill should be. It's
6 something that I'm sure that Councilwoman
7 Brown, she's indicated that she's going
8 to form some sort of working group to
9 discuss this issue in detail with the
10 Office of Sustainability, and I believe
11 that's where this office has to be a part
12 of that discussion.

13 COUNCILMAN JONES: So at some
14 point, this is going to go on, if we are
15 successful in moving this to a law, it
16 will be part of code enforcement
17 somewhere?

18 MR. HAIGLER: Somewhere.

19 COUNCILMAN JONES: So
20 conceivably as you do other activities --
21 would you describe those activities that
22 you routinely do on commercial corridors?

23 MR. HAIGLER: Sure. Primarily
24 L&I is responsible for regulating
25 business activity for licenses, for

1 11/19/08 - ENVIRONMENT - BILL 080758
2 permits related to building, fire,
3 safety, regulating business activities
4 that affect the public at large, vending
5 activity, a whole host of things that we
6 regulate and enforce.

7 Primarily our job is to deal
8 with -- our mission is to deal with
9 public safety and public health and
10 welfare in general, and as I stated in
11 this testimony, this seems to be somewhat
12 beyond the scope of what we normally
13 would do in that area.

14 COUNCILMAN JONES: Okay. So by
15 way of the nature of energy conservation
16 being the primary mission here?

17 MR. HAIGLER: That's correct.

18 COUNCILMAN JONES: All right.

19 Thank you.

20 COUNCILMAN KENNEY: Before
21 Councilman Rizzo, the sponsor of the bill
22 has requested the bill be let out of
23 Committee and held on the Calendar until
24 she has an opportunity to work with the
25 various departments in the City to work

1 11/19/08 - ENVIRONMENT - BILL 080758

2 out a plan and perhaps even amend the
3 bill. So that will be our plan for
4 today.

5 Councilman Rizzo.

6 COUNCILMAN RIZZO: Thank you.

7 Mr. Haigler, with the activity
8 that's in and out of buildings, in some
9 of the very busy buildings, they have
10 ways to contain that cold air, double
11 doors. One of the things that I've seen
12 is a stream of air that is generated
13 above the doorway to keep the air that's
14 in the building in the building.

15 But I agree with you, the
16 property management people would be the
17 ones that should be interested in
18 conserving that energy, and maybe there's
19 a way that we could identify when we know
20 of a building that is not operating
21 efficiently to let them know that,
22 because there are energy conservation
23 tools to keep that cool air where it
24 belongs, inside the building. And like I
25 mentioned, sometimes the architects build

1 11/19/08 - ENVIRONMENT - BILL 080758
2 double doors, but even when it's a busy
3 building, sometimes both doors are open
4 and that energy escapes. But the stream
5 of air that I've seen utilized that's
6 like a canopy above the door, that is
7 projected down and stops that escape of
8 air coming from inside the building. So
9 you would think a good property
10 management company would be the one to be
11 first on the case to want to conserve
12 that valuable cool air or heat in the
13 winter.

14 MR. HAIGLER: I agree. It's
15 something that I'm sure they would have
16 to do an assessment of their building and
17 their costs to figure out ways to
18 minimize that.

19 COUNCILMAN RIZZO: So I'm
20 thinking that maybe there is some way to
21 point out to these various people. They
22 probably already know, but haven't really
23 taken it very seriously. But maybe there
24 is a way to get their attention and maybe
25 there is a corrective action that could

1 11/19/08 - ENVIRONMENT - BILL 080758

2 be taken to deal with the issue that the
3 sponsor of this bill identified.

4 MR. HAIGLER: I'm sure that's
5 something that could come up in the
6 discussions that will probably take place
7 after the bill is reported out.

8 COUNCILMAN KENNEY: Thank you.

9 A couple years ago I looked
10 into this. One of the things I learned,
11 that some national corporate retail
12 chains use it as a way to entice people
13 into their business on very hot days. I
14 had actually called Lucky Jeans
15 nationally, and their corporate policy
16 was to keep the door open as an
17 enticement for people to enter when it's
18 hot out. I mean, it's kind of a stupid
19 way to do it, but that's what they
20 decide.

21 So I think between the bill
22 being let out of Committee and the
23 working group and perhaps some
24 educational efforts on the part of the
25 City to these retail establishments, it

1 11/19/08 - ENVIRONMENT - BILL 080758

2 may be successful.

3 Any other questions for

4 Mr. Haigler?

5 (No response.)

6 COUNCILMAN KENNEY: Thank you.

7 Anyone else to testify on this
8 bill?

9 (No response.)

10 COUNCILMAN KENNEY: Anyone else
11 to testify on this bill?

12 (Witness approached witness
13 table.)

14 COUNCILMAN KENNEY: Good
15 morning. Please identify yourself for
16 the record and proceed.

17 MR. KASSIS: Roland Kassis.

18 Actually, I wasn't here to
19 testify. I was here for something else.

20 I'm all about saving energy and
21 everything, but this bill would go
22 towards restaurants the same way, like if
23 restaurants open up? Like we have Parc,
24 Rouge and all these restaurants. Would
25 that be --

1 11/19/08 - ENVIRONMENT - BILL 080758

2 COUNCILMAN KENNEY: It

3 conceivably would apply to Parc and the
4 Rouge and some of those other places that
5 do have the air conditioning on and have
6 the windows open and the doors open.

7 I think through the efforts of
8 this working group or committee -- not
9 this Committee, but a committee that
10 Councilwoman Brown will form with the
11 Office of Sustainability, I'm sure we can
12 figure out how to deal with it at some
13 point. But under the current reading of
14 the bill, yes. The answer to your
15 question is, yes, it would affect them.

16 So you understand what we're
17 going to do, we're going to let the bill
18 out of Committee. It will sit on the
19 Calendar until the Councilwoman has a
20 chance to work with the Administration,
21 and if there's amendments, then we'll
22 amend it and it will be clearer what the
23 bill entails and who will enforce it.

24 MR. KASSIS: Because for
25 restaurants, I mean, certain areas, yes,

1 11/19/08 - ENVIRONMENT - BILL 080758

2 I agree 100 percent, we should. But for
3 restaurants and coffee shops and stuff,
4 this is -- because they have outside
5 seating, inside seating, it doesn't make
6 much sense, because the idea of having it
7 is just the whole place to flow together
8 with the people.

9 COUNCILMAN KENNEY: I've never
10 seen one piece of legislation that is
11 absolutely perfect and fits all
12 situations. So that's part of what our
13 goal is, to try to get it as workable as
14 possible.

15 MR. KASSIS: That's all.

16 COUNCILMAN KENNEY: Thank you
17 very much.

18 MR. KASSIS: Thank you.

19 COUNCILMAN KENNEY: Anyone else
20 to testify on this bill?

21 (No response.)

22 COUNCILMAN KENNEY: Seeing
23 none, the Chair recognizes Councilmember
24 Jones for a motion to move Bill No.
25 080758 out of Committee.

1 11/19/08 - ENVIRONMENT - BILL 080758

2 COUNCILMAN JONES: I make a
3 motion for the adoption of Bill No.
4 080758 with the amendment.

5 COUNCILMAN KENNEY: There's an
6 amendment?

7 COUNCILMAN JONES: Yes.

8 COUNCILMAN KENNEY: I'm sorry.
9 Where is it?

10 There is a technical numbering
11 amendment.

12 The Chair recognizes
13 Councilmember Jones for the purpose of
14 approving the amendment, which was
15 circulated to members of the Committee.

16 COUNCILMAN JONES: So moved.

17 COUNCILMAN KENNEY: Is there a
18 second?

19 (Duly seconded.)

20 COUNCILMAN KENNEY: It's moved
21 and seconded.

22 All in favor?

23 (Aye.)

24 COUNCILMAN KENNEY: The Chair
25 now recognizes Councilmember Jones for a

1 11/19/08 - ENVIRONMENT - BILL 080758
2 motion to remove favorably from Committee
3 Bill No. 080758, as amended.

4 COUNCILMAN JONES: I make a
5 motion to move out of Committee with a
6 favorable recommendation Bill 080758,
7 with a favorable recommendation.

8 COUNCILMAN KENNEY: As amended.

9 COUNCILMAN JONES: As amended.
10 (Duly seconded.)

11 COUNCILMAN KENNEY: Moved and
12 seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN KENNEY: There are
16 none opposed. Bill No. 080758, as
17 amended, will report out of this
18 Committee favorably and a request made
19 for rules suspension to allow first
20 reading -- I'm sorry. No rules
21 suspension. Take that back. Just
22 getting out of Committee favorably, as
23 amended.

24 Thank you. That will conclude
25 the business of the Committee on the

1 11/19/08 - ENVIRONMENT - BILL 080758

2 Environment.

3 (Committee on the Environment

4 adjourned at 10:30 a.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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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 November 19, 2008, and

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that this is a true and correct transcript of

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same.

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MICHELE L. MURPHY

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RPR-Notary Public

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