

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 3, 2009, 2:24 p.m.
- - -

Bill 090122 - Dumpsters legislation
Bill 090123 - " "
Bill 090259 - Sidewalk café @ 4000 Spruce St.
Bill 090262 - Newspaper Boxes
Bill 090264 - Held at request of sponsor
Bill 090266 - Sidewalk café @ 1001 S. 10th St.
Bill 090290 - Revision of lines and grades...
Bill 090291 - No-parking regulation
Bill 090320 - Traffic signal installation
Bill 090329 - Farmers Market --
Bill 090382 - Prevent Red Light Violations
Bill 090386 - Prevent Red Light Violations
Bill 090387 - Sidewalk café @ Ridge Ave.
Bill 090388 - Canal View Park Farmers Market
Bill 090391 - Prevent Red Light Violations
bill 090402 - Sidewalk café @ 3900 Chestnut
Bill 090403 - Underground improvements @ CHOP
Bill 090404 - One-way reg. on Belgrade Street
Bill 090406 - Sidewalk sales prohibition --
Bill 090407 - Prevent Red Light Violations
Bill 090409 - National Park Service...
Bill 090436 - 22nd & Christian Sidecar Café
Bill 090438 - No-truck-parking regulation
Bill 090441 - Westmoreland St.
Bill 090442 - " "

COMMITTEE MEMBERS PRESENT:

Frank DiCicco, Chair Curtis Jones, Jr.
Maria Sanchez, Vice Chair Donna Reed Miller
William K. Greenlee

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2 COUNCILMAN DiCICCO: Good
3 afternoon. This is the Committee on
4 Streets and Services. The public hearing
5 is now in session.

6 We do have a quorum. To my far
7 left is Councilwoman Maria Quiñones-
8 Sanchez, to my immediate left is
9 Councilman Greenlee, to my immediate
10 right is Councilman Jones. We do have a
11 quorum.

12 I will now ask Mr. Abernathy to
13 read the title of the first bill.

14 MR. ABERNATHY: Bill No. 090264
15 is being held at the request of the
16 sponsor.

17 Bill No. 090441, an ordinance
18 authorizing the paving of Fourth Street
19 from Westmoreland Street to Ontario
20 Street, and Westmoreland Street from
21 Lawrence Street to Fourth Street, under
22 certain terms and conditions.

23 And Bill No. 090442, an
24 ordinance authorizing the revision of
25 lines and grades on a portion of City

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Plan City No. 157 by placing on the City
Plan Fourth Street from Westmoreland
Street to Ontario Street east of Lawrence
Street and Westmoreland Street from
Lawrence Street to Fourth Street, partly
within the lines of an existing
pedestrian walkway and authorizing the
opening of the portion of the bed of
Westmoreland Streets extending through
property owned by the City of
Philadelphia, all under certain terms and
conditions, including the dedication to
the City of the bed of Fourth Street and
the portion of the bed of Westmoreland
Street not owned by the City.

(Witness comes forward.)

COUNCILMAN DiCICCO: Good
afternoon, gentlemen. Please identify
yourself for the record and proceed with
your testimony.

MR. MORELLI: Good afternoon,
Chairman and members of the Committee.
My name is Frank Morelli, Survey Bureau
Manager with the Department of Streets,

1 6/3/09 COMMITTEE ON STREETS & SERVICES
2 and the Department of Streets would like
3 to offer the following testimony on Bill
4 No. 090441.

5 This is not an administrative
6 ordinance but an ordinance requested by
7 Mr. Luis A. Rodriguez, P.E., of Rodriguez
8 Consulting, LLC, 1817 Arlington Drive,
9 Williamstown, New Jersey. The purpose of
10 this ordinance is to pave Fourth Street
11 from Westmoreland Street to Ontario
12 Street and Westmoreland Street from
13 Lawrence Street to Fourth Street. This
14 action is a part of an affordable housing
15 development on the abutting lane
16 consisting of approximately 15 new
17 townhomes.

18 This ordinance is supported by
19 the Department of Streets and is
20 recommend to your committee for favorable
21 action.

22 MR. ERICKSON: Councilman, I'll
23 be testifying on the next one, 442, the
24 placement of the --

25 COUNCILMAN DiCICCO: Thank you.

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2 Any questions for this witness
3 on behalf of the committee? No?

4 (No questions or comments.)

5 COUNCILMAN DiCICCO: Anyone
6 else to testify on this bill?

7 (No response.)

8 COUNCILMAN DiCICCO: Please
9 proceed with the testimony on Bill No.
10 090442.

11 MR. MORELLI: Good afternoon,
12 Mr. Chairman and members of the
13 committee. My name is Frank Morelli,
14 Survey Bureau Manager of the Department
15 of Streets, and the Department of Streets
16 to like to offer the following testimony
17 on Bill No. 090442.

18 This is not an administrative
19 ordinance but an ordinance requested by
20 Mr. Luis A. Rodriguez, P.E., of Rodriguez
21 Consulting, 1817 Arlington Drive,
22 Williamstown, New Jersey. The purpose of
23 this ordinance is to place on the City
24 Plan Fourth Street from Westmoreland
25 Street to Ontario Street and Westmoreland

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2 Street from Lawrence Street to Fourth
3 Street. This action will facilitate an
4 affordable housing development on the
5 abutting land consisting of approximately
6 50 new townhomes.

7 This ordinance is supported by
8 the Department of Streets and is
9 recommended to your committee for
10 favorable action.

11 MR. ERICKSON: Good afternoon,
12 Chairman DiCicco and members of the
13 Streets and Services Committee. I am
14 William Erickson, a City Planner with the
15 Development Planning Division of the
16 Philadelphia City Planning Commission. I
17 am here to testify on Bill No. 090442,
18 which Councilmember Sanchez introduced
19 into City Council on May 21, 2009.

20 This bill will place on the
21 City Plan Fourth Street from Westmoreland
22 to Ontario Street and east of
23 (indiscernible) Street and Westmoreland
24 Street from Lawrence Street to Fourth
25 Street. This will allow the development

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2 of the large-court homeownership project
3 which consists of 49 new single-family
4 attached units and four new infilled
5 (indiscernible).

6 This action received
7 preliminary approval from the Planning
8 Commission at its meeting on February 17,
9 2009. This action, set forth by Bill
10 090442, is consistent with this previous
11 policy of the Philadelphia Planning
12 Commission. Accordingly, we recommend at
13 a Bill No. 090442 is approved.

14 This concludes my testimony. I
15 appreciate the opportunity to appear
16 before you today and would be pleased to
17 answer any questions.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions for these
20 witnesses from the committee?

21 (No questions or comments.)

22 COUNCILMAN DiCICCO: Anyone
23 here to testify for or against the bill?

24 (No response.)

25 COUNCILMAN DiCICCO: Seeing

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2 none, Mr. Abernathy, the title of the
3 next bill.

4 MR. ABERNATHY: Bill No.
5 090436, an ordinance authorizing Adam
6 Ritter to construct, own, and maintain an
7 open-air sidewalk café at 2201 Christian
8 Street, under certain terms and
9 conditions.

10 (Witness comes forward.)

11 COUNCILMAN DiCICCO: Good
12 afternoon.

13 MR. BLACK: Good afternoon,
14 Chairman and members of the Committee.
15 My name is Robert Black, and I'm a
16 construction engineer with the Streets
17 Department and I'm here to offer the
18 following testimony for Bill No. 090346.

19 This bill authorizes Adam
20 Ritter to construct, own, and maintain an
21 open-air sidewalk café located at 2201
22 Christian Street. The sidewalk café
23 consists of nine tables approximately
24 2-feet-square, with 18 chairs,
25 encroachment of a maximum of 6 feet on

1 6/3/09 COMMITTEE ON STREETS & SERVICES
2 the west footway of South 22nd Street,
3 leaving a minimum of 8 feet clear for
4 pedestrian traffic.

5 The sidewalk also consists of 4
6 tables approximately 2-feet-square, with
7 8 chairs encroaching a maximum of
8 3-feet-9-inches on the north footway of
9 Christian Street, leaving a minimum of
10 7-feet-6-inches for clear pedestrian
11 traffic.

12 The Streets Department has
13 reviewed the plans and has no objection
14 to the passage of the bill.

15 COUNCILMAN DiCICCO: Just give
16 me one second, please.

17 I'm sorry. Again, thank you.
18 Please proceed with your testimony.

19 MR. ERICKSON: Good afternoon
20 Chairman DiCicco. My name is William
21 Erickson from the Development Planning
22 Division of the Philadelphia Planning
23 Commission.

24 This item is scheduled for the
25 next Planning Commission meeting on June

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2 9th. And, currently, we'd ask that it be
3 held until after the Planning
4 Commission's meeting, or at least final
5 passage be held until after the Planning
6 Commission meeting on the 9th.

7 COUNCILMAN DiCICCO: We could
8 still vote it out.

9 Do you have any idea what the
10 Planning Commission's recommendation
11 going to be? I've been dealing with this
12 almost as much as I deal with cafés in my
13 district, so it would be helpful.

14 MR. ERICKSON: Yes. The staff
15 recommendation is going to be -- we would
16 recommend approval for the sidewalk café
17 with certain restrictions and some
18 modification.

19 COUNCILMAN DiCICCO: Certain
20 restrictions as it relates to the hours?

21 MR. ERICKSON: Certain
22 restrictions as it relates to the hours
23 and the number of tables.

24 We think the amount of chairs
25 is appropriate; however, the amount of

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2 tables, because they're so close

3 together, we'd like to reduce the amount

4 of tables on either side, however,

5 remaining with the same number of chairs

6 that, with eight chairs on the Christian

7 Street side and 22 --

8 UNIDENTIFIED SPEAKER:

9 Actually, how many chairs on the...

10 MR. ERICKSON: I think it's 18

11 chairs on the 22nd Street side.

12 COUNCILMAN DiCICCO: And that's

13 because of the size of the tables?

14 MR. ERICKSON: Well, the --

15 right now, they actually proposed that --

16 these are two-foot tables and they're

17 directly abutting one another. And the

18 assumption here is, as soon as you go to

19 sit down, you're going to pull that table

20 a little bit away so that when you sit

21 down, you don't bump the guy next to you.

22 So they're calling for all 2-foot-by-2-

23 foot tables.

24 And the amount of clear space

25 that they're required go right up onto

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2 the line. And when you have all two-foot
3 tables, the assumption is, you're not
4 going to sit right abutting the table
5 next to you; you're going to pull off a
6 little bit.

7 So we'd like to reduce the
8 number of tables but keep the number of
9 chairs there so that could you, you know,
10 maybe put a table and put a chair at the
11 end of the tables instead of -- because
12 when we assume that they're going to pull
13 the tables away from each other to get a
14 little bit room in between the tables.

15 So that's -- we're going to be
16 recommending for the sidewalk café to
17 limit the hours and reduce the number of
18 tables.

19 COUNCILMAN DiCICCO: Thank you.

20 Councilman Jones.

21 COUNCILMAN JONES: Yeah. I
22 would have a question. There are two
23 streets in question?

24 MR. ERICKSON: That's correct.
25 This is at the corner of 22nd and

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2 Christian.

3 COUNCILMAN JONES: So are you
4 recommending a particular amount on one
5 street or the other?

6 MR. ERICKSON: Yes. And we'd
7 be recommending two tables on the
8 Christian Street side, six tables on the
9 22nd Street side, with the same number of
10 chairs.

11 COUNCILMAN JONES: And that
12 would be your recommendation, too.

13 MR. ERICKSON: Well, that's
14 going to be the staff recommendation to
15 the Planning Commission.

16 COUNCILMAN JONES: That would
17 be you.

18 MR. ERICKSON: It's an informal
19 body. They can -- I would be making the
20 staff recommendation to the formal body.

21 COUNCILMAN JONES: That's what
22 I asked you.

23 MR. ERICKSON: Yes, yes.

24 COUNCILMAN JONES: So that's
25 your professional recommendation, that we

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2 limit the amount of tables on the

3 Christian Street side.

4 MR. ERICKSON: Yes, that's
5 correct.

6 COUNCILMAN JONES: How many
7 tables are you recommending on the North
8 22nd --

9 MR. ERICKSON: South 22nd --

10 COUNCILMAN JONES: The South
11 22nd Street side?

12 MR. ERICKSON: Six tables.

13 COUNCILMAN JONES: Six. So six
14 and two?

15 MR. ERICKSON: Six and two.

16 COUNCILMAN DiCICCO: Is the
17 Commission weighing in on any of the
18 hours of operation?

19 MR. ERICKSON: Yes, we would be
20 making a recommendation on the hours of
21 operation.

22 COUNCILMAN JONES: And what are
23 they?

24 MR. ERICKSON: On the Christian
25 Street side, we would like to limit it to

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2 10 o'clock; and on the 22nd Street

3 side --

4 COUNCILMAN DiCICCO: Is that
5 are the -- excuse me. Is that for the
6 six nights of operation?

7 MR. ERICKSON: Actually, we'd
8 actually make the recommendation for all
9 seven nights.

10 COUNCILMAN DiCICCO: Assuming
11 that they open it on Monday.

12 MR. ERICKSON: Yeah. They may
13 open on Monday. All seven nights at
14 10 o'clock.

15 And then we would do on the
16 22nd Street side, Sunday through
17 Thursday, 10; and 11 o'clock on Friday
18 and Saturday nights.

19 COUNCILMAN JONES: Can I get a
20 little insight as to why you're
21 recommending just two tables on Christian
22 Street?

23 MR. ERICKSON: It's very tight.
24 First of all, these windows open out,
25 they're casement windows. If you can see

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2 the plan -- and I'll bring up a copy of
3 the plan -- it's very tight. And these
4 tables are sitting directly abutting one
5 another.

6 And as you -- a two-foot table,
7 the assumption is that you're not going
8 to want to sit right abutting the guy
9 next to you. So you're going to slide
10 your table over because there's four
11 tables there. It's very tight if you're
12 sitting four tables in 10-foot-4. It's
13 going to be very tight.

14 So the assumption is they're
15 going to start moving and encroaching
16 into the street.

17 COUNCILMAN JONES: What's the
18 distance to the closest residential
19 property?

20 MR. ERICKSON: Oh, it's
21 directly abutting.

22 COUNCILMAN JONES: Next door?

23 MR. ERICKSON: Yes.

24 COUNCILMAN DiCICCO: Just to
25 clarify that; that's on the Christian

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2 Street side.

3 MR. ERICKSON: On the Christian
4 Street side.

5 COUNCILMAN DiCICCO: On the
6 22nd Street side --

7 MR. ERICKSON: There's an
8 alley, yeah, there's a street there.

9 COUNCILMAN DiCICCO: There's a
10 street separating it from the nearest
11 resident.

12 COUNCILMAN JONES: Thank you,
13 Mr. Chairman.

14 COUNCILMAN DiCICCO: What's the
15 width of the sidewalk on Christian and
16 22nd; do you know?

17 MR. ERICKSON: Yeah. The
18 sidewalk on Christian Street is
19 15-foot-wide and the sidewalk on 22nd
20 Street is 14-foot-wide.

21 COUNCILMAN DiCICCO: It's 14 on
22 22nd?

23 MR. ERICKSON: Yes.

24 COUNCILMAN DiCICCO: How's that
25 compare to 18th Street where -- 18th,

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2 where Rouge is, Center City?

3 MR. ERICKSON: Normally --

4 COUNCILMAN DiCICCO: That's
5 much larger, isn't it?

6 MR. ERICKSON: Well, yeah. The
7 issue here is that the sidewalk café
8 regulations had a 13-foot cutoff.
9 Anything wider than 13 feet, you had to
10 use half the distance of the street; as
11 opposed to a street that is under 13
12 feet, you could then do the clear space
13 of -- I think it's five feet.

14 So you could -- on smaller
15 streets that aren't -- on sidewalks that
16 aren't quite as wide, you could go down
17 to five feet. These are proposing to
18 maintain those half clear, the half clear
19 space.

20 COUNCILMAN DiCICCO: I guess
21 the point I'm trying to make is that
22 having a 15-foot-width sidewalk on
23 Christian Street, technically they would
24 be able to put more tables in if you
25 compare it to what we have in front of

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2 Rouge.

3 MR. ERICKSON: They could if
4 they --

5 (Applause.)

6 COUNCILMAN DiCICCO: And I'm
7 not picking on Rouge; I'm just trying to
8 make a point here.

9 MR. ERICKSON: They could if
10 they -- the issue is, they're trying to
11 maintain 7-and-a-half foot clear from an
12 existing tree. There's a tree there,
13 which limits the sidewalk. And so the
14 ordinance requires that they maintain it
15 half clear.

16 So this is their intent, to
17 maintain that 7-foot-6 clear.

18 COUNCILMAN DiCICCO: But I'm
19 not suggesting one -- that what I'm about
20 to say, one neighborhood is right or
21 wrong in this or has better privileges.
22 But East Passyunk Avenue, which I'm very
23 involved in, their sidewalks are much
24 narrower than 13 or 14 feet, and they
25 have more than -- in some cases, more

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2 than two tables.

3 So why only two on Christian
4 Street when you have 15-foot of sidewalk
5 and you don't have that kind of space in
6 other sections where we have numerous
7 sidewalk cafés?

8 MR. ERICKSON: Uh, the...

9 COUNCILMAN DiCICCO: The tree?

10 MR. ERICKSON: Well, it is a
11 function of the fact that the tree's
12 there. There's no question there's a
13 (indiscernible) by the fact the tree's
14 there. This particular plan calls for
15 the removal of the tree for where the
16 nine tables are.

17 COUNCILMAN DiCICCO: Oh,
18 they're not going to remove a tree if I
19 had anything to do with it.

20 MR. ERICKSON: Yeah, yeah.

21 COUNCILMAN DiCICCO: But
22 Passyunk Avenue and other corridors have
23 trees as well.

24 MR. ERICKSON: Yeah, yeah.

25 COUNCILMAN DiCICCO: I'm not

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2 trying to pick a fight.

3 MR. ERICKSON: Yeah.

4 COUNCILMAN DiCICCO: I'm just
5 trying to -- what's the rationale?

6 MR. ERICKSON: The rationale
7 behind this, at least from my
8 perspective, was that when I was looking
9 at the tables being directly abutted
10 against the wall of the building, the
11 assumption is that those are going to be
12 under windows that open out, and that
13 that's going to -- that and the fact that
14 they're so tight against it that people
15 are going to pull those tables and move
16 them away from one another.

17 Now, that would reduce the
18 amount of clearance, you know, maybe six
19 inches, a foot, but that would not
20 comply. So that's why (indiscernible)
21 the recommendations. You know, six
22 inches, a foot. But that's the reason
23 why I made the recommendation.

24 COUNCILMAN DiCICCO: The
25 windows that open out, are they bifold

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2 windows?

3 MR. ERICKSON: They're
4 casement.

5 COUNCILMAN DiCICCO: They're
6 casement.

7 MR. ERICKSON: Yeah.

8 COUNCILMAN DiCICCO: Oh,
9 casement, not bifold. So they're just
10 kind of permanent -- when they're open,
11 they're permanently out as opposed to
12 bifold, which could be up against the
13 frame.

14 MR. ERICKSON: No. These --

15 COUNCILMAN DiCICCO: Okay. No,
16 that makes -- that clears up one of my
17 other issues. All right.

18 Any other questions for these
19 witnesses?

20 (No further questions.)

21 COUNCILMAN DiCICCO: Seeing
22 none, thank you, gentlemen. I'm sure
23 there are going to be more questions for
24 you. Hang around.

25 We normally have a witness

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2 list. I understand we do not have a
3 witness list but I suspect there are a
4 number of people here who will want to
5 testify. And in the absence of a witness
6 list, it's going to make it difficult to
7 call people up to the witness table.

8 So just, if you're going to be
9 testifying, raise your hand.

10 All right. Why don't I try to
11 do this. Beginning in the front row --
12 to my right, your left, right?

13 UNIDENTIFIED SPEAKER: What
14 bill is this on?

15 COUNCILMAN DiCICCO: This is
16 for the same bill, for the 22nd Street
17 Sidecar.

18 Okay. Why don't we do this.
19 We'll bring the applicant up first.
20 Mr. Abernathy will pass around a tablet
21 for those potential witnesses to sign in,
22 okay?

23 And once the applicant is
24 complete, we will then go through the
25 witness list and we will ask everyone to

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2 keep their comments to two minutes. I
3 have a cooking timer here, so we'll try
4 to make it work out.

5 (Laughter.)

6 COUNCILMAN DiCICCO: Will the
7 applicant please come to the witness
8 table -- or applicants.

9 (Witnesses come forward.)

10 (Applause.)

11 COUNCILMAN DiCICCO: In all of
12 the years I've been in politics, I never
13 got an applause like that.

14 (Laughter.)

15 COUNCILMAN DiCICCO: Not
16 really.

17 Actually, I owned a restaurant
18 once, and I still didn't get applause; I
19 went broke.

20 (Laughter.)

21 COUNCILMAN DiCICCO: Thank you
22 and good afternoon. Please identify
23 yourself for the record and proceed with
24 your testimony.

25 MR. RITTER: Good afternoon,

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2 members of the committee. My name is

3 Adam Ritter, applicant; my wife, Jennifer

4 Ritter, applicant.

5 COUNCILMAN DiCICCO: Proceed.

6 MR. RITTER: Thank you.

7 What I'd like to do first is
8 give you some personal facts, a little
9 basic bio. I don't want to blather on
10 about it.

11 What I would like to let you
12 know is, my wife and I have lived in the
13 Graduate Hospital area, 20th and
14 Christian 2043 Christian, a block away
15 from our business, since 2002.

16 We purchased the bar, 2201
17 Christian. It was Victor's Tavern, a
18 place for good folks. In March of '05,
19 it was a clear nuisance bar. The
20 following year, we won "Best New Bar,"
21 voted "Best Bar You've Never Heard Of,"
22 so within a short year, we were able to
23 take a classic nuisance establishment
24 riddled with drugs, violations, you name
25 it, classic case.

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2 The year beyond that we were
3 voted PW, one of the top 50 bars in
4 Philadelphia County.

5 I could sit here and go on, but
6 I really -- I don't want to waste your
7 time or the people's time here at this
8 point. We feel as though that we take
9 pride in what we do, and we do a very
10 nice job at it, and it's been noticed.

11 What I'd like to explain is why
12 I didn't have a permit or a license.
13 What I did was, after we bought the bar,
14 put it together, we -- in February of
15 22nd of '06, I met with SOSNA, our civic
16 association. We stood in front of them
17 and asked them for their permission in
18 reference to having outdoor seating, and
19 I have a letter here, which I'd like to
20 give into testimony, please.

21 As I read: February 22, 2006,
22 Zoning Board of Adjustment, Concourse
23 Municipal Services Building, so forth and
24 so on.

25 Calendar: 2201 Christian

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2 Street, Sidecar Bar & Grille, the
3 application of an extension of a retail
4 space, 14-foot-wide by 45-foot-length
5 outside, outdoor setting.

6 Dear Zoning Members: The
7 owners presenting plans to the community
8 at SOSNA community meeting of February
9 16, 2006, the owners requested approval
10 for outside seating and newly
11 refurbished -- a refurbished Sidecar Bar
12 & Grille. The community was very
13 positive in the response and expressed
14 their support. SOSNA is happy to support
15 this commercial investment in our area.

16 Signed, "Sincerely, John
17 McHugh." Again, February 22nd of '06.

18 Unfortunately, I did not know
19 at that time that I needed to go and
20 obtain an ordinance and seek permission
21 through the City as well as the PLCB. I
22 apologize.

23 As soon as I did find that out,
24 I processed the paperwork. That's why
25 we're here today. For three-and-a-half

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2 years, we ran outside seating, with zero
3 complaints.

4 Why are we continuing and
5 operating or up until last week operate
6 as an outdoor café without a permit?
7 Part of my problem was, I have a staff
8 that I employ, that if I did not at that
9 time, unfortunately, I would have to
10 relieve six of my employees of their
11 duties, six people that take care of that
12 outside when it's in operation.

13 And I was hoping that this
14 process would have happened quicker, so I
15 wouldn't have had to at that point get a
16 cease-operations through L&I. I
17 apologize, but that is the case.

18 What I have here is support
19 from the sergeant of the 17th Police
20 District showing that for three-and-a-
21 half years, not only did we not have any
22 issues with the outside; we didn't have
23 any issues as a business, as a bar in our
24 operation.

25 And I want to have my wife

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2 please read this. And I'd also like to
3 submit this into testimony, please.

4 MRS. RITTER: May 5, 2009. The
5 owners of the Sidecar Bar & Grille, Adam
6 and Jen Ritter, have been active members
7 of their community. Over the past few
8 years, I have come to know and respect
9 these two individuals. They are
10 responsible bar owners and have always
11 cooperated with the 17th District.

12 Adam and Jen have sponsored
13 youth programs within the 17th Police
14 District and the community events. They
15 are my eyes and ears within the community
16 and take a proactive approach in
17 deterring crime near their business.

18 Both Adam and Jen assist me in
19 informing residents about crime patterns.
20 They have reached out to their patrons on
21 numerous occasions to assist the 17th
22 Police District in solving crimes. On
23 occasion, Adam has personally contacted
24 me when witnessing crimes in the 17th
25 District.

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2 The Sidecar Bar & Grille should
3 be a model for all bar owners within the
4 17th District. To date, I have received
5 no community complaints about the bar. A
6 check of the 9-1-1 database for this
7 address has revealed no calls for
8 service.

9 The former bar, Victor's, was
10 known as a nuisance, and the area was
11 frequented by drug dealers. Since the
12 Sidecar Bar & Grille started, the quality
13 of life in this area has greatly
14 improved.

15 Sergeant John Massi.

16 (Applause.)

17 MR. RITTER: I'd like to talk a
18 little about the neighborhood itself.

19 We feel this particular
20 neighborhood is a special place. We also
21 feel as though that the Sidecar is a
22 special place. This bar is no longer
23 just our bar; this is a neighborhood bar;
24 we happen to just be the people that
25 actually run it. And, as you can see,

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2 the folks in our neighborhood are here to
3 support that.

4 (Appause.)

5 MR. RITTER: It's an
6 interesting, eclectic group of folks,
7 artists, professionals; you name it, we
8 got it, and it's awesome. And we're
9 blessed to have these people.

10 We're also in a situation in
11 our neighborhood where we're in what I
12 refer to as a "state of commercial
13 suspension." What's going on right now
14 is, we've got buildings all over the
15 neighborhood that are prime for amenity
16 that sit vacant right now.

17 And investors, potential
18 entrepreneurs, restaurateurs, what have
19 you, are watching things like this very
20 closely, and they want to know how easy
21 or difficult it is to do business in our
22 neighborhood and through City Council as
23 well. And that's why we're asking here
24 for your permission to set a tone here.

25 This whole thing right now is

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2 much bigger than us. We happen to be
3 caught in the middle of it.

4 We, at this point, have to move
5 forward so other folks can realize that
6 it is a friendly neighborhood business-
7 wise.

8 (Applause.)

9 MR. RITTER: With that being
10 said, what we would also like to do is
11 have Council, please, if it is possible,
12 to revisit the shaded area that Streets
13 puts out there of the non-ordinance-
14 needing session, meaning it stops at
15 Bainbridge Street. Anything south of
16 there, you go through the City, you go
17 through the PLCB if that applies.

18 And we are hoping that you
19 would, at this point, consider that,
20 please, to have smaller places like ours
21 have the ability to get outside seating,
22 and that would also be an incentive for
23 potential entrepreneurs or investors or
24 amenities in general.

25 (Applause.)

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2 MR. RITTER: 22nd and
3 Christian. It's been a bar since the
4 1930s. I pulled the L&I packet on this.
5 This bar has been on there since the
6 1930s. The first permit pulled for
7 construction was in 1938.

8 Most of the surrounding corners
9 also at one time housed taprooms, so this
10 should not be new for any of opponents.
11 They knew what they were getting into at
12 this point when they chose to live in
13 this area. They moved -- essentially,
14 they moved near a bar and had to
15 understand some of the basic issue that
16 does come along with that.

17 We're not perfect; we
18 understand this. We at the Sidecar Bar &
19 Grille are not perfect, and we appreciate
20 that. All businesses in a residential
21 area are going to have a certain level of
22 negative impact; we know this, we
23 understand this, we are conscious of it.
24 We respect our neighbors and our
25 neighborhood and try to make as little

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2 negative impact as possible.

3 The one and only time anyone
4 ever approached me neighborhood-wise was
5 Miss Carty, at 2203. She's my direct
6 next-door neighbor. She became upset
7 when patrons would lock their bikes to
8 her property, and I appreciate that. In
9 response, an immediate response, the
10 Sidecar Bar & Grille procured eight bike
11 racks and installed them on each of the
12 four corners as a remedy.

13 Besides that, there's never
14 been any other conversation or reference
15 to anything about our place.

16 I have been willing to listen
17 to my opponents from the beginning, but
18 none of them have ever approached me.
19 The only time they speak is when they are
20 in a populated forum like SOSNA or CBA
21 meeting. They try to paint me ugly, and
22 I find this style of communication just
23 plain-out unneighborly. And I really --
24 I don't appreciate it.

25 When I try to speak to people

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2 like Mr. Hayes, who will testify, or
3 Mrs. Kim, who will testify, on the
4 street, they just turn their back and
5 they walk away from me.

6 We live in a residential area
7 all in close proximity, and we hope from
8 this point forward, we can work on
9 discussing the negative impact that,
10 unfortunately, places like ours do shed.

11 Things that the opponents may
12 say:

13 Beer bottles on their homes.
14 I'm sorry, beer bottles on the steps of
15 their homes. Drug paraphernalia found on
16 the streets close to the bar. Noise they
17 may be right, they may be wrong.

18 These are things that are
19 inherent to living in the, City and the
20 source of these issues do not reside at
21 the Sidecar Bar & Grille.

22 (Applause.)

23 MR. RITTER: They also will
24 talk about it's difficult to walk among
25 the seating area.

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2 COUNCILMAN DiCICCO: Excuse me,
3 Mr. Ritter.

4 MR. RITTER: I'm sorry.

5 COUNCILMAN DiCICCO: I think it
6 might be helpful if you just get to the
7 issue of what it is you're seeking
8 because I suspect that those folks will
9 say exactly what you're saying they will
10 say.

11 MR. RITTER: Mm-hmm.

12 COUNCILMAN DiCICCO: So, in the
13 interest of time, if you could just talk
14 about the application --

15 MR. RITTER: Yep.

16 COUNCILMAN DiCICCO: -- and
17 what it is that you'd like to see in
18 terms of seating and hours.

19 MR. RITTER: Sure.

20 COUNCILMAN DiCICCO: And then
21 we'll get into -- the other folks will
22 talk about what they're issues may or may
23 not be.

24 MR. RITTER: Very good.

25 COUNCILMAN DiCICCO: And then

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2 we'll have to decide on that. That would
3 be helpful.

4 MR. RITTER: I have four quick
5 things; can I run through those and then
6 be done? I appreciate that.

7 Patron noise. Basically, what
8 I want to talk about is things that we
9 have control of that I've been working on
10 and plan to keep installed.

11 Difficulty to walk through the
12 seating area. We have changed the way
13 the seating is configured to where
14 patrons are less likely to block
15 aisleways.

16 Patron noise. We have placed
17 signs around the building to warn
18 customers to speak at lower levels. We
19 close the windows on Christian Street
20 side much earlier in the evening. We
21 take the tables and the chairs in on
22 Christian Street much earlier in the
23 evening.

24 I personally meet with my
25 managers on a weekly basis to discuss

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2 the negative impact to my neighbors.

3 What we're asking for -- moving
4 to the drawing -- is, per the Streets
5 Department, per our legal right, we are
6 asking for 9 two-tops on 22nd Street and
7 4 two-tops on Christian Street. That's
8 what we're asking for.

9 And we also have some hours of
10 operation that we would like to discuss.
11 After speaking with SOSNA and community
12 leaders, we came up with an outdoor
13 seating closing schedule that we would
14 like to recommend.

15 Tuesday, Wednesday, Thursday;
16 Christian Street side specifically: We
17 would like to make the last call at
18 10:30. We would like to have the whole
19 area broken down by 11 o'clock.

20 22nd Street. Again, Tuesday
21 Wednesday and Thursday. Last call at
22 midnight. Broken down by 12:30.

23 Friday, Saturday, and Sunday,
24 Christian Street and 22nd Street: Last
25 call, 1 o'clock, broken down by 1:30.

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2 And lastly, what we would like
3 to do is add in for testimony. We have
4 two other letters of recommendation. A
5 peer of yours who, unfortunately,
6 couldn't make it today. We have a letter
7 of recommendation which I would like my
8 wife to read from Councilman Bill Green.

9 COUNCILMAN DiCICCO: We can
10 just submit that for the record. We will
11 have copies and --

12 MR. RITTER: Thank you.

13 And then lastly, I'd also like
14 to submit one more, from State
15 Representative Babbette Joseph.

16 COUNCILMAN DiCICCO: If you can
17 forward that --

18 MR. ABERNATHY: We have that.

19 COUNCILMAN DiCICCO: We will
20 submit those for the record.

21 MR. RITTER: Thank you.

22 COUNCILMAN DiCICCO: They will
23 be entered into the record.

24 MR. RITTER: And then I'd also
25 like to enter in the testimony -- we

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2 have, between petition and affidavit of
3 folks that were unable to be here today
4 because of employment, we have 606 people
5 that would like to be here but,
6 unfortunately, they can't.

7 COUNCILMAN DiCICCO: We
8 couldn't fit 'em in anyway.

9 MR. RITTER: Here. I'd like to
10 add them in, please.

11 Thank you.

12 COUNCILMAN DiCICCO: All right.

13 (Applause.)

14 COUNCILMAN DiCICCO: I would
15 just like to recommend, as we go through
16 this hearing, in whatever decision this
17 committee makes as it relates to the
18 hours of operation, that we would include
19 Monday in the grouping of Tuesday,
20 Wednesday, and Thursday --

21 MR. RITTER: Understood.

22 COUNCILMAN DiCICCO: -- in the
23 event you would opt to go to a seven-day
24 operation and not come back and go
25 through all this again, all right?

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2 MR. RITTER: Understood.

3 (Applause.)

4 COUNCILMAN DiCICCO: Any other
5 comments or questions?

6 (No further questions.)

7 COUNCILMAN DiCICCO: Thank you.

8 MR. RITTER: Thank you.

9 COUNCILMAN DiCICCO: We'll
10 begin with the witness list. And, again,
11 remember we will try to keep everyone to
12 two minutes.

13 MR. ABERNATHY: Sarah Burton,
14 Sonja Johnson, Eric Hayes, and John Popp.

15 (Witnesses come forward.)

16 COUNCILMAN DiCICCO: Before you
17 begin, Mr. Ritter, you know, you can just
18 nod your head either way.

19 When you purchased this
20 business, was it operating when you
21 purchased it, or was it non-operating?

22 MR. RITTER: It was operating.

23 COUNCILMAN DiCICCO: It was?

24 MR. RITTER: It was operating.

25 COUNCILMAN DiCICCO: Thank you.

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2 For the record, Mr. Ritter
3 answered in the affirmative. Thank you.

4 Decide among yourself who will
5 go first. Please identify yourself for
6 the record and proceed with your
7 testimony.

8 MR. HAYES: My name is Eric
9 Hayes. I live at 2207 Christian Street.
10 I am in opposition to the outside dining,
11 and I'd like to submit this into the
12 record as to why that would be.

13 The Sidecar has a couple of
14 issues that's obviously a little
15 different than what you all have heard.
16 Most of the people that support the
17 Sidecar in good faith has not and does
18 not have a hardship.

19 They don't live on the block of
20 22nd and Christian Street adjoining to
21 the Sidecar. They may live 21st and
22 Christian Street, they may live Catherine
23 Street, Bainbridge Street, et cetera. So
24 anytime that they visit the Sidecar
25 dining from the hours that it's open,

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2 whenever they decide to leave, they can
3 leave at a time that is reasonable for
4 them but is not reasonable for those that
5 live adjoining to the property that has
6 to work and should have an opportunity to
7 get peace and tranquility.

8 One of the issues that came
9 about Sidecar recently was that
10 Mr. Ritner [sic] decided to want to
11 expand the Sidecar. There was a zoning
12 hearing on the 15th -- at 1515 Arch
13 Street, on May the 6th, in which it was
14 determined that he didn't have the
15 outside permit for the outside dining.

16 Chairman Jaffe of the Zoning
17 Board, along with the Zoning Board
18 committee members, asked him and also --
19 they asked him, did he have any outside
20 permit? He said no. She asked him,
21 please do not use the outside dining;
22 you're in violation of the law. She did
23 make that clear to him and his lawyer.

24 However, on the next day, I
25 believe it is, the 7th, May the 7th, up

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2 until past Mother's Day, he used the
3 outside dining, both sides of the outside
4 dining, fully being aware that he didn't
5 have the certification that is required
6 for this.

7 Most of the time, when there
8 was an issue with my particular property,
9 I did briefly speak with him about the
10 issues on my property. I did make him
11 aware of the drug paraphernalia that was
12 on my steps, the alcohol bottles, as well
13 as ashtrays and whiskey glasses
14 repeatedly and cigarette butts.

15 He did not deny that it did
16 come from Sidecar. He said he understood
17 that it did come from Sidecar, but he was
18 not to police his customers.

19 And so, I asked him, I said,
20 Well, listen, you know, this seems to be
21 a real, real problem, and there needs to
22 be a way that this can be remedied
23 because what you're doing here, you're
24 looking to take up both sides of the
25 block. You're looking to take up 22nd

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2 Street, you're looking to take up
3 Christian Street.

4 And I don't see how you can
5 reward anyone at this point for the
6 violations that he has incurred. I am
7 completely in opposition to him outside,
8 with the outside dining.

9 COUNCILMAN DiCICCO: Thank you.
10 I -- this -- for some reason, this is not
11 working (referring to timer), but I'll...

12 MR. HAYES: It happens.

13 COUNCILMAN DiCICCO: But I'll
14 try and figure it out.

15 In relationship to the problems
16 with the cigarette butts and all of that,
17 when was that?

18 MR. HAIGLER: Actually, it
19 happened --

20 COUNCILMAN DiCICCO:
21 Approximately.

22 MR. HAYES: Say it again.

23 COUNCILMAN DiCICCO:
24 Approximately when did you experience
25 that problem?

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2 MR. HAYES: Actually, kind
3 of -- it has a -- it has different
4 elements and different periods that it
5 does happen.

6 COUNCILMAN DiCICCO: Do you
7 believe that since that time when he was
8 made -- when Mr. Ritter was made aware of
9 it that he tried to address that issue?

10 MR. HAYES: I haven't -- I
11 haven't noticed -- I haven't noticed any
12 modification.

13 COUNCILMAN DiCICCO: You're
14 still seeing the cigarette butts?

15 MR. HAYES: I still see that.
16 Even the Budweiser beer bottles. When I
17 brought this to Mr. Ritter's attention, I
18 believe, if my memory serves me correct,
19 Mr. Chairman, he said he that he didn't
20 serve Budweiser.

21 But the real point of it is
22 this --

23 COUNCILMAN DiCICCO: I can
24 understand that. I live well -- well,
25 never mind. Go ahead.

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2 MR. HAYES: But the real point
3 is this, Mr. Chairman and members of the
4 committee here: For him to seek to try
5 to use both sides, Christian Street and
6 22nd Street, this is really, really has
7 been and will create a deeper burden to
8 what we've already have been experiencing
9 for the last four years. I mean, last
10 three years or four years, however long
11 he owned the properties.

12 COUNCILMAN DiCICCO: Thank you.

13 Any questions of this witness?

14 MR. HAYES: And -- and --

15 COUNCILMAN JONES: Yes.

16 COUNCILMAN DiCICCO: Councilman
17 Jones.

18 COUNCILMAN JONES: Thank you,
19 Mr. Chairman.

20 You made a mention in the
21 earlier part of your testimony that you
22 live on Christian Street.

23 MR. HAYES: Yes, I do.

24 COUNCILMAN JONES: And how
25 close are you to the bar?

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2 MR. HAYES: I am two doors from
3 the bar.

4 COUNCILMAN JONES: Two doors
5 from the bar.

6 MR. HAYES: Yes.

7 COUNCILMAN JONES: And you made
8 mention that the people that may support
9 this project don't live on that block?
10 No one on that block?

11 MR. HAYES: Most -- 95 percent
12 of the people that support the Sidecar
13 live not on 22nd and Christian Street
14 ajoin [sic] to the property close to
15 Sidecar. Most of the people that support
16 this are people that live two, three,
17 four, maybe five blocks; and, in some
18 cases, they may live on the 2100 block of
19 Christian Street or the 2400 block of
20 Christian Street.

21 But it doesn't affect them at
22 all. They have no hardship on this at
23 all. So it's very easy for them to, you
24 know, clap and be in great support of it,
25 because it doesn't affect them. There's

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2 no burden to them at all.

3 When they finish having their
4 good time, they can go home, they can
5 relax, and the people that is ajoin to
6 the property has to wait until 2 o'clock
7 a.m., 2 o'clock a.m., for an opportunity
8 for their peace and their rest and their
9 tranquility.

10 This is not right. This --
11 this -- there's no reason for this to be
12 the case.

13 COUNCILMAN JONES: And I don't
14 know that block.

15 MR. HAYES: I understand.

16 COUNCILMAN JONES: But in the
17 prior bar's operation, did you have a
18 similar problem?

19 MR. HAYES: No. Actually, let
20 me tell you --

21 (Laughter.)

22 COUNCILMAN DiCICCO: Just,
23 please, everyone. Be respectful, please.

24 Thank you.

25 MR. HAYES: The situation with

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2 Victor was this. This was there their
3 problem.

4 Victor's was a bar where a lot
5 of people went inside, acted the way they
6 acted. You had some that would come
7 outside and, you know, have their little
8 cigarette butts or whatever, but it would
9 stay at the corner of 22nd and Christian
10 Streets.

11 Where I live, at 2207, sir, has
12 never, ever -- under Victor's, I never,
13 ever had a problem with drug
14 paraphernalia, I never, ever had any
15 alcohol bottles, I never had any problem
16 with Victor as opposed to any drug
17 paraphernalia problems. I've never had
18 that; that's never been its case.

19 COUNCILMAN JONES: My other
20 question would be: Have you offered or
21 have you engaged in dialogue with the
22 owner? He made mention that he was
23 willing to communicate.

24 MR. HAYES: I did, I did.

25 COUNCILMAN JONES: Was there a

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2 compromise?

3 MR. HAYES: I did. I said to
4 him, Listen, a couple of things. I said,
5 you know, you have some other options
6 here, and we need to look at what the
7 other options are, I said, but you cannot
8 bully the whole block of 22nd and
9 Christian Street because it's popular.
10 It may be popular, but it doesn't mean
11 that it's morally right to disturb the
12 people close by.

13 We're not dealing with
14 popularity; we're dealing with people
15 that are reasonable people that need an
16 opportunity to rest.

17 COUNCILMAN JONES: What was the
18 compromise you offered?

19 MR. HAYES: Actually, I told
20 him, I said, Here's what I think you
21 should do. I did mention this to him. I
22 say, most of the time, if you're going to
23 be for the outside dining, I said,
24 listen, why don't you just use 22nd
25 Street side as opposed to trying to use

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2 Christian Street side.

3 And, you know, he kind of -- he
4 didn't say anything off the bat. He, you
5 know, kind of said, Well, you know, we're
6 looking at our options. And he wasn't
7 that really, really engaging about it at
8 that particular time. I felt a little
9 edge to his voice.

10 And so, I said, you know what?
11 Maybe this is not the best way to do this
12 at this particular time. But I did tell
13 him, I said, Listen, I'm willing to
14 support something that you're doing. And
15 he said, Well, I'm not asking you for
16 your support. And I said, Well, that's
17 unfortunate.

18 But basically the compromise
19 that I thought that had potential, it
20 didn't merit into anything positive.

21 COUNCILMAN JONES: So where are
22 you on the recommendation of the Planning
23 Commission's staff to do two tables on
24 the Christian Street side?

25 MR. HAYES: I certainly think

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2 that -- that -- I am opposed to that
3 because that is not something that we
4 should have to be burdened with any
5 further.

6 First of all, the way the
7 Sidecar has been operating, you would
8 have to walk in the street to even go
9 past --

10 (Laughter.)

11 MR. HAYES: -- because both
12 sides of the pavement they have been
13 using. And in some cases, some of the
14 guests that there come and dine, they
15 have their little dogs attached to the
16 bottom of the chairs. And, you know,
17 they may have, you know, some other
18 personal things. It's a very, very
19 uninviting scenario. It's not a
20 comfortable scenario.

21 But, you know, there may be a
22 way to modify it. But certainly, 22nd
23 and Christian Street wouldn't be the way
24 to modify it.

25 COUNCILMAN JONES: Thank you,

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2 Mr. Chairman.

3 COUNCILMAN DiCICCO:

4 Councilwoman Miller.

5 COUNCILWOMAN MILLER: You know
6 what --

7 MS. BURTON: Do you mind
8 letting me speak now?

9 COUNCILMAN DiCICCO: We're
10 coming to you. These are questions for
11 this witness.

12 MS. BURTON: Well --

13 COUNCILMAN DiCICCO: And we'll
14 just let the panel finish.

15 Okay, ma'am. Please identify
16 yourself and proceed with your testimony.

17 MS. BURTON: I am Sarah Burton,
18 a committee person for that area.

19 I've been called -- and many
20 times, I've been had arthritis and I
21 couldn't come. But today, God gave me
22 that energy to come, because I know this
23 has gotten out of hand, because who
24 should be considered would be those
25 people that live on Christian Street that

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2 has to get up in the morning and go to
3 work but the noise and everything.

4 I live on 22nd and Catherine.

5 I (indiscernible) the fellow who lived
6 next to me, I can't sleep in my little
7 bedroom because his bedroom is onto mine
8 and I can't watch my TV at night because
9 the noise wakes him.

10 So if he can't respect the
11 people, I don't think he should have
12 nothing on 22nd and Christian Street
13 because (indiscernible) said he does.
14 He's disrespecting those people. That's
15 why I'm here.

16 And the things -- I don't know
17 of all those people he brought over here,
18 but they're not the people who live in
19 that area. You can bet your life on
20 that.

21 (Audience jeers.)

22 COUNCILMAN DiCICCO: Please,
23 please, please, please.

24 (Addressing Mr. Hayes.) Yes,
25 sir? Are you through? I'm sorry.

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2 MS. BURTON: I'm finished.

3 COUNCILMAN DiCICCO: No, no, I
4 know you are.

5 Ma'am, are you finished with
6 your testimony?

7 MS. BURTON: Yes, I am.

8 COUNCILMAN DiCICCO: Okay.

9 MS. BURTON: Because I just
10 want it over and I just want them to give
11 respect --

12 COUNCILMAN DiCICCO: I guess
13 you're not through.

14 MS. BURTON: -- to that area.

15 COUNCILMAN DiCICCO: Understood.

16 MS. BURTON: (Indiscernible.)
17 That's why I'm here.

18 COUNCILMAN DiCICCO: Okay,
19 understood.

20 MS. BURTON: I cannot stand a
21 lot of this.

22 COUNCILMAN DiCICCO: Okay,
23 understood.

24 The gentleman next to you,
25 please. Thank you.

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2 MR. POPP: Hi. Thank you.

3 My name is John Popp, and I
4 live at 1918 Christian Street, which is
5 about two blocks from the Sidecar.

6 I support the bill or the
7 resolution, or whatever it is, for the
8 following reason: I've lived in the
9 neighborhood for some time. I have a
10 young child who's 14 months old. So one
11 of the great things about sidewalk
12 seating in general, and particularly in
13 Sidecar, is that it's family-friendly for
14 me.

15 I don't want to take my --

16 (Applause.)

17 MR. POPP: I live in a city,
18 and I enjoy the amenities that a city
19 has, but to bring a young child into the
20 inside of a noisy, although mercifully
21 smoke-free, bar is a little too much to
22 bear.

23 But being on the sidewalk,
24 which I find actually quite inviting is a
25 wonderful option for me. And I think

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2 that for anybody who is a family person
3 and particularly has young children, it's
4 something that's very sensible to
5 support.

6 COUNCILMAN GREENLEE: I have a
7 question, Frank.

8 COUNCILMAN DiCICCO: Councilman
9 Greenlee.

10 COUNCILMAN GREENLEE: Thank
11 you, Mr. Chairman.

12 Quickly to the first two
13 witnesses. You heard the testimony or
14 the reading of the letter from the Police
15 Department saying they've received no
16 complaints. Have either of you, or do
17 you know residents who have actually
18 called the police because of noise and
19 any other kind of disturbance on the
20 block.

21 MR. HAYES: Well, actually,
22 yes, yes. I have called the police, and
23 there's a few others that will testify
24 they have.

25 For whatever reason, for

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2 whatever reason, Councilman Green [sic],
3 it's not been registered as of when. I
4 don't know when it was registered. Maybe
5 at the time they had a written a letter
6 there. I don't know. He -- you know, it
7 wasn't registered.

8 But it has been -- it has been
9 registered because that's one of the
10 reasons how L&I got involved to it at
11 this point. So it has been registered
12 that there has been several complaints
13 against the Sidecar Bar.

14 COUNCILMAN GREENLEE: It --
15 when you say that's how L&I got involved,
16 what do you mean? I'm sorry.

17 MR. HAYES: Let me go back to
18 my testimony. On May the 6th, when
19 Mr. Ritter was told by the chairman of
20 the Zoning Board --

21 COUNCILMAN GREENLEE: It was at
22 the Zoning Board.

23 MR. HAYES: Right, to not use
24 the outside dining, otherwise he would be
25 in violation, because he didn't have a

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 certification.

3 COUNCILMAN GREENLEE: Mm-hmm.

4 MR. HAYES: At the same time,
5 we were also instructed that if and when
6 that occurs, then there's two people that
7 should be made aware. One is obviously
8 9-1-1 and the other is L&I.

9 COUNCILMAN GREENLEE: And you
10 did that?

11 MR. HAYES: Yes, we did.

12 COUNCILMAN GREENLEE: And do
13 have idea, living closely, did you
14 notice, did the police ever come by that
15 you noticed to that site?

16 MR. HAYES: I see police in the
17 area.

18 COUNCILMAN GREENLEE: Mm-hmm.

19 MR. HAYES: I didn't see them
20 designated on --

21 (Audience jeers.)

22 COUNCILMAN GREENLEE: Please,
23 please, please.

24 MR. HAYES: I didn't see them
25 designated, Councilman Green [sic], at

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 the Sidecar.

3 COUNCILMAN GREENLEE: It's
4 Greenlee, by the way. Don't blame me for
5 Bill Green.

6 (Laughter.)

7 MR. HAYES: Okay, I'm sorry
8 Mr. Greenlee, I'm sorry.

9 But I've seen police cars in
10 the area there. I don't know exactly,
11 you know, whether or not they ever went
12 over to the Sidecar owner or not.

13 COUNCILMAN GREENLEE: Okay.

14 MR. HAYES: I can't say that.

15 COUNCILMAN GREENLEE: All
16 right, okay. I gotcha. Okay, thank you.
17 Thank you, sir.

18 COUNCILMAN DiCICCO:
19 Councilwoman Miller.

20 COUNCILWOMAN MILLER: Hi. Good
21 afternoon.

22 MR. HAYES: Good afternoon.

23 COUNCILWOMAN MILLER: I just
24 wanted to say I used to work at 21st and
25 Christian.

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2 MR. HAYES: Mm-hmm.

3 COUNCILWOMAN MILLER: And I
4 worked at 21st and Christian for nine
5 years.

6 MR. HAYES: Mm-hmm.

7 COUNCILWOMAN MILLER: And it's
8 probably back in the '70s.

9 MR. HAYES: Mm-hmm.

10 COUNCILWOMAN MILLER: I've been
11 here 15 years, so it's been a while since
12 I was in that area every day.

13 MR. HAYES: Mm-hmm.

14 COUNCILWOMAN MILLER: And every
15 now and then, I go in that area, just
16 driving through.

17 MR. HAYES: Mm-hmm.

18 COUNCILWOMAN MILLER: So I
19 certainly don't know -- and we have had
20 other hearings in this City Council
21 regarding issues in that neighborhood,
22 and I know the neighborhood has changed.

23 And I'm familiar -- a little
24 bit familiar with the old bar; I was a
25 block away. I used to get out and really

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2 knew a lot of neighbors and a lot of the
3 people in that neighborhood, and I know
4 the neighborhood has changed.

5 But one thing that I want to
6 ask questions is, how long have you lived
7 on that block?

8 MR. HAYES: I lived on the
9 block since 1985. It's been in my family
10 since the early '50s.

11 COUNCILWOMAN MILLER: Okay. So
12 who lived on there prior, your
13 grandmother?

14 MR. HAYES: My grandfather and
15 my great-grandmother.

16 COUNCILWOMAN MILLER: Okay. So
17 it's not a matter of making a choice. It
18 was a bar when you moved there and it was
19 a bar, I guess, when your grandma lived
20 there.

21 MR. HAYES: Yes.

22 COUNCILWOMAN MILLER: And
23 things have changed, and now it's outside
24 seating.

25 MR. HAYES: Exactly.

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2 COUNCILWOMAN MILLER: Okay.

3 And, ma'am, do you live on the
4 block also?

5 MS. BURTON: No. I live 22nd
6 and Catherine.

7 COUNCILWOMAN MILLER: Okay.
8 Which is right off --

9 MS. BURTON: I don't see how
10 these people at 21st and Christian can
11 tell you so much, and they don't live by
12 that bar.

13 COUNCILWOMAN MILLER: I'm
14 sorry?

15 MS. BURTON: And neither do I,
16 but I'm a committee person, and they wake
17 me up and harassing me.

18 COUNCILWOMAN MILLER: Okay.

19 MS. BURTON: But the thing I'm
20 in here for, he going to respect those
21 people.

22 COUNCILWOMAN MILLER: Yeah.
23 You got to respect the neighborhood.

24 MS. BURTON: To get it, you
25 give it.

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2 COUNCILWOMAN MILLER: Right.

3 That's one of my concerns.

4 You know, you gentlemen you
5 talked about family-friendly. People
6 live on that block. You know, they have
7 a right to go to bed, they have a right
8 not to have noise, and we all have that.

9 And I think when bars are in
10 neighborhoods, then those are the kinds
11 of things we have to consider -- opening
12 and closing times, outside activities.
13 It's different when you're on a
14 commercial strip.

15 Sure, plenty of businesses here
16 in Center City have outside cafés,
17 businesses in my district too, but most
18 'em are all on business strips. When
19 we're in a neighborhood, we have to be
20 real careful about noise level and other
21 activities.

22 When I worked at 21st and
23 Christian, certainly that bar, whatever
24 it was called, was open and active, but I
25 was in there mostly 9 to 5 and out. And,

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2 you know, some days, two or three days a
3 week, we were open until 11 and 7.

4 We were actually a
5 family-planning clinic. And I know that
6 prior to us it was Upsher's (sp?) Funeral
7 Home. And I'm sure if you lived in the
8 neighborhood long enough, you'd know that
9 too.

10 However, we got to be careful.
11 I think we do have to make some
12 concessions with time. That's important.
13 I have long days, really long work days
14 sometimes. When I come home, I'm in the
15 bed by 9 many nights, or 9:30, and
16 absolutely no later than 10. And I don't
17 want to hear music. If my next-door
18 neighbor is playing music, I knock on the
19 door. I'm tired.

20 And I think we have to respect
21 the needs of neighbors. Whatever we do
22 has to, to me, be neighborhood-friendly
23 if you're in a residential community.
24 And that's what that bar is in.

25 I know 22nd Street is mostly

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 businesses. And, as I said, I haven't
3 worked there, in that area, in years.

4 So I need to make those
5 comments. You made a choice to live
6 there. At the time, outside seating
7 wasn't popular. You know, we had a
8 little bit here and a little bit there,
9 but now everybody wants to do outside
10 seating.

11 And when you do it and it's in
12 a area where people live and get up in
13 the morning and go to work, then we have
14 to respect that and respect their needs,
15 okay?

16 COUNCILMAN DiCICCO: Thank you.

17 We got 30 more people, so we
18 have to -- I just want to, for the
19 record, Mr. Hayes, a quick glance through
20 one of the petitions that have been
21 submitted, there are over 30 people who
22 reside on the 2200 block of Christian
23 Streets who signed a petition in favor.

24 (Applause.)

25 COUNCILMAN DiCICCO: We really

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 need to move on.

3 MR. HAYES: Well, let me
4 just -- can I add, Mr. Chairman? For the
5 record --

6 COUNCILMAN DiCICCO: Thirty
7 seconds.

8 MR. HAYES: I'm sorry. For the
9 record, you need to know those people
10 that signed the petition is still not
11 ajoint to the property; they're in the
12 middle of the block, close to 23rd
13 Street.

14 COUNCILMAN DiCICCO: I
15 understand that not everyone can live
16 next to a property, but it is the block.

17 I live directly across the
18 street from a restaurant with an outdoor
19 café. It was at my insistence that they
20 did the outdoor café, it was one of the
21 best improvements to my community.

22 (Applause.)

23 COUNCILMAN DiCICCO: We really
24 need to move on. There are 30 more
25 witnesses.

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2 MR. POPP: Can I have thirty
3 seconds?

4 COUNCILMAN DiCICCO: No.

5 MR. POPP: No?

6 COUNCILMAN DiCICCO: Thank you.
7 I think you made your point. Thank you.

8 The next group of witnesses are
9 Madeline Shikomba, and I apologize if I'm
10 not pronouncing it right, Kim Sanjgshuh,
11 and Minnie Carty.

12 (Witnesses come forward.)

13 COUNCILMAN DiCICCO: Good
14 afternoon, ladies. Decide among
15 yourselves who is going to go first, and
16 please identify yourself for the record
17 and proceed with your testimony.

18 MS. CARTY: I'm Minnie Carty.
19 I want to give honor to the City Council,
20 and I want to -- I live at 2203 Christian
21 Street, right next door to the bar.

22 COUNCILMAN DiCICCO: Right.

23 MS. CARTY: I want to say that
24 Mr. whatever his name is --

25 COUNCILMAN DiCICCO: Ritter.

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2 MS. CARTY: Ritter, he had
3 mentioned about when I complained about
4 the bicycles they hooked on my fence, and
5 he immediately had them taken? No, it
6 wasn't like that.

7 I had to call the cops I don't
8 know how many times about them. And they
9 came out. They might not put a record on
10 there that they come to my house. They
11 came out, and I stood -- or I had to be
12 there to -- after I called the cops, I
13 had to be there to tell them what was
14 going on.

15 And he did not move them right
16 away. He's telling you that. He's
17 looking for the good side of his side.

18 (Indiscernible.) Sometimes my
19 granddaughter come in and she says, "Mom"
20 -- I said, "Whitney, don't have nothing
21 to do with it." I said, "You tell me
22 when the bikes is on the fence," I said,
23 "because I don't want them to have no
24 offense against you. You tell me, and
25 I'll take care of it 'cause it's my

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2 house."

3 And so, she said --
4 many-a-times, she come in and said,
5 "Grandmom, the bikes is on the fence."
6 I have laid down to go to sleep
7 --

8 COUNCILMAN DiCICCO: Is it --

9 MS. CARTY: -- and I have to
10 wake up and call the police to get 'em
11 off my fence.

12 COUNCILMAN DiCICCO: Has he
13 installed the bike racks?

14 MS. CARTY: He installed the
15 bike racks on that side, where the tree
16 is, by the tree, yes.

17 COUNCILMAN DiCICCO: Are they
18 still using your fence to attach bikes
19 to?

20 MS. CARTY: Well, I raised so
21 much cane that they had stopped.

22 COUNCILMAN DiCICCO: Mission
23 accomplished, okay.

24 MS. CARTY: All right, but the
25 --

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2 COUNCILMAN DiCICCO: They're no
3 longer doing that, all right?

4 MS. CARTY: Well, I figure
5 'cause I had asked the cops, I said, Am I
6 allowed -- they're on my fence. Am I
7 allowed to cut them off of my fence with
8 a clipper? He said no.

9 Two lady cops came out, and I
10 had -- they gave me their card. And they
11 said (indiscernible). They gave me their
12 card (indiscernible) at that district.
13 And they gave me a card and they said
14 that they were allowed to cut them off of
15 my fence.

16 And they ran to look for, what
17 do they call 'em, cutters? But they
18 didn't have any them with 'em at that
19 time, and by the time they came out, they
20 were gone.

21 I want to say one time, I
22 had -- when I went to the bar to tell 'em
23 about that, I rang the bell, I knocked on
24 the door, and I asked somebody, did they
25 know anyone indoors whose bikes --

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2 somebody call the cops. Do they know
3 anybody in there whose bikes these are?
4 And they said -- all of 'em said no.
5 They pick up for one another. No, they
6 didn't know whose it was.

7 And so, what happened one time,
8 they had some bikes on my fence. I went
9 to the door. He has a buzzer on there
10 for handicapped people. I went to the
11 door, the bar door, and rang the buzzer.

12 He came out. Bah-bah-bah-
13 bah-bah (indiscernible). Nasty, he got
14 nasty with me and hasn't spoken to me.
15 He's friendly with people but he ain't
16 spoken to me since. I'm sure around this
17 time, I guess, he's a little friendly,
18 but --

19 (Timer bell rings.)

20 (Cheers.)

21 (Applause.)

22 COUNCILMAN DiCICCO: Please,
23 please, let's be respectful. Thank you.

24 MS. CARTY: Well, I told him.
25 I said, I can't -- I can't -- I mean,

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 it's a noise.

3 And on top of that, we have to
4 go through the dogs. And then they put
5 the chair right up close to my fence. My
6 fence is broken. He had the man working
7 the building, the thing fell down off the
8 front of it and it broke. It's not good.

9 COUNCILMAN DiCICCO: Okay.

10 MS. CARTY: It's not good.

11 COUNCILMAN DiCICCO: Okay,
12 next.

13 Oh, Councilman Jones?

14 MS. CARTY: Can I say one more
15 thing?

16 COUNCILMAN DiCICCO: Go ahead.

17 MS. CARTY: Okay, there was a
18 lady in the bar, and I spoke to her. Do
19 you know what she had the nerve to tell
20 me? I should be glad that they want to
21 put their bike on my fence. I mean, who
22 the devil does she think she is? I mean,
23 that's like a racist remark 'cause I'm
24 black and I should be glad that a white
25 person put they thing on my fence. Come

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2 on now. It's different day now.

3 COUNCILMAN DiCICCO: Next lady
4 over. Whoever. Ma'am? Yes, please.

5 MS. SANJGSUH: My name is
6 Sanjgsuh Kim. I live 2200 Christian
7 Street.

8 COUNCILMAN DiCICCO: Can you
9 pull the microphone closer to you.

10 MS. SANJGSUH: My name is
11 Sanjgsuh Kim. I live 2200 Christian
12 Street.

13 COUNCILMAN DiCICCO: 22-what?
14 What's the exact --

15 MS. SANJGSUH: The address is
16 2200 Christian Street. It's across the
17 street from the Sidecar.

18 COUNCILMAN DiCICCO: Okay.

19 MS. SANJGSUH: Yeah. I am
20 (indiscernible) disturbing is what's
21 going on at (indiscernible). I came in
22 1991. I do know I moved there in 1991.

23 COUNCILMAN DiCICCO: I'm sorry.
24 You said you moved there in 1991?

25 MS. SANJGSUH: Yes. So I know

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2 the Victor owner, what was going on, I
3 know all that was going on. That's fine.

4 I do know that when you operate
5 a bar, you have noise, and that's fine.

6 But when you don't have a outside dining
7 out, it's another thing. It's a problem.

8 The people eat, they have fun, that's
9 fine. But after they eat, they have a
10 few drinks, they out of their minds.

11 They're open till 10:30, 1:30.

12 No. So when do I have the time to sleep?

13 I have a very difficult to sleep. And
14 the people that are noisy, they get
15 excited and they have a few drink and
16 they make all kinds noises, and I cannot
17 sleep. I have to (indiscernible)I don't
18 think that's fair for me.

19 And the trash is worse there
20 all the time. It's not that
21 (indiscernible) the takeout food. It's
22 trash all over the side of my house. I'm
23 on the corner house.

24 And then I have a problem to
25 parking 'cause of the dining out people

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2 parking, employee parking. They take all
3 my parking space. I have a hard time to
4 my own space still parking and in front
5 of my own house. I can't get out on the
6 weekend.

7 And there is loud noise --

8 COUNCILMAN DiCICCO: Excuse me.

9 MS. SANJGSUH: Loud music.

10 COUNCILMAN DiCICCO: Do you
11 have a driveway?

12 MS. SANJGSUH: No. No, sir.

13 COUNCILMAN DiCICCO: You said
14 you have parking space.

15 MS. SANJGSUH: Parking space.
16 I have a side corner so I have
17 (indiscernible).

18 COUNCILMAN DiCICCO: On-street
19 parking, but it's not designated for you.

20 MS. SANJGSUH: No.

21 COUNCILMAN DiCICCO: Okay,
22 thank you.

23 MS. SANJGSUH: But it's a
24 problem with the parking because you have
25 employee parking, customer parking.

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2 (Timer bell rings.)

3 MS. SANJGSUH: I have a very
4 difficult parking on my space.

5 COUNCILMAN DiCICCO: Okay,
6 thank you.

7 MS. SANJGSUH: So I am against
8 it.

9 MS. SHIKOMBA: My name is
10 Madeline Shikomba. I am a resident of
11 2304 Madison Square, which is a block
12 away. I'm also President of North of
13 Washington Avenue Coalition, which is a
14 group in the neighborhood.

15 Mr. Ritter has sought to
16 trample on the rights of his neighbors.
17 Even at this hearing, he has sought to
18 impugn their testimony before they even
19 speak by telling you all of the negative
20 things he has about them. He is
21 trampling on their rights because maybe
22 they are old and poor.

23 Ralph Ellison (indiscernible)
24 once wrote a book, Invisible Man, which
25 told the story of a man who was invisible

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2 despite the fact that people saw him
3 every day and they didn't notice him
4 (indiscernible) or chose to ignore his
5 existence by merely even greeting him.
6 He was invisible, and they denied his
7 existence.

8 Mr. Ritter's neighbors are
9 invisible people. He chose to ignore
10 them and their feelings. He damaged
11 Mrs. Carty's fence and gate and has not
12 yet repaired it. In fact, he thought
13 that the cost of repair should be shared
14 by him and Ms. Carty, although she was
15 not responsible for what happened.

16 When he sought to expand his
17 business, he never talked to her or the
18 neighbors at 2203, 5, 7, or 2200
19 Christian Street or even approached them
20 to get feedback; he thought this was not
21 necessary.

22 Even after (indiscernible)
23 opposition to expansion, he still chose
24 to ignore the opposition and what they
25 wanted.

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2 He operated a café for two
3 years without legal permission.
4 Ignorance of the law is not excusable.
5 This man has lawyers; why don't he ask
6 them if he could operate (indiscernible).
7 Why didn't he ask SOSNA for? He didn't
8 want to know the answer.

9 He continued to operate even
10 after the community was made aware of his
11 illegal activity. He even ignored
12 warnings from L&I to desist from
13 operation. Only after L&I came out the
14 second time, two weeks ago, two weeks
15 ago, and threatened to close him down
16 that he decided that he would
17 (indiscernible).

18 (Timer bell rings.)

19 MS. SHIKOMBA: Concerning
20 violations by the police, the police
21 reported (indiscernible) against the bar.
22 Why is this? His neighbor Mr. Carty and
23 others have complained.

24 Now, I'm going to tell you why.
25 I have done some investigation. I called

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2 myself, and then I called the district
3 office, the 17th Police District. I
4 called 'em on Friday to ask them to find
5 out why there was no complaints.

6 What did I find out? They put
7 the against her house, 2203, not against
8 the bar. They didn't even have a record
9 of my compliant. And I asked them, why
10 is this? All 9-1-1 calls supposed to be
11 recorded; they're not recorded. Why are
12 the calls not being recorded? You have
13 to ask 17th Police District.

14 Okay. I seen of your former
15 members, Councilman Angel Ortiz --

16 (Timer bell rings.)

17 MS. SHIKOMBA: I know. Just
18 let me move on.

19 He was convicted of violating
20 the law because he didn't have a license
21 (indiscernible), and he gave various
22 excuses. Why didn't he adhere to the
23 law?

24 Mr. Ritter has to adhere to the
25 law like everybody else. We are a nation

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2 of laws. Without laws, we are chaos.

3 Mr. Ritter must respect the law. You

4 cannot grant him permission to operate

5 legally when he has been operating

6 illegally.

7 Although there are many people

8 here supporting him, I tell these people

9 one thing: Laws are made for everybody,

10 not just for you and me, okay?

11 COUNCILMAN DiCICCO: You --

12 MS. SHIKOMBA: I'm going to

13 wrap it up.

14 COUNCILMAN DiCICCO: Please.

15 MS. SHIKOMBA: (Indiscernible)

16 commercial establishment. And why did

17 they (indiscernible) man who wanted to

18 open up a mall at 2301 Washington Avenue

19 and --

20 COUNCILMAN DiCICCO: Ma'am,

21 ma'am, I --

22 (Indiscernible; parties talking

23 over each other.)

24 MS. SHIKOMBA: My final

25 statement, my final statement.

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2 COUNCILMAN DiCICCO: No, no,
3 no. You've -- I don't want to be
4 disrespectful, but you have far exceeded
5 the two-minute --

6 MS. SHIKOMBA: I know, and I
7 have a final statement. Let me say this.

8 COUNCILMAN DiCICCO: Ma'am --

9 MS. SHIKOMBA: Mr. Ritter's
10 neighbors offer forgiveness for his sin,
11 but they feel he should not go unpunished
12 for violating the law and their quality
13 of life.

14 COUNCILMAN DiCICCO: Thank you.
15 Thank you.

16 Do you have any questions for
17 these witnesses?

18 (No questions.)

19 COUNCILMAN DiCICCO: I'd just
20 like to ask all of you -- I know that you
21 said, ma'am, you've been there since
22 1991? How long have you lived at 2303?

23 MS. CARTY: Since 1979.

24 COUNCILMAN DiCICCO: And you
25 were there, obviously, when the previous

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2 owners were there.

3 MS. CARTY: And when he --

4 COUNCILMAN DiCICCO: Here's how
5 it works.

6 MS. CARTY: Okay.

7 COUNCILMAN DiCICCO: I'm going
8 to start asking the question and then you
9 can respond, all right?

10 Have you ever had any problems
11 with the previous owners? Do you ever
12 recall the police being called to that
13 facility?

14 MS. SANJGSUH: Yes, we did.

15 COUNCILMAN DiCICCO: Yes?

16 MS. SANJGSUH: Yes, we did.

17 COUNCILMAN DiCICCO: Noise,
18 trash? Do you know of any police --
19 other than your issue with the bikes, do
20 you know if police have ever been called
21 to this establishment for any
22 disturbances to the community?

23 MS. SHIKOMBA: I called.

24 COUNCILMAN DiCICCO: About --
25 what was the call about?

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2 MS. SHIKOMBA: I was turning on
3 23rd Street -- I mean 22nd Street to make
4 a left-hand turn, and I was behind
5 another individual also making a turn.

6 COUNCILMAN DiCICCO: You were
7 behind another vehicle?

8 MS. SHIKOMBA: Yeah, another
9 vehicle, and he was turning also. He
10 made the turn. And good thing I know to
11 keep a good cushion between me and the
12 next car. He stopped right at the corner
13 because he saw a friend of his --

14 COUNCILMAN DiCICCO: Let me
15 ask: Have either of you or any of you
16 had the experience to call the police as
17 it relates to problems emanating from the
18 Sidecar Café?

19 MS. SHIKOMBA: I just told you
20 that. Yes, but none of them were
21 reported.

22 COUNCILMAN DiCICCO: For noise,
23 for disorderly conduct? You have?

24 MS. SHIKOMBA: I told you --

25 COUNCILMAN DiCICCO: With the

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 current owner?

3 MS. SANJGSUH: Sir, I called
4 them many, many times 'cause sometimes
5 they have a lot --

6 COUNCILMAN DiCICCO: You called
7 the police?

8 MS. SANJGSUH: Yes, sir. I
9 called. They have a live band. And it's
10 such a small place there for a live band.

11 And also the youngsters, they
12 get drunk, they being outside, and call
13 all kinds of names each other and fight
14 over. So I have to call the police
15 'cause it's 1:30 in the morning, 2
16 o'clock in the morning. It's totally
17 disturbing.

18 COUNCILMAN DiCICCO: Okay.

19 MS. SANJGSUH: Okay. I cannot
20 say too much about the inside of the bar,
21 it's already licensed issued that for the
22 bar, but I find the dining out, that's
23 the one I have a problem.

24 COUNCILMAN DiCICCO: Fair
25 enough.

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2 MS. SHIKOMBA: I have called
3 too.

4 COUNCILMAN DiCICCO: Excuse me.
5 Councilman Jones has a question, and then
6 move on to the next panel.

7 COUNCILMAN JONES: Just very
8 briefly, Mr. Chairman.

9 You made mention of these have
10 individual problems, and the owner has
11 made a statement on record that says that
12 he's open to dialogue. Have you
13 attempted to raise your concerns to him
14 and was he receptive and responsive to
15 those concerns?

16 MS. CARTY: Well, I went there
17 and buzzed the buzzer on his door. And
18 he come out and hollered at me and said
19 that was for people with disabilities.
20 And I shouldn't do this and I shouldn't
21 do that, and he hollered at me. I'm his
22 next-door neighbor bikes and I was going
23 to tell him about the bikes on my fence,
24 and he hollered at me about that.

25 That's when I -- if I can't

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2 talk to him, I call the cops. And the
3 cops come out many-a-time. I have a card
4 that the two lady cops came out and gave
5 me a card. I should have put it in my
6 purse to prove that that 17th District, I
7 got in touch with the cops down there.

8 And another thing I want to
9 say. When they have the outdoor tables,
10 they push against the fence. The fence
11 is broke from the time he had the man do
12 something and the thing fell down and hit
13 my fence and broke it.

14 And he said, "I'll pay half."
15 Pay half? It was due to him I had my
16 whole front knocked out. And none of
17 those guys had a (indiscernible) none of
18 that thing fell off the top of the house
19 until he had that man pulling and pulling
20 and pulling. Then he wants me to pay for
21 half of it; he should pay for all of it.

22 And then when they come and put
23 the tables out there, they push against
24 the -- when they move the tables, they
25 push against the fence, they push against

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2 the fence. The fence is broke. I go up
3 there and tell him, I said, "Look, don't
4 get against my fence." (Indiscernible.)

5 COUNCILMAN JONES: I would take
6 that as a, no, he wasn't receptive?

7 (Laughter.)

8 MS. CARTY: No, he was not.

9 COUNCILMAN DiCICCO: All right,
10 thank you, thank you.

11 Next panel?

12 Thank you, ladies.

13 Mark Scott, George Anthis, and
14 Brenda Cohen.

15 I'm not certain of -- you're
16 through, ladies -- the next 20-some-odd
17 witnesses, if there are any in this group
18 of witnesses coming up that are opposed
19 to this application.

20 If you are not opposed, we
21 would appreciate it if you would just
22 summarize your statement 'cause we don't
23 want to hear the same thing over and over
24 again. I think we get the point.

25 (Witnesses come forward.)

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2 COUNCILWOMAN MILLER: Ask them
3 where they live.

4 COUNCILMAN DiCICCO: And the
5 committee's asked that you identify
6 yourself and where you live.

7 MR. SCOTT: My name is Mark
8 Scott. I live at 1530 Christian Street
9 and am the Chairman of the South of South
10 Neighborhood Association, SOSNA.

11 I've lived in the neighborhood
12 for just about three-and-a-half years,
13 since the very day that Sidecar opened,
14 and it was a large part of my deciding to
15 move into the neighborhood. The fact
16 that people were making investments in
17 the nice establishments on Christian
18 Street brought me and my family to
19 Christian Street.

20 I would like to personally
21 support what he's doing. I've begged
22 Adam, since the day I first went there,
23 to open something at 16th and Christian
24 so I could also complain about all the
25 troubles that it creates on my corner.

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2 I'd like to switch over and
3 read in my testimony in my official
4 capacity as the chair of SOSNA. We have
5 recently convened multiple hearings on
6 both the variances that the establishment
7 has requested as well as the specific
8 ordinance we're here for today. I'd like
9 to read from our letter dated May 21,
10 2009 regarding 2201 Christian Street
11 outdoor seating ordinance.

12 Dear Council President Verna:

13 The owners presented plans to the
14 community for outdoor seating at the
15 above-mentioned business at a meeting of
16 the SOSNA Zoning Committee on May 20,
17 2009. There were some requests to keep
18 the sidewalk cleared of pedestrians, but
19 overall, the community supported the
20 project.

21 On the Christian Street side,
22 the owner agreed to limited use such as
23 closing that side first, and no smoking
24 on that side, either.

25 We hope the success of this

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2 business encourages other businesses to
3 open in our neighborhood. SOSNA will,
4 therefore, support the ordinance to
5 legalize outdoor seating at this
6 property. Thank you very much.

7 Signed, John McHugh, as Zoning
8 Chair. And my name is Mark Scott,
9 Chairman of the Board.

10 COUNCILMAN DiCICCO: Thank you.

11 Good afternoon.

12 MS. COHEN: Hi. My name is
13 Brenda Cohen, and I live at 2211 Kimball
14 Street, which is two blocks away from
15 Sidecar. I've lived there for the past
16 four years. And I was there when it was
17 Victor's, and it was right before, I
18 believe, Adam turned it over. He had
19 just purchased it and was still operating
20 it as Victor's to make a good, safe
21 gesture towards patrons that were going
22 to Victor's 'cause we want he wanted to
23 show his friendship and make allies with
24 them, as any, you know, good business
25 owner would.

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2 Briefly, I live two blocks
3 away. I go to the restaurant at least
4 once a week, if not more, twice a week.
5 I have a two-year-old. They talked a lot
6 about the number of feet of the sidewalk.
7 That has never been a problem. I have a
8 doublewide stroller, I have a jogger's
9 stroller. There's many people on that
10 block with small children that are always
11 walking by. No one has ever been, you
12 know, remarking a problem that you
13 couldn't squeeze through or people were
14 in the way.

15 Like I said, I'm there at least
16 once a week. The tables are never next
17 to the fence that the first panelist was
18 speaking of. If you look at it, there's
19 no way it could be next to the fence;
20 that's, like, physically impossible.

21 And, you know, these are people
22 that should be commended. Adam and Jen
23 should be commended for what they've done
24 to the community and for the community
25 instead of being condemned by people who

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2 just want to speculate about noise.

3 And as far as drugs being on
4 people's steps and beer bottles, you
5 know, I live two blocks away.

6 (Timer bell rings.)

7 MS. COHEN: You can go on any
8 block in the City and there's Baggies of
9 all sorts everywhere you go. You can't
10 blame that on one establishment. That's
11 the price you pay living in the City.

12 And very quickly, wrapping up.
13 There's many other, as we know, other
14 neighborhood cafés with outdoor seating.
15 At Tastebuds at 24th and Lombard, the
16 sidewalk is not even as big as this
17 table, and they have outdoor seating, and
18 that is in the way. So, you know, I just
19 don't feel that it's ever been a problem.

20 And you can never smell their
21 trash. You know, it's a tight place.
22 And if you walk by any other restaurant
23 and you don't even want to breathe. You
24 walk by the restaurant, it is always
25 immaculate. And that alley, that is the

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2 cleanest alley in our neighborhood. And
3 that is over commendable.

4 And thank you for --

5 (Applause.)

6 COUNCILMAN DiCICCO: Thank you.

7 MR. ANTHIS: Good afternoon,
8 Councilmembers. My name is George
9 Anthis. I live at 2052 Cater. I'll be
10 brief.

11 As far as I'm concerned, the
12 Sidecar is one of the things that has
13 really brought a lot of life to
14 especially the 22nd Street corridor. And
15 as another parent of a young child, it's
16 great to have a restaurant where you can
17 bring your child and have a nice dinner
18 outside. I'll be looking forward to that
19 should the Council approve this.

20 It's been nothing but good, I
21 think, to the neighborhood.

22 Thank you.

23 COUNCILMAN DiCICCO: Thank you.

24 Next panel: Mike Narry,
25 Brendon Shank, Steven Hansbury.

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2 (Witnesses come forward.)

3 MR. HANSBURY: Hi. My name is
4 Steven Hansbury. I live at 743 South
5 Dorrance. I moved into the neighborhood
6 just a month ago.

7 I just read about the issues
8 that were happening with the Sidecar.
9 The Sidecar is one of the reasons I moved
10 into the neighborhood. I moved from the
11 Northern Liberties, where we have
12 restaurants and outside seating that
13 mingle with the neighbors. I couldn't
14 afford to live in Northern Liberties
15 because of what that has done to the
16 neighborhood.

17 So I felt compelled to take a
18 day off work and come down here and give
19 my support to the Sidecar. And I believe
20 that Adam said it: It's also support for
21 businesses coming into the neighborhood
22 and progress.

23 Thanks.

24 COUNCILMAN DiCICCO: Thank you.

25 You left my district, right?

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2 MR. HANSBURY: Oh, right.

3 (Laughter.)

4 MR. BOCITTO: Hi. My name is
5 Brendon Shank. I live in the 700 block
6 of South 22nd Street, and I live there
7 with my wife and our nine-month-old
8 child.

9 And one of the things that we
10 brag about to our neighbors in
11 Washington, DC and New York City is the
12 energy and vibrance of the neighborhood
13 and even the safety of the neighborhood,
14 and I think that the Sidecar and the
15 seating outside is a major contributor to
16 that, and I would love to see that
17 continuing to set a precedent for other
18 investors who want to see places that
19 thrive and make communities better,
20 bigger, brighter, more energetic, and
21 safer.

22 COUNCILMAN DiCICCO: Thank you.

23 (Applause.)

24 MR. WANG: Mr. Chairman and
25 members of the Committee, my name is Mike

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2 Wang and thanks for hearing us today.

3 Very quickly. For context, I
4 live at 2219 Christian Street, so I live
5 eight doors down from the Sidecar. I'm
6 up for work every morning at 5:30. I am
7 a vehement anti-smoker and I walk my
8 hundred-pound dog past the outside chairs
9 at the Sidecar twice a day.

10 If the Sidecar was anything
11 other than a near-perfect neighbor, I
12 would be here in strong opposition today.
13 In fact, it's quite the contrary: I'm
14 here in strong support as a neighbor who
15 lives eight doors down from the Sidecar.

16 The reality is that when we
17 moved to this neighborhood, my wife and
18 I, about two years ago, the safety and
19 security offered by the modest, but
20 consistent, foot traffic of the Sidecar
21 was a major draw. Today, we look past
22 that security and think of it as a venue
23 that pulls together a diversity of
24 neighborhoods, folks who have lived in
25 the neighborhood for decades, folks who

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2 are newer to the neighborhood, into a
3 place where, frankly, there's a dialogue
4 and an exchange.

5 Adam and Jen have been open to
6 every conversation that folks have
7 brought to them. They've been
8 philanthropic leaders contributing the
9 (indiscernible) Park, contributing to a
10 neighborhood softball team, and other
11 enterprises going on, and, frankly, have
12 been a model business in terms of keeping
13 our block, the 2200 block of Christian
14 Street, I believe, one of the nicest in
15 the City.

16 So, again, from the perspective
17 of a neighbor who lives very, very close,
18 I'm strongly supportive and disappointed,
19 with all due, to my neighbors in what I a
20 perceive to be a gross
21 mischaracterization of what's happening
22 at the Sidecar and ask for your support
23 to keep a great place running in the
24 neighborhood.

25 (Applause.)

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2 COUNCILMAN DiCICCO: Thank you.

3 Next panel: Brian Daniels,
4 Michael Mangino, Peg Lane, and Matt Lane.

5 (Witnesses come forward.)

6 COUNCILMAN DiCICCO: Good
7 afternoon.

8 MS. LANE: Good afternoon.
9 Councilman DiCicco, it's a pleasure to
10 meet you. I used to be one of your
11 constituents as well.

12 COUNCILMAN DiCICCO: You moved
13 too?

14 MS. LANE: Yeah.

15 COUNCILMAN DiCICCO: What's
16 going on?

17 MS. LANE: It was the whole
18 Foxwoods thing.

19 COUNCILMAN DiCICCO: Okay.

20 MS. LANE: Okay. Again, my
21 name is Peg Talban Lane. I'm a resident
22 of 2317 Christian Street, and I'm also
23 employed by Yetty, LLC, and representing
24 also the Sidecar employees.

25 One of the things I wanted to

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2 speak to you all about was, the majority
3 of the employees that work at the
4 Sidecar -- and there are 16 of us -- live
5 in the neighborhood. And we live and we
6 walk and we bike to the Sidecar. But the
7 outdoor seating and other plans that the
8 Ritters have for the business really are
9 directly impacting our jobs.

10 Until approximately three weeks
11 ago, I was gainfully unemployed for the
12 last 367 days former, and as a former
13 professional, kind of going into a
14 different business. I have to tell you,
15 between myself and our employees on
16 staff, this is a huge issue for us, as
17 you can imagine. We're also all
18 neighbors and live in the neighborhood.

19 One of our my coworkers just
20 reminded me that outside of myself and
21 Adam and Jen, maybe one other person
22 actually owns a car.

23 We bought our house in 2007,
24 and part of the reason why we bought our
25 house there was because of the Sidecar.

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2 We wanted to make sure that we were going
3 into a neighborhood that was in
4 transition --

5 (Timer bell rings.)

6 MS. LANE: -- that was going to
7 be -- that was looking forward. And this
8 was definitely a beacon of hope.

9 The outdoor seating on the
10 corner provides safety for our
11 neighborhood. That 22nd Street corridor
12 has definitely cleaned up. And I do
13 believe part of that is because of the
14 presence of the neighbors and everyone
15 out there.

16 And I thank you for your time.

17 (Addressing husband.) Did you
18 want to say something?

19 MR. LANE: Yeah, real quick.

20 My name is Matthew Lane. I
21 live at 2317 also. I'm a professional
22 chef by trade.

23 And I just want to get on
24 record that as an eating establishment,
25 the Sidecar is extremely well managed.

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2 Adam and Jen are very responsible owners.

3 And from the restaurant side, which I
4 believe it is first, before a bar, it is
5 an extremely classy establishment, and
6 I'm in full support of everything that he
7 does.

8 So that's it.

9 COUNCILMAN DiCICCO: Thank you.

10 Please begin with your
11 testimony.

12 MR. MANGINO: My name is Mike
13 Mangino. I live at 2300 St. Alban, so
14 I'm about three blocks away.

15 I also do have problems
16 occasionally with finding beer containers
17 on my sidewalk, bikes chained to my fence
18 and drug paraphernalia. However, being
19 as that I'm more than three blocks away
20 from the Sidecar, I would think that it's
21 less like that it's attributed to the
22 Sidecar and more likely to the known drug
23 sales that are a block away from us.

24 Unfortunately, we live in a
25 neighborhood where this is a problem.

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2 There is trash on the streets throughout
3 the neighborhood, beer cans on the ground
4 throughout the neighborhood, and drug
5 paraphernalia. And to attribute that to
6 the Sidecar doesn't seem -- it just
7 doesn't seem like it makes a lot of
8 sense.

9 I also have two big dogs which
10 I walk through their seating area four to
11 five times a day, and it's not unusual
12 for me to be able to get through without
13 having anyone need to move.
14 Occasionally, I do need to ask someone to
15 scoot in a chair, but people are always
16 willing to do that.

17 Finally, I'd like to say that
18 as a person who walks around the
19 neighborhood quite a bit, it's very rare
20 that the Sidecar is the loudest corner
21 that I walk by. Usually, there are two
22 or three other corners that aren't
23 restaurants but happen to have people
24 sitting outside that are enjoying
25 themselves that actually make more noise

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2 than the Sidecar.

3 Thank you.

4 COUNCILMAN DiCICCO: Thank you.

5 (Applause.)

6 COUNCILMAN GREENLEE: Hold on.

7 One question, Miss Lane.

8 COUNCILMAN DiCICCO: Miss lane?

9 COUNCILMAN GREENLEE: Thank
10 you, Mr. Chairman.

11 Real quickly. As an employee
12 there, we heard the complaints from some
13 of the neighbors about bottles and all
14 around. And, you know, in fairness to
15 them, that is certainly a likely problem
16 coming out of a bar. People walk out
17 with bottles and glasses and all.

18 Is there any action in the bar
19 to try to alert people -- stop people
20 from walking out? 'Cause it is a
21 violation to walk out with an open bottle
22 of beer.

23 MS. LANE: Yeah, absolutely.

24 COUNCILMAN GREENLEE: I think I
25 did it once or twice 30 years ago.

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2 COUNCILMAN DiCICCO: More like
3 30.

4 COUNCILMAN GREENLEE: No, no,
5 no.

6 MS. LANE: Absolutely. Our
7 management team all manages that pretty
8 closely. I mean, when there was the
9 seating outside, of course you'd have,
10 you know, pint glasses. The majority of
11 the beer that we sell -- I mean, we're an
12 American Craft Beer bar. It's, you know,
13 tap beer.

14 I find beer bottles on my steps
15 a-block-and-a-half away. It's a part of
16 what's still kind of transitioning for
17 our neighborhood.

18 COUNCILMAN GREENLEE: But, in
19 fairness, if you live one or two doors
20 away, and you see bottles there, it's --
21 you know, I probably would feel the same
22 way, that they probably came from the
23 bar.

24 So I -- my only question was,
25 was there any, try to be, as much as

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2 possible, enforcement action --

3 MS. LANE: Absolutely.

4 COUNCILMAN GREENLEE: -- to try
5 to stop people walking out with --

6 MS. LANE: Absolutely.

7 COUNCILMAN GREENLEE: 'Cause I
8 had a bar near me, and that was a
9 problem, and we had to get the bar owner
10 to be a little more forceful.

11 MS. LANE: Yeah, I know.
12 Absolutely. Guys, I mean, most of the
13 staff is over here (indicating).

14 We are very conscious of our
15 neighbors in trying to manage that.

16 COUNCILMAN GREENLEE: Okay. I
17 just wanted to get that on the record.
18 Thank you.

19 MS. LANE: Okay.

20 COUNCILMAN DiCICCO: Councilman
21 Jones.

22 COUNCILMAN JONES: Many of the
23 people that testified that live on the
24 2200 block of Christian said that they
25 tried to raise concerns to the

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2 management. Have you had an occasion to
3 hear of any of their concerns or
4 complaints?

5 MS. LANE: No, sir, I haven't,
6 actually.

7 COUNCILMAN JONES: So they've
8 never brought that to your attention that
9 --

10 MS. LANE: No.

11 COUNCILMAN JONES: Okay. And,
12 finally, you work at the Sidebar Café and
13 have enjoyed it.

14 Tomorrow, if somebody wanted to
15 open a Sidebar II next to your house,
16 would you be for it?

17 MS. LANE: If it was Adam? If
18 Adam was opening it?

19 COUNCILMAN JONES: I said "a
20 Sidebar II."

21 MS. LANE: Run the same way,
22 managed the same way, and with the
23 reinforced wall that he put in 2001?
24 Yes.

25 COUNCILMAN JONES: Okay.

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2 (Applause.)

3 COUNCILMAN DiCICCO: Thank you.

4 The next panel is Katie Boyle,
5 Marco Porcetto, and Kristen Rein.

6 (Witnesses come forward.)

7 COUNCILMAN DiCICCO: Please
8 proceed with your testimony. State your
9 name for the record.

10 MS. BOYLE: I'm Katie Boyle.
11 I'm speaking on behalf of myself and my
12 husband. We live at 2016 Christian
13 Street.

14 We frequent the Sidecar very
15 often. If it was up to my husband,
16 probably seven days a week, if you guys
17 would open on Mondays.

18 I wanted to speak first for the
19 fact that Adam has been disrespectful. I
20 have had the privilege of living in
21 Graduate Hospital for about four years
22 now and knowing Adam and Jen for quite a
23 long time, and I have never witnessed in
24 all of the time that we frequent the
25 Sidecar them being disrespectful to

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2 anyone on any level or anything being
3 brought to their attention, any
4 altercations at the bar, anything like
5 that. It's always been very peaceful.

6 I also want to talk about the
7 outside space, because, living in the
8 City, a lot of us aren't fortunate to
9 have an outside space to enjoy. So being
10 that we have this in our neighborhood,
11 it's kind of a place for all of us to
12 feel like we really don't live in the
13 City for a few minutes.

14 And finally, I'm a business
15 owner. I own an LLC in the area, and
16 I've been looking to expand in the
17 Graduate Hospital area for a few years
18 now. And it's really disheartening to me
19 all of the opposition that this
20 businesses in this district have been
21 getting. And I think we should be
22 looking at this as a growth for our
23 neighborhood.

24 And I'm a hundred percent in
25 support of this outdoor seating and more

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2 businesses wanting to come to the

3 Graduate Hospital area.

4 COUNCILMAN DiCICCO: Thank you.

5 (Applause.)

6 COUNCILMAN DiCICCO: Good

7 afternoon.

8 MR. BOCITTO: Hi. My name is

9 Marco Bocitto, and I own the house at

10 2143 Montrose Street; I've been living

11 there since early 2005.

12 I'd just like to emphasize to

13 the Council, although I don't live

14 directly on the 2200 block of Christian,

15 being on 22nd and Montrose, it's in

16 extremely close proximity to the Sidecar.

17 I have never had any problems

18 with the Sidecar in terms of noise.

19 Similarly, when I originally moved in in

20 2005 and it was Victor's, 22nd and

21 Christian Street was not a block that I

22 enjoyed walking past every morning on my

23 way to work.

24 Since the transition to the

25 Sidecar, I think the neighborhood feels

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2 safer. It's a nicer place to live.

3 And I fully support the outdoor
4 seating, as I feel like that contributes
5 a significant amount to the atmosphere of
6 the Sidecar.

7 Thank you.

8 COUNCILMAN DiCICCO: Thank you.

9 MS. REIN: My name is Kristen
10 Rein. I live at 2116 Christian Street,
11 so catty-corner to the Sidecar.
12 Similarly, I am in complete support of
13 the outdoor seating.

14 And I think the Sidecar is more
15 than just a restaurant and bar. This
16 neighborhood's in transition, and I think
17 what is really amazing about the Sidecar
18 is that it bridges an old and new
19 neighborhood, and this neighborhood could
20 be amazing.

21 And I think that what I don't
22 quite understand is the reticence to move
23 forward. I mean, having an outdoor
24 seating area is great for the
25 neighborhood, and I think all of us who

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2 live in the area want it to be an amazing
3 neighborhood.

4 So that's it.

5 COUNCILMAN DiCICCO: Thank you.

6 Any questions?

7 (No questions.)

8 COUNCILMAN DiCICCO: Seeing
9 none, next panel. Thank you.

10 Brian Lawson. A. Gurland
11 Blaker, Loretta Tague, and Laura
12 Blanchard.

13 (Witnesses come forward.)

14 MS. TAGUE: I guess I'm going
15 first. I going to read fast.

16 My name is Loretta Tague. My
17 husband, Andy, and I bought our house in
18 Sidecar's neighborhood exactly three
19 years ago this week. We live roughly
20 three blocks from Sidecar, at 20th
21 Street, between Montrose and Carpenter.
22 We only wish there was a sidewalk café,
23 such as the one proposed by Sidecar, on
24 our own notorious corner of the historic
25 20th and Carpenter fame.

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2 The sounds we've heard at 2 to
3 3 a.m. haven't been revelers from
4 Sidecar, true. The sounds that have
5 disturbed our sleep in the middle of the
6 night have been gunshots.

7 Getting back to when we were
8 first house-shopping just over three
9 years ago, I can remember many days
10 sitting at a few small, cramped tables
11 inside Sidecar, sorting through the pros
12 and cons of various real estate listings
13 of houses for sale as well as the pros
14 and cons of living in what I have come to
15 hear referred to as "a transitional
16 neighborhood."

17 In short, if not for the
18 Sidecar, it would have been very
19 difficult to convince me to live so far
20 South of South Street, so close to
21 Washington Avenue, on this end of town.

22 From the start, Sidecar
23 impressed as a neighborhood oasis. There
24 were no other businesses, none, anything
25 like Sidecar anywhere nearby. Three

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2 years later, we are still waiting for
3 more businesses like Sidecar to open
4 nearby.

5 Sidecar is also a place that
6 has successfully bridged the supposed gap
7 between old and new neighbors judging by
8 the diversity of the people who enjoy it
9 every day.

10 Since those early days three
11 year ago, I have more recently become
12 very active in our neighborhood, also
13 sometimes called SWCC, standing for
14 Southwest Center City, though I
15 personally like to call it Rittenhouse
16 Breeze.

17 Last summer and fall, I had the
18 great pleasure to find myself on a
19 planning committee for an event annual we
20 held in our neighborhood, the first
21 annual SWCC Rock and Run. During that
22 time, I came to know Adam and Jennifer
23 Ritter very well. During the planning of
24 the event, the Ritters earned my utmost
25 respect and admiration for all that

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2 they've done, all that they do, and all
3 that they are

4 During that time, Adam was
5 always thinking about and pitching ideas
6 to the rest of us on the committee to
7 make it the best possible event, which
8 was a free event, by the way, that we
9 could imagine to give as a present, if
10 you will, to our neighborhood

11 It was Adam who dreamt up the
12 idea of having a free moon bounce, free
13 cotton candy, and free balloons for all
14 the kids.

15 In fact, write this down:
16 www.rockandrunk.org. Check out the photo
17 gallery showing all of the smiling faces
18 of people all ages, shapes, colors, who
19 thoroughly enjoyed that beautiful day.

20 It was Adam and Jen who were
21 instrumental in making that all happen,
22 especially the music and arranging for a
23 headliner, Bernie (indiscernible) of
24 Parliament Funkadelic fame. Adam
25 physically set up the stage, which needed

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2 to be set up on the street, and Adam
3 didn't hesitate to make that happen in
4 the wee hours of the morning, before the
5 event, once the streets were closed off
6 for the day

7 It was also Adam who made
8 multiple calls and visits to the City's
9 Special Events Office to sort out all the
10 red tape involved, planning such an
11 ambitious day for fun for all

12 And it was Jennifer, Adam's
13 wife, who, among many other things,
14 pounded the pavement, seeking sponsorship
15 from all of the local businesses along
16 South Street and Washington Avenue to
17 fund all of our her husband's grand plans

18 Adam and Jen volunteered
19 countless hours of their time and their
20 blood, sweat, and tears to this event
21 planning for the betterment of our
22 neighborhood out of respect to our
23 neighbors and our neighborhood's rich
24 history and to celebrate the diverse
25 history of all of the neighborhood that

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2 we hope continue to meld with the new for
3 a very long time to come

4 But I won't go on any longer
5 about these wonderful folks, nor how they
6 are not responsible for the bad behavior
7 of relative few folks who might or might
8 not come from the Sidecar and then drop
9 cigarette butts or chain their bikes onto
10 other people's property, nor how sidewalk
11 seating adds to the safety and livability
12 of a community.

13 (Timer bell rings.)

14 MS. TAGUE: I'll leave others
15 here and the Greater Philadelphia Tourism
16 Board to address all of that.

17 I'll just say that the result
18 of this hearing today, as much as they've
19 proven themselves as the deserving,
20 responsible, neighborhood-friendly
21 business owners who should, of course, no
22 doubt, get this ordinance approved, the
23 implications of today's proceeding are
24 much bigger than Adam and Jennifer
25 Ritter, it's much bigger than the

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2 possible disturbance that might be caused
3 from time to time by the sounds of human
4 beings happily living and walking in our
5 streets.

6 This is about the future of
7 southwest Center City if it's to remain a
8 thriving, safe, and people-of-all
9 persuasions-friendly place. We can't
10 afford to discourage other new businesses
11 by sending the message that one of our
12 only existing and thriving and caring
13 businesses doesn't have our support.
14 Please, Philadelphia, let's not let
15 ourselves down.

16 Thank you for your time.

17 COUNCILMAN DiCICCO: Thank you.

18 (Applause.)

19 MR. BLANCHARD: Councilman,
20 start your timer.

21 (Laughter.)

22 COUNCILMAN DiCICCO: It's
23 started.

24 MS. BLANCHARD: My name is
25 Laura Blanchard. I live at 2041

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2 Christian; that's about four doors down
3 from where Councilwoman Reed Miller
4 worked in family planning. And I was
5 interested in that; I knew it had been a
6 funeral home but I didn't know about the
7 family planning. When I moved there, it
8 was a rather shady rooming house.

9 I've lived there since 1996, so
10 that was nine years before the Sidecar
11 opened, and I may be one of the few
12 people in this room who ever drank at
13 Victor's.

14 And one of the things that I
15 want to speak to right at the moment and
16 about the issue of the sidewalk seating
17 is the change in the quality of life
18 further downstream because the sidewalk
19 seating has put eyes and ears on the
20 corner.

21 (Applause.)

22 MR. BLANCHARD: That was --
23 when I moved to the neighborhoods, I
24 could set my watch by the noise that
25 would start on my block at about 2:07,

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2 when the drunks, the drug users, and the
3 prostitutes who catered to or bought from
4 the drug users started sweeping down and
5 conducting their business transactions
6 frequently right under my bedroom window,
7 and that's not happening anymore.

8 What has happened now that we
9 have sidewalk seating is, I don't know
10 where they are now, but they're not on
11 that corner, and they're not on my block,
12 and I like that. And I haven't heard
13 gunfire on my block for at least four
14 years; and that's a very good thing. And
15 I think the sidewalk seating has a lot to
16 do with it.

17 Thank you.

18 (Applause.)

19 MR. LAWSON: My name is Brian
20 Lawson, and I live at 1026 South 22nd
21 Street, so I'm about a-block-and-a-half
22 up 22nd Street from Sidecar. I live
23 there with my wife, Jennifer, and both of
24 us strongly support the Ritters and what
25 they are wanting to do and are actually

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2 doing with Sidecar.

3 The SOSNA area has been
4 undergoing transformation over the past
5 several years. This decision will have
6 major impacts on any future development
7 in our area.

8 The decision on this request
9 for café seating will have future
10 ramifications on any further development
11 of the many vacant and abandoned corner
12 properties that are prevalent throughout
13 our neighborhood.

14 There was an economic
15 development study funded by SOSNA a few
16 years back, and I'd like to quote one
17 statement from that study:

18 There is a demand for the
19 continued growth of community-serving
20 retail and a large and growing market for
21 full-service restaurants in particular.
22 As the neighborhood continues to
23 redevelop slowly, the existing community-
24 serving retail will likely evolve
25 simultaneously to fit the changing

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2 demographics and accommodate the demand
3 for full-serve restaurants.

4 When people in a neighborhood
5 want to go out, it would be nice stay in
6 our neighborhood and support our local
7 businesses. Currently, unfortunately,
8 the majority of those choices live
9 outside of our neighborhood.

10 We've all invested in this
11 neighborhood and want to see it flourish
12 and to see our investments continue to
13 appreciate. The Ritters have that
14 expectation also, and this is going to
15 allow them to do that.

16 There are other issues that are
17 going to be coming up in our neighborhood
18 that are going to directly impact me; I
19 live right across the street from the
20 Frankford Chocolate Factory. At some
21 point, that's going to be developed.
22 It's a part of the living in the
23 community.

24 One another side note that I'd
25 like to say concerning the outside

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2 seating that I have a kind of a strong
3 involvement with is the ability of people
4 to walk through. My wife uses a
5 wheelchair, she's unable to walk or
6 stand. We have never had an issue
7 crossing through the tables outside of
8 the Sidecar. The times that people do
9 push their chair out a little bit, it's
10 amazing how a kind "excuse me" or "pardon
11 me," and people will move the three
12 inches, and we've got plenty of room. It
13 has never, ever been an issue

14 (Timer bell rings.)

15 MR. LAWSON: And just real
16 quick. On a side note about some of the
17 protestants here. They mentioned that
18 the law is for everybody.

19 A couple of those protestants,
20 one owes the City almost \$10,000 in
21 property taxes he hasn't paid in ten
22 years.

23 One of 'em, who complains about
24 parking and has lived in the area for a
25 long time, has her car registered in New

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2 Jersey, and she can't get a sticker to
3 park on Christian Street because it's
4 been zoned.

5 Those are the people that are
6 protesting this and slowing the
7 development of our neighborhood.

8 Thank you for your time.

9 (Applause.)

10 COUNCILMAN DiCICCO: I believe
11 your wife set me an e-mail.

12 MR. LAWSON: Yes, she did.

13 COUNCILWOMAN MILLER: I want to
14 make a --

15 COUNCILMAN DiCICCO: I'm sorry.
16 Do you have a question?

17 COUNCILWOMAN MILLER: Yeah. I
18 really don't have any questions. I just
19 want to make a comment.

20 No one said that the Sidebar
21 [sic] is not a good business; nobody said
22 that. I said you have to respect the
23 neighbors. I don't care whether you're
24 good business or a bad business; you have
25 to be a good neighbor.

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2 We can talk all we want about
3 awards and all that, and that's fine and
4 that's great. And certainly, outside
5 seating, lighting does impact the safety
6 of a neighborhood. The more people that
7 are out, the more lit it is, it makes
8 everybody feel safe.

9 When I worked at 21st and
10 Christian, I was there nine years. I've
11 seen lots of things. The first time I
12 ever saw anybody get stabbed was down
13 there at that corner.

14 However, the neighborhood is
15 changing, we all realize that it's
16 changing for the better, but people do
17 have a right. We cannot impinge on
18 others' right. They have a right to say,
19 yes, I want this; no, I don't want this;
20 or what's my compromise, my compromise to
21 be on 22nd Street.

22 I don't think anybody -- I
23 missed some of the testimony 'cause my
24 phone keeps ringing. I've been in
25 hearings all day, and I have to keep

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2 running in and out.

3 So I just want to make that
4 clear. No one is saying that this is a
5 bad business, but people have a right.
6 People have a right to be for it and to
7 be against it, and they have a right to
8 talk about what they want outside their
9 home.

10 Thank you.

11 COUNCILMAN DiCICCO: Thank you,
12 Councilwoman.

13 The next panel is Gladys Brown,
14 Jeffrey Paris, and Robert Paine.

15 (Witnesses come forward.)

16 MR. PAINE: Hi, how you doing?
17 My name is Robert Paine. I live at 2206
18 Montrose Street, which is about a half a
19 block from the corner of 22nd and
20 Christian. I've lived in the
21 neighborhood since 1995, lived down at
22 15th and Christian.

23 And a lot of people have been
24 hitting on really good points here, so
25 I'm not going to waste your time.

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2 But back, you know, when I was
3 riding my bike -- I have friends on the
4 other side of the other side of town --
5 when I got between 22nd and Christian, I
6 rode real fast 'cause people were
7 getting, you know, shot, drug dealers.
8 All types of stuff was going on.

9 Since Adam, you know, has
10 started the business there, it's like
11 night and day now. It's -- you know, I
12 have two young kids. People sit outside,
13 you know, have lunch now, and brunch on
14 the weekends. You know, it's a great
15 establishment.

16 You know, that's pretty much
17 what I want to say on that.

18 COUNCILMAN DiCICCO: Thank you.

19 MR. PARIS: Hi. My name is
20 Jeffrey Paris. I live 2206 Christian.

21 And I would have to say since
22 Adam opened that bar on Christian Street
23 it's much, much safer, it's much cleaner.
24 The community is growing, and because of
25 the community is growing, some people

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2 don't like change. But I say no change,
3 no gain. You know, you have to change to
4 gain.

5 So the people across the
6 street, on the other side, I know they
7 have little, small problems, because we
8 have the same small problems.

9 But overall, the progress that
10 Adam has made in the neighborhood is
11 tremendous. And I feel much, much safer.
12 And I was a part of all of that on
13 Christian Street, things that has been
14 going on. And I fully support it.

15 COUNCILMAN DiCICCO: Thank you.

16 (Applause.)

17 MS. BROWN: I'm Mrs. Brown, and
18 I live at 2206 Christian Street, and I've
19 been there since 1969. And it's been all
20 kinds of problem over at that bar during
21 the time I was living there. And ever
22 since Adam came into the neighborhood,
23 he's been a friend. He's friendly, he
24 cares about people.

25 I have no problem and I really

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2 haven't heard any -- the people that sits
3 outside and eat and (indiscernible) are
4 very courtesy [sic]. You can walk on by.

5 And I really have not had any
6 problem with Adam at all. He likes the
7 people in the neighborhood, and he will
8 give them any kind of support.

9 COUNCILMAN DiCICCO: Thank you,
10 thank you.

11 (Applause.)

12 COUNCILMAN DiCICCO: Next panel
13 is Susan Weinman, Bryan Hicks, Jeremy
14 Berger, and Shaka Moody.

15 (Witnesses come forward.)

16 COUNCILMAN DiCICCO: Okay.
17 Ma'am do you want to begin?

18 MS. WEINMAN: Hi. I never
19 spoke like this before, so I'm a little
20 nervous.

21 COUNCILMAN DiCICCO: Please
22 state your name.

23 MS. WEINMAN: Oh, my name.
24 Thank you.

25 Susan Weinman. And I live at

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2 2115 Christian, about 150 feet from the
3 bar maybe, maybe more. I'm not good with
4 measurements.

5 I'm in support of everything
6 Adam wants to do, particularly the hours
7 and the amount of the seating outside.
8 It's a very, very small place. Without
9 that, jobs will be lost in this economy
10 that is a hardship not for just our
11 neighborhood but also the people who live
12 in our neighborhood that work there.

13 And I also wanted to address
14 some of the -- first, the councilwoman
15 who -- Ms. Reed Miller who expressed that
16 people have a right to complain. She's
17 absolutely -- I'm in agreement with her
18 one hundred percent. The people that
19 were here deserve to be respected, they
20 deserve to be heard, and their needs to
21 be attended to.

22 I would not have moved into
23 that block had it not been for the
24 changes that have happened there and had
25 it not been for Sidecar being there,

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2 particularly because there is nothing
3 around there nearby to go and to eat. I
4 do think of it more as a restaurant than
5 a bar.

6 I'm not a late-night bar
7 person, and I do use that thing. I do
8 use the outdoor seating because I do have
9 two small dogs, but I'm very careful to
10 keep them out of the pedestrian walkway,
11 which is large.

12 I wanted to address something
13 that some of the opponents have said as
14 far as people going to the bar who don't
15 have hardships. I am legally disabled,
16 and I live where I live because, quite
17 frankly, I need to be able to walk to
18 Center City to do what I need to do.

19 (Timer bell rings.)

20 MS. WEINMAN: And I need to
21 live in a place that is relatively safe
22 and that is within my budget on
23 disability.

24 I also am a classical singer,
25 and I have to come back from my part-time

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2 job late at night. I sing with the
3 Philadelphia Orchestra. And it's -- I
4 know when I'm walking south of south,
5 'cause I can't afford to take a cab home
6 a lot, I got to hurry up between South
7 and Christian. Once I make it to
8 Christian, I know I'll be safe because
9 there's people on the street there
10 because of outdoor seating.

11 So my primary concern with
12 limiting the hours of outdoor seating is
13 safety. I know that people are going to
14 be watching, and that's really important
15 to me.

16 As far as noise, there are
17 people at the corner of Webster and 21st
18 who are much louder than the bar is.

19 I'm just trying to see, was
20 there anything real quick that I wanted
21 to add to it.

22 Oh, as far as trash goes, yes,
23 there's a hell of a lot of trash on
24 Christian Street. In fact, we have a
25 thread online that says "SWCC Equals

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2 Trash Heap," and they are not wrong.

3 But it comes from mostly the
4 construction workers. There has been a
5 lot of construction on that block
6 between, at least on my particular block,
7 21st up to 23. I count the whole four-
8 block thing.

9 And I come out in the morning
10 and I clean up my stuff. I go in, I come
11 back out in the evening, and it's filled
12 with crap. And that's just the way it is

13 So I think that's about
14 everything.

15 (Timer bell rings.)

16 MS. WEINMAN: Yeah, I know, I
17 get the hook.

18 I hope there's going to be more
19 development on all of those corners that
20 are boarded up because if there isn't,
21 and if Sidecar goes, I think the
22 neighborhood will go down. I think it
23 will lose something great. And if it has
24 to not expand, I don't see why any
25 businessperson would stay somewhere where

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2 they can't thrive.

3 COUNCILMAN DiCICCO: Thank you.

4 Sir?

5 MR. HICKS: I'm Bryan Hicks. I
6 live at 2226 Christian Street. And I
7 just wanted to clear up a couple of
8 things that I heard that sounded a bit
9 odd.

10 Firstly, as far as beer
11 bottles, like, I'm pretty active on that
12 block, I'm out all the time. I'm either
13 riding or walking, and I've never seen
14 any beer bottles.

15 Like -- as the lady next to me
16 said, it's a trashy block, it's a trashy
17 part of the City. There's trash on the
18 block, but it's not beer bottles or drug
19 paraphernalia or anything like that.

20 Also, I've been in the bar. I
21 go to the bar, I frequent the bar. And I
22 know when it is late, the staff is very
23 good about telling everybody to keep
24 quiet often. It's never like there's
25 people, like, yelling or anything like

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2 that.

3 And everything else has pretty
4 much been said.

5 COUNCILMAN DiCICCO: And how
6 long have you lived there, sir?

7 MR. HICKS: I lived there for
8 about a year now.

9 COUNCILMAN DiCICCO: Thank you.

10 MR. BERGER: Hi. My name is
11 Jeremy Berger. I live at 2202 Christian
12 Street, which is directly across the
13 street from the Sidecar. I have lived
14 there for almost two-and-a-half years and
15 have known for Adam and Jen for almost as
16 long.

17 And I have to say, knowing them
18 not only as business people, but knowing
19 them as friends, it really is a little
20 disturbing to hear that they don't
21 respect their neighbors, when I live
22 directly across the street from the
23 Sidecar and have felt that I have been
24 given nothing but respect from them. So
25 I would like to say, as a neighbor, they

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2 are respectful.

3 And I would also like to add
4 that I'm also a small-business owner that
5 operates out of the same neighborhood,
6 and I think it's extremely important that
7 we encourage people to -- you know, we
8 encourage other small-business owners to
9 be able to do the same.

10 And I look at the Sidecar as a
11 meeting place for the neighborhood. When
12 I first moved in, I didn't know anybody.
13 And after spending multiple evenings at
14 the Sidecar, which I still do on a
15 regular basis, I've made dozens of
16 connections through the Sidecar.

17 And to me, it's a tremendous
18 asset to the neighborhood. And if I had
19 to look across the street and continue to
20 see that empty sidewalk the way things
21 are now, I honestly feel it's a little
22 bit depressing.

23 (Timer bell rings.)

24 COUNCILMAN DiCICCO: Right on
25 time.

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2 (Applause.)

3 COUNCILMAN DiCICCO: Do you
4 have a car, sir? Mr. Berger, do you have
5 car?

6 MR. BERGER: Yes.

7 COUNCILMAN DiCICCO: Is it
8 Jersey tags or Pennsy? Pennsylvania tags
9 or Jersey?

10 MR. BERGER: I have
11 Pennsylvania tags, although I don't use
12 my car very often.

13 COUNCILMAN DiCICCO: All right,
14 thank you.

15 MR. BERGER: Thanks.

16 UNIDENTIFIED SPEAKER:
17 Unfortunately, I'm reading for Shaka
18 Moody. He had to go start his shift at
19 the Sidecar at about 4 o'clock. So, as
20 his roommate and also his fellow
21 employee, I'll be reading his prepared
22 statement.

23 I'm an employee of the Sidecar
24 Bar & Grille and have been so since the
25 late fall of 2008. As a resident for a

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2 year-and-a-half, my roommates and I have
3 experienced complaints at our own
4 residence for noise and parties, and
5 have, in accordance with our neighbors,
6 curbed our outside activities.

7 As the owner of the Sidecar,
8 Adam Ritter, in my view, has always done
9 the same to appease the neighbors and
10 keep his adjoining neighbors happy.

11 I honestly believe that the
12 real issue isn't the outdoor seating but
13 the evolution of the neighborhood itself.
14 Our older neighbors may be mistaking a
15 simple, enjoyable expansion as their last
16 chance to stop a change that's
17 inevitable.

18 As I had to leave for work at 4
19 p.m., I cannot voice my opinion in
20 person. Thank you.

21 COUNCILMAN DiCICCO: Thank you.

22 Any questions for this witness?

23 (No questions.)

24 COUNCILMAN DiCICCO: I think
25 there's one witness left at least that's

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2 on the list, Roy Campisi.

3 Are there any other witnesses
4 besides Roy? If there are, please come
5 up to the witness table.

6 You're not on my list but it's
7 fine. Come on up.

8 (Witnesses come forward.)

9 COUNCILMAN DiCICCO: And,
10 again, I'd ask you to summarize. Pretty
11 much, I think we got a pretty good
12 understanding of both sides on the issue.

13 MR. BLAKER: Sure. Thank you.
14 My name is (indiscernible) Gurland-
15 Blaker. Thank you for time and patience.

16 I live at 2205 Montrose Street.
17 I have a couple of succinct points, each
18 directed toward one part of this.

19 In terms of the outside
20 seating, number one, to keep the Sidecar
21 seating inside would be, I think, to
22 limit the impact it has had. So, of
23 course, it being there is going to be
24 make the neighborhood safer. If we keep
25 people indoors, it's going to have less

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2 of an effect to make the neighborhood
3 safer.

4 In terms of the -- also in
5 terms of the outdoors, before we even
6 knew that there was any sort of -- to
7 keep them inside, my fiancée and I
8 noticed that there was no longer outdoor
9 seating, and that upset us. We wondered
10 if something happened. It is a
11 noticeable effect in the neighborhood.

12 In terms of the noise, there
13 are other places in the neighborhood that
14 are far, far louder than Sidecar. My
15 fiancée and I live closer to the Sidecar.
16 The individual who spoke before, at 2200
17 Christian, we are one door down from the
18 opposite side of her house. We sleep
19 with our windows open; we've never had a
20 problem with noise. And my wife --
21 fiancée is a very sensitive sleeper.

22 In terms of noise also, we
23 don't go to bars on the weekends anymore
24 because neither one of us can deal with
25 the noise in most bars. And the Sidecar

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2 is a notable exception. We can go to the
3 Sidecar and we don't have to worry about
4 how loud it is. And that's unique among
5 the bars in Center City, in our
6 experience.

7 Finally -- yeah that's it okay.

8 Thanks.

9 MR. CAMPISI: I'm Roy Campisi.

10 I live at 2218 Montrose Street, and I've
11 lived there for four-and-a-half years.
12 And it's still a negative criminal
13 element in our neighborhood that -- I
14 don't want to reiterate too much on it,
15 but you can still buy a bag of crack in
16 our neighborhood. I don't know how much;
17 I never purchased one myself. Or a
18 prostitute you might be able to rent for
19 a while. And those elements do return at
20 nighttime to the neighborhood. And it's
21 noisy and it does disturb your sleep once
22 the outdoor seating at the Sidecar stops.

23 I think by restricting the time
24 of outdoor seating, you're doing -- that
25 restraint would be doing our neighborhood

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2 a disservice.

3 As far as respectful neighbors
4 go, in response to what Councilwoman Reed
5 Miller was talking about, I don't think
6 you get more respect out of a neighbor
7 than you do from Adam and Jen and the
8 Sidecar Bar & Grille. And the
9 neighborhood watch is the outdoor
10 seating.

11 And that's about it.

12 (Applause.)

13 MR. GRAFFY: My name is Roy N.
14 Graffy (sp?). I'm not on the list. I
15 live at 2427 Carpenter, which is about
16 three blocks away. I've lived there for
17 four-and-a-half years. I was living in
18 the neighborhood when the -- when
19 Victor's was in operation, and the
20 transformation has been remarkable.

21 I'm a recent father, so I don't
22 go to the bar at night. My wife and I go
23 to the -- you know, go to the bar during
24 the daytime. We have a stroller. We've
25 never had any incidences with a problem

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2 with the outdoor seating. We do see it
3 as a safety issue.

4 And Adam and Jen are close
5 friends, and we respect them, and we know
6 that they respect others.

7 COUNCILMAN DiCICCO: Any
8 questions?

9 (No questions or comments.)

10 COUNCILMAN DiCICCO: Any other
11 witnesses on this bill?

12 (No response.)

13 COUNCILMAN DiCICCO: Thank you
14 all. I know it's been a long day, and we
15 appreciate it.

16 We will now move into the other
17 bills. So that you'll understand, we
18 will not be voting on this until the
19 end -- until we have heard all testimony
20 on the other bills on the list today. At
21 that time, each bill will be called up
22 individually, the committee will either
23 favorably or unfavorably for passage --
24 recommendation for passage of those
25 bills.

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2 So you're welcome to stay if
3 you'd like, but just to let you know, we
4 don't take action on that bill until we
5 hear the testimony on all of the other
6 bills for.

7 Thank you. Appreciate it.

8 We're going to do the next
9 bill. Brian, you ready?

10 MR. ABERNATHY: Yes.

11 Bill No. 090290, an ordinance
12 authorizing the revision of lines and
13 grades on a portion of City Plan No. 46-S
14 within an area bounded by 26th Street,
15 the Schuylkill Expressway, and Penrose
16 Avenue by placing on the City Plan three
17 rights-of-way for drainage purposes;
18 striking from the City Plan and vacating
19 a portion of Hartranft Street between
20 22nd Street and Penrose Avenue;
21 authorizing the acquisition from the DRPA
22 and subsequent conveyance to the abutting
23 property owner of the bed of the portion
24 of Hartranft Street being stricken;
25 reserving and placing on the City Plan a

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2 right-of-way for various purposes within
3 the lines of a portion of Hartranft
4 Street being stricken; authorizing
5 acceptance of the grant to the City of
6 the rights-of-way being placed on the
7 City Plan by authority of this ordinance,
8 and relocating the curblines of the
9 existing traffic island at the
10 intersection of Hartranft Street, Penrose
11 Avenue, and 22nd Street Department, all
12 under certain terms and conditions.

13 (Witnesses come forward.)

14 MR. MORELLI: Good afternoon,
15 Mr. Chairman and Members of the Street.
16 My name is Frank Morelli, Survey Bureau
17 Manager of the Department of Streets, and
18 the Department of Streets would like to
19 offer the following testimony on Bill No.
20 090290.

21 This is not an administrative
22 ordinance, but an ordinance requested by
23 Mr. Michael Mationi, 399 Market Street,
24 Philadelphia, PA.

25 The purpose of this ordinance

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is to place on the City Plan three rights-of-way for drainage purposes, to strike from the City Plan and vacate a portion of Hartranft Street between 22nd Street and Penrose Avenue, and reserve and place on the City Plan a right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes within the area being stricken, and to relocate the curblines at the intersection of Hartranft Street, Penrose Avenue and 22nd Street.

This ordinance will also authorize the acquisition from the Delaware River Port Authority and subsequent conveyance to the abutting property owner of the portion of Hartranft Street being stricken and vacated.

This action will facilitate the construction of the Sienna Place subdivision, a proposed development, to consist of approximately 310 market-rate townhomes.

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2 This ordinance is supported by
3 the Department of Streets and is
4 recommended to your committee for
5 favorable action.

6 MR. ERICKSON: Good afternoon,
7 Chairman DiCicco and members of the
8 Streets and Services Committee. I am
9 William Erickson, a City Planner with the
10 Development Planning Division of the
11 Philadelphia City Planning Commission.

12 I'm here to testify on Bill No.
13 090290, which was introduced into City
14 Council by Councilmember Tasco for
15 Council President Verna on March 16,
16 2009.

17 This bill authorizes a revision
18 of lines and grades in the area bounded
19 by 26th Street, Schuylkill Expressway,
20 and Penrose Avenue by placing on the City
21 Plan three rights-of-way for drainage
22 purposes and revising the 22nd Street,
23 Hartranft Street, Penrose Avenue.

24 The purpose of this bill is to
25 complete the City Plan change necessary

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2 as a result of the Sienna Place

3 subdivision. The developer has proposed

4 to construct 313 single-family attached

5 dwellings and construction of an 80,000

6 square foot administration building for

7 the Philadelphia Housing Authority.

8 The storm-water management plan

9 requires the placement of these three

10 drainage rights-of-way. This bill will

11 revise the traffic island by relocating

12 Hartranft southwestwardly to create a

13 90-degree intersection at Penrose Avenue.

14 The Philadelphia City Planning

15 Commission approved the preliminary plan

16 to allow this development at its meeting

17 on October 17, 2006. This action set

18 forth in Bill No. 090290 is consistent

19 with the previous policy of the

20 Philadelphia Planning Commission.

21 Accordingly, we recommend that Bill No.

22 090290 be approved.

23 This concludes my testimony. I

24 appreciate the opportunity to appear

25 before you today and would be pleased to

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2 answer any questions.

3 COUNCILMAN DiCICCO: Thank you.

4 Any questions for these
5 witnesses from the committee?

6 (No questions or comments.)

7 COUNCILMAN DiCICCO: Anyone
8 else who wishes to testify on this bill?

9 (No response.)

10 COUNCILMAN DiCICCO: Seeing
11 none, the clerk will read the title of
12 the next bill.

13 THE CLERK: Bill No. 090122, an
14 ordinance amending Section 9-604 of the
15 Philadelphia Code, entitled "Refuse
16 Collection," by increasing the annual
17 licensee fee for the various licenses
18 required by that section, including the
19 Private Garbage Collection License, the
20 Waste Collection License, and the
21 Recyclable Material Collection License,
22 all under certain terms and conditions.

23 And Bill No. 090123, an
24 ordinance amending the provisions of the
25 Philadelphia Code regulating Dumpsters;

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in particular, repealing and reenacting
the provisions of Section 10-722,
entitled "Use of Dumpsters"; amending
Section 9-604, entitled "Refuse
Collection," to provide that persons
licensed under that section who own,
rent, or control Dumpsters shall comply
with all provisions of the new Section
10-722, and making compliance with such
provisions a condition of the Garbage
Collection License, the Waste Collection
License, and the Recyclable Material
Collection License, a condition that may
be enforced by license revocation;
amending the enforcement and penalty
provision of Section 10-718 and 10-719
relating to the fines, penalties, and
forfeitures for violations of the new
Section 10-722; and amending Section
11-605, entitled "Construction
Materials," to revise the provisions
regulating construction Dumpsters, and
Section 11-609, entitled "Administrative
Provisions," to increase the fines for

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2 violations of Section 11-605, all under
3 certain terms and conditions.

4 COUNCILMAN DiCICCO: Thank you.

5 (Witnesses come forward.)

6 COUNCILMAN DiCICCO: Good
7 afternoon, everyone. Good afternoon,
8 Commissioner.

9 Testimony? Yes?

10 COMMISSIONER BURNS: Sure.

11 Good afternoon. My name is Fran Burns.
12 I'm the Commissioner of the Department of
13 Licenses and Inspections, and I'm going
14 to give testimony on Bill No. 090122 as
15 well as Bill No. 009123.

16 COUNCILMAN DiCICCO: Do we have
17 copies of your testimony?

18 COUNCILMAN GREENLEE: It's
19 here.

20 COUNCILMAN DiCICCO: Is it in
21 the packet?

22 COMMISSIONER BURNS: On Bill
23 No. 090122, if enacted, the bill will
24 increase the annual license fee the City
25 charges for waste recycling and garbage

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2 collectors from the current \$50 to \$500.

3 The Department of Licenses and
4 Inspections is charged, under the Home
5 Rule Charter, with the issuance of all
6 licenses and permits to businesses that
7 operate in the City of Philadelphia. Our
8 role with regard to the licenses that are
9 the subject of today's discussion is to
10 process and issue the licenses to waste
11 recycling or garbage collectors that
12 apply to us after having met certain
13 qualifications, as stipulated in the
14 Philadelphia Code, under Section 9-604.

15 The requirements for the
16 issuance of licenses governing all three
17 categories of business operations, as
18 mentioned above, are similar with an
19 application being the first step in the
20 process that has been submitted to the
21 Department, indicating the purpose for
22 the license and payment of a \$50 fee for
23 the issuance of the license.

24 As a condition for the issuance
25 of the license, the applicant agrees that

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the licensed business entity will comply with the regulations of the Streets Department governing the activity, as well as the Philadelphia Traffic Code, as published under Title 12 of the Philadelphia Code.

Also, for private waste and garbage collectors, the applicant further agrees to secure additional licenses for each vehicle that will be used in the operation of collecting waste garbage. The fee for this license is separate from the fee for the collector's license and is established by Section 9-6048(c) of the Philadelphia Code, at \$60 for each vehicle that is used by the business operator.

In general, the Department of Licenses and Inspections offers no objections to this bill because it would not add responsibility on our end to process and issue licenses governing the aforementioned disciplines that conduct private waste and recycling collections

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2 in the City.

3 However, we would like to
4 continue meeting with Councilman Green's
5 office on the proposed increase of the
6 license fee to ensure that we are only
7 passing along a cost that is borne by the
8 City.

9 Thank you for the opportunity
10 to provide the Department's testimony on
11 Bill 090122. I will be happy to answer
12 any questions at this time.

13 COUNCILMAN DiCICCO: Thank you.

14 Gentlemen, do you have
15 testimony on this bill?

16 PANEL MEMBERS: No.

17 COUNCILMAN DiCICCO: Okay.
18 Let's do the next bill, Commissioner.
19 And then we'll...

20 COMMISSIONER BURNS: Good
21 afternoon again, Councilman DiCicco and
22 members of the committee. I am Fran
23 Burns, Commissioner of the Department of
24 Licenses and Inspections.

25 Today, I'm here to provide

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2 testimony on Bill 090123, which, if
3 enacted, will increase the fees charged
4 by the City to maintain private, public,
5 and construction Dumpsters.

6 The Department of Licenses and
7 Inspections is charged under the Home
8 Rule Charter with the issuance of
9 licenses and permits to businesses that
10 operate in the City of Philadelphia and
11 for certain activity that is performed as
12 part of the business operation.

13 Our role with regard to the
14 licenses that are the subject of today's
15 discussion, again, is to process and
16 issue the licenses to businesses or
17 individuals that have applied to us after
18 such person or entity has met certain
19 licensed qualifications, as stipulated in
20 the Philadelphia Code.

21 The requirements for the
22 issuance of licenses governing all three
23 categories of Dumpsters, as mentioned
24 above, are similar, with the first step
25 in the process being requirement for the

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2 application to be submitted to the

3 Department.

4 However, where the licenses
5 differ is in regard to the fees that are
6 required for their issuance based on the
7 license category; and, in the case of
8 public Dumpsters, requirements for the
9 prerequisite approval of the Department
10 of Streets prior to the issuance of the
11 license.

12 The current fees for licensing
13 Dumpsters are established in the
14 Philadelphia Code under Section 10-722
15 for private and public Dumpsters, and
16 11-610 for construction Dumpsters, with
17 the fees for same indicated at \$50
18 lifetime for each private Dumpster
19 located within a property line, \$300
20 renewable annually.

21 For each public Dumpster that
22 is owned by a commercial business entity
23 and placed in the right-of-way, a \$60
24 renewable for each temporary construction
25 Dumpster that is used for waste removal

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2 and is placed in the right-of-way.

3 This current fee structure does
4 not take into account the size of the
5 Dumpster as a condition for the issuance
6 of the license.

7 The Department of Licenses and
8 Inspections is in full agreement with the
9 testimony that will be provided by the
10 Streets Department when I'm done.

11 The new requirements for
12 licensing Dumpsters based on size,
13 including those that were not previously
14 regulated because they were below the
15 size threshold, as well as the reissuance
16 of licenses to companies and individuals
17 dating back to 1989 for all Dumpsters
18 that were previously issued by the
19 Department of Licenses would add a
20 tremendous burden on the Department's
21 resources and would significantly impact
22 our ability to process and issue licenses
23 in a timely manner for various other
24 categories that are under our
25 responsibility to administer.

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2 In light of these concerns with
3 regard to the impact of this proposal on
4 L&I's current core responsibility, we are
5 unable to support the passage of Bill No.
6 090123 at this time, but we will be happy
7 to continue discussions with Councilman
8 Green's staff who we have worked in
9 cooperation with in (indiscernible) of
10 those regarding possible solutions to
11 address the concerns that Council has
12 expressed with regard to regulating
13 Dumpsters in the City.

14 Thank you for the opportunity
15 to provide the Department's testimony on
16 Bill No. 090123. And, again, I'm happy
17 to answer any questions at that time.

18 COUNCILMAN DiCICCO: Why don't
19 we get your testimony.

20 DEPT. COMM. WILLIAMS: Yes.
21 Good afternoon, Councilman DiCicco and
22 members of the Committee on Streets and
23 Services. My name is Carlin Williams,
24 Deputy Commissioner of the Streets
25 Department, and I'm here today to present

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2 testimony on Bill No. 090123.

3 Bill No. 090123 seeks to
4 improve enforcement of the current
5 Dumpster regulations. I agree that too
6 often, Dumpsters fail to be maintained to
7 the standards set forth in the current
8 Philadelphia Code. Poorly maintained
9 Dumpsters are an eyesore, may disrupt the
10 public right-of-way, and even diminish
11 property values.

12 Currently, officers in the
13 Streets Department's Streets and Walkways
14 Education Enforcement Program issue code
15 violations for Dumpsters. SWEEP is a
16 Streets Department program created to
17 educate Philadelphia citizens about their
18 responsibilities under the Sanitation
19 Code.

20 Uniformed litter enforcement
21 officers, through SWEEP, enforce the law
22 against violators during intensified
23 street patrols. Through education and
24 enforcement, SWEEP supports and enhances
25 individual and community efforts to

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2 maintain a clean city.

3 Our SWEEP officers, in the last
4 fiscal year, issued nearly 8,000
5 Dumpster-related violations. Despite
6 these efforts, more can and should be
7 done to improve the situation.

8 The Streets Department has
9 already taken steps to improve
10 enforcement. The FY 2010 budget
11 allocates resources to put more SWEEP
12 officers on patrol. By this fall, all
13 officers will be equipped with handheld
14 computers to document violations and
15 issue violation notices. These handheld
16 computers, similar to those issued by the
17 Philadelphia Parking enforcement
18 officers, will increase the productivity
19 of SWEEP officers and, hopefully, will
20 improve reporting on violations.

21 There are a variety of
22 innovative approaches to the Dumpster
23 issue, and all deserve careful study as
24 we address this issue. Improving
25 enforcement through the use of

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2 technology, as proposed by this bill, is
3 just one policy approach to improve the
4 conditions and placement of Dumpsters.

5 Other cities such as Seattle,
6 Houston, Dallas, and Miami, have
7 instituted a franchise system for
8 commercial trash collection to address
9 Dumpster and other commercial solid-waste
10 issues.

11 Seattle has gone as far as to
12 freeze its downtown Dumpsters by making a
13 condition of the franchise award is to
14 provide multiple daily collections in
15 downtown.

16 A similar study recently
17 conducted by the City of Chicago found
18 that a franchise could reduce cost of
19 business, improve commercial recycling
20 rates, and increase the number of
21 green-collar jobs, provide cleaner
22 commercial streets, decrease truck
23 traffic, thereby reducing wear on city,
24 commercial, small streets, and arterials,
25 reduced air and noise pollution, and

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2 reduce greenhouse gas emissions. To this
3 end, the City will have under contract in
4 the next month a consultant to study the
5 application of a franchise system under
6 commercial collection in Philadelphia.

7 Unfortunately, the current
8 budget environment convinced the Streets
9 Department from being able to support
10 passage of this bill at its juncture. If
11 passed, this bill would demand fiscal and
12 personnel resources that we are unable to
13 provide at this time.

14 The Streets Department has been
15 cut \$16 million from the FY 2010 budget
16 and has eliminated (indiscernible)
17 positions and may need to consider
18 options for managing further cuts in the
19 absence of state approval of City budget
20 enhancements proposals.

21 Despite our inability to
22 support the bill at this time, the
23 Streets Department is committed to
24 further studying the application of the
25 technology described under the policy

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2 options to improve the appearance and
3 management of Dumpsters.

4 Thank you for allowing me to
5 testify before you today. I will be
6 happy to answer any questions that you
7 may have at this time.

8 COUNCILMAN DiCICCO:
9 Mr. Haigler, are you testifying, or are
10 you just here as an expert witness? As
11 an expert, okay.

12 Okay, Councilman Greenlee.

13 COUNCILMAN GREENLEE: Thank
14 you, Mr. Chairman.

15 Good afternoon, almost evening,
16 everybody.

17 Let me start out by saying I
18 certainly understand -- we all understand
19 the budget constraints that all
20 departments have now. And you -- both
21 departments are working as hard, I know,
22 as you can to deal with the resources you
23 have.

24 But let me just ask you first a
25 basic question. And Mr. Williams, you

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2 kind of addressed it in the beginning of
3 your testimony. Do both commissioners
4 think that Dumpsters are a significant
5 problem in the City of Philadelphia?

6 DEPT. COMM. WILLIAMS: There
7 are issues, yes, Councilman Greenlee.
8 There are issues that we need to address
9 in detail in reference to overflowing
10 Dumpsters, Dumpsters in the right-of-way,
11 Dumpsters that create litter conditions.
12 And there should be better maintenance of
13 the Dumpsters that we currently have on
14 our system, yes.

15 COUNCILMAN GREENLEE: Would you
16 call it a significant problem? I'm not
17 trying to words in your mouth, but would
18 you call it significant?

19 DEPT. COMM. WILLIAMS: You
20 could consider it significant, yes.

21 COUNCILMAN GREENLEE: Okay.
22 Commissioner, would you agree?

23 COMMISSIONER BURNS: (No
24 immediate verbal response.)

25 COUNCILMAN GREENLEE: As you

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2 look at these pictures --

3 COMMISSIONER BURNS: The
4 pictures definitely depict a problem.

5 COUNCILMAN GREENLEE: Pardon?

6 COMMISSIONER BURNS: The
7 pictures definitely depict a problem when
8 you see them, yes.

9 COUNCILMAN GREENLEE: I guess
10 another general question is, when
11 things -- and I would certainly call it a
12 significant problem. And I think all you
13 have to do is just walk down Broad
14 Street. You know, it's a kind of a
15 problem if you're walking down Broad
16 Street, the Avenue of the Arts, what we
17 all brag about in the City, you get to
18 whatever that little streets past the
19 Union League is, look up that street. Is
20 that Moravian Street? Whatever it is.
21 It's -- rats are running relay races up
22 there sometimes. Obviously, something's
23 wrong, you know.

24 And despite -- and I know
25 there's violations written; I've called

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2 in many of those on the 1400 block of
3 Moravian Street, and I know you probably
4 write violations.

5 But clearly, it's not working,
6 it's not working. It's maybe not your
7 fault, but it's not working. And I think
8 what this bill is trying to do is to give
9 you more oomph behind the laws, if that's
10 sig -- if that's a word.

11 And I think you probably have
12 talked to Councilman Green's office,
13 Commissioner Burns. You talk about the
14 resources. Would this -- it's called a
15 VHF radio frequency ID tags. Would
16 that -- how would you say that would help
17 you in enforcement? Rather than having
18 to go one-by-one, wouldn't this be a lot
19 quicker? I understand it's very similar
20 to what they do with, uh --

21 COUNCILMAN DiCICCO: E-Z Pass.

22 COUNCILMAN GREENLEE: E-Z Pass,
23 yeah, thank you.

24 COMMISSIONER BURNS: Well,
25 actually, I had some conversation with

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2 our staff --

3 COUNCILMAN GREENLEE: Mm-hmm.

4 COMMISSIONER BURNS: -- prior
5 to today, and we're open to it, but we
6 just haven't been able to understand the
7 actual cost of the medallions and the
8 technology itself. So, we really wanted
9 to work further on understanding that
10 cost, and then once we do have an
11 understanding of that cost, tie that into
12 a justifiable cost for the actual
13 licensing of the Dumpster.

14 COUNCILMAN GREENLEE: I guess
15 in all due respect, this bill was
16 introduced, I believe, in February?

17 COUNCILMAN JONES: Mm-hmm.

18 COUNCILMAN GREENLEE: It was a
19 while ago. Has any movement been to try
20 to study these things?

21 COMMISSIONER BURNS: Well, one
22 of the things that we don't have that
23 we'd like to get is -- my understanding
24 is that there are RFPs in other cities,
25 requests for proposals.

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2 COUNCILMAN GREENLEE: Mm-hmm.

3 COMMISSIONER BURNS: But I

4 haven't had any research or evidence that
5 it actually is implemented in other
6 cities to really get some good numbers
7 around it. So one of the things -- if I
8 had some -- the delay. Absolutely, if we
9 knew what the cost was in other cities...

10 COUNCILMAN GREENLEE: All

11 right. Speaking of other cities, I must
12 point out, if you know, you know, New
13 York City bans Dumpsters except, I think,
14 for a window of couple of hours --

15 COUNCILMAN DiCICCO: Two hours
16 a day.

17 COUNCILMAN GREENLEE: Two hours
18 a day. Were you aware of that? Were you
19 aware of that?

20 DEPT. COMM. WILLIAMS: No, I
21 was not aware of that, Councilman.

22 COUNCILMAN GREENLEE: Okay.

23 And I have to admit, that was something
24 that I thought about introducing and I
25 backed out; wish I had now.

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2 But I have to tell you -- and
3 this is just me speaking -- if we don't
4 do something -- and I think this is
5 something, and I'll go on record now
6 saying I support this bill 'cause I think
7 we have to move forward.

8 If we don't do that, then I
9 think we have to move towards ban -- you
10 know, New York law put in, because
11 clearly -- and it's not ail the
12 companies' faults; I'm not saying they
13 all do it. But this is a huge problem in
14 the City.

15 I talk about Center City, but I
16 think it's a problem in the
17 neighborhoods, you know, the corner
18 stores, or somebody does, you know,
19 reconstruction and they sit there
20 forever. You know, it's -- we can give
21 hundreds of examples, I think. I
22 certainly can.

23 And I think -- you know, and
24 the other thing as far as time -- again,
25 I repeat that we -- this bill, not we,

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2 Councilman Green, I was a cosponsor --
3 introduced it in everybody. And there's
4 240 days if this is enacted to get the
5 technology in place. Isn't that a lot --
6 sufficient time to do your studies to,
7 have your conversations?

8 COMMISSIONER BURNS: Well,
9 without --

10 COUNCILMAN GREENLEE: Sounds
11 like a lot of time.

12 COMMISSIONER BURNS: Oh, it
13 absolutely does, and I know that's in the
14 bill. And I know that that was put in
15 there in order to give the amount of time
16 to really get it up and going.

17 COUNCILMAN GREENLEE: Right.

18 COMMISSIONER BURNS: But
19 without being able to even benchmark and
20 experience of the technology itself used
21 in another city and knowing the cost and
22 how much time it would take, or has
23 taken, in another city, and without that,
24 it's hard to present a direct -- a more
25 educated answer to that question and

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2 comment. But do I recognize that that's
3 why it was placed in the bill.

4 COUNCILMAN GREEN: Right. And
5 I can't believe that eight months can't
6 get you to that point. That's 240 days,
7 I think.

8 And maybe -- again, with all
9 due respect, with everything else you do,
10 maybe we have to sort of set that
11 guideline. And I'm not saying you do
12 this, but we're all human. We study
13 stuff, we could study it to death, we
14 could study it for years. And while
15 we're studying for years, the rats are
16 still running the relay races on Moravian
17 Street. We got to do something, guys, we
18 got to do something. And I think this is
19 certainly a step in the right direction.

20 But like I said, I'll go on
21 record. If this doesn't make it or if
22 this doesn't change things, I will put in
23 the bill to do a New York law, because we
24 talk about a green city -- I'm sorry I'm
25 making speeches here, I'm sorry.

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2 COUNCILMAN DiCICCO: No, no.

3 Go ahead.

4 COUNCILMAN GREENLEE: We talk
5 about a green city. There ain't nothing
6 less green than that, nothing less green
7 than trash and rodents and that whole
8 thing.

9 So we can talk about all of the
10 great things we're doing, and we're doing
11 a lot of things, but if we don't get that
12 kind of basic problem contained at Broad
13 and Walnut, I don't think we have much to
14 brag about.

15 And I'm not blaming you guys;
16 you guys are here. But I think we have
17 to quit saying -- finding reasons to have
18 a problem with it, and let's move forward
19 and let's find ways to get the solution,
20 and I think this is a solution.

21 Sorry. End of speech. Thank
22 you.

23 COUNCILMAN DiCICCO: No
24 problem. I think you've made some very
25 valid points. Do you have a copy of this

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2 (indicating)?

3 COMMISSIONER BURNS: Yes.

4 COUNCILMAN DiCICCO: You do?

5 COMMISSIONER BURNS: Hold on
6 one second.

7 COUNCILMAN DiCICCO: So you can
8 follow me on Page 5. If you can go to
9 Page 5. This is the background -- the
10 number of licensed Dumpsters registered
11 with L&I. Is that number -- are those
12 numbers from your office? I would
13 assume?

14 COMMISSIONER BURNS: Yes, they
15 do.

16 COUNCILMAN DiCICCO: Do they
17 represent the actual number of Dumpsters
18 in the City of Philadelphia?

19 COMMISSIONER BURNS: They
20 represent what we have licenses for in
21 the Department of Licenses and
22 Inspections.

23 COUNCILMAN DiCICCO: For those
24 people who do the proper thing and come
25 and apply for a license.

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2 COMMISSIONER BURNS: That's
3 correct.

4 COUNCILMAN DiCICCO: So it's --
5 do we know how many may be unlicensed and
6 may be illegal? Any idea on that?

7 COMMISSIONER BURNS: No.

8 COUNCILMAN DiCICCO: No. And
9 is the reason for that is because there
10 is -- and I'm not trying to be critical.
11 There's no one actually going out to see
12 if on any given block all of the
13 Dumpsters that are there are actually
14 licensed?

15 DEPT. COMM. WILLIAMS: Well,
16 that's -- Councilman, that would be the
17 responsibility of --

18 COUNCILMAN DiCICCO: Streets.

19 DEPT. COMM. WILLIAMS: -- the
20 Streets Department working closely in
21 hand with L&I. And we do check to see if
22 those licenses were issued.

23 In fact, as I mentioned in my
24 testimony, we issued over 8,000
25 violations, many of 'em for Dumpsters

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2 without licenses. These are some of the
3 issues that we need to continue to
4 address. But we are on patrol with those
5 areas, and we do expect to expand the
6 number.

7 One of the things that was
8 mentioned in Councilman Greenlee's
9 testimony earlier is that this is one
10 option, but we need to consider other
11 options as well such as a franchise
12 agreement that would limit and regulate
13 the number of Dumpsters that we actually
14 put in the downtown area, which would
15 also really have us better regulate who's
16 responsible, what's responsible, and then
17 be able to identify a target, those
18 businesses who are not in cooperation
19 with the violations that we have
20 currently on the books.

21 So that would improve the
22 conditions.

23 COUNCILMAN DiCICCO: So for
24 those Dumpsters that your department find
25 are not licensed, a citation is issued

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2 to --

3 DEPT. COMM. WILLIAMS: That's
4 correct.

5 COUNCILMAN DiCICCO: To the
6 owner's name, if there happens to be an
7 owner's name on the --

8 DEPT. COMM. WILLIAMS: That's
9 correct.

10 COUNCILMAN DiCICCO: And on
11 Page 6, at the bottom, in bold, red
12 letters, it suggests that there's over
13 half a million dollars in fines that are
14 due to the City of Philadelphia, fines
15 and penalties? Are they for people who
16 are not licensed that we cite, or are
17 they a combination of unlicensed and/or
18 other violations?

19 DEPT. COMM. WILLIAMS: I would
20 need to verify with BAA and also our law
21 department, but a lot of those fines are
22 for those who have not settled on the
23 fines that were issued to them.

24 COUNCILMAN DiCICCO: I'm sorry.
25 Have not...?

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2 DEPT. COMM. WILLIAMS: Have not
3 settled on the fines that were previously
4 issued to them that either received a
5 citation for either one of the 10-11-600
6 number or non-600 codes, and they did not
7 either pay for one reason or another, and
8 they are being litigated right now.

9 COUNCILMAN DiCICCO: Do you
10 know whether or not any of those
11 violators -- what is the policy when you
12 have a company, or companies, who are in
13 violation do not pay their fines; is
14 there license lifted, do they get a
15 renewal? What's the procedure on that?
16 How does that work?

17 DEPT. COMM. WILLIAMS: Well,
18 there -- I can -- and I'll --
19 Commissioner Burns can comment the
20 license part of it.

21 But from the Streets
22 Department, when we issue citations, it
23 goes through the Bureau of Administrative
24 Adjudication. They have a certain time
25 limit to pay; and if not, there's a

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2 penalty phase. At that point, if they do
3 not comply or do not pay by the point,
4 they are then referred to our Law
5 Department to litigate the amount. And
6 then we go after our fees that way.

7 COUNCILMAN DiCICCO: I guess
8 I'm trying to figure out -- and this has
9 gone on for a very long time. And,
10 again, not to be critical, but we don't
11 even have a handle on an actual number of
12 Dumpsters in the City of Philadelphia,
13 which leads me to believe that there are
14 a significant number that are not
15 licensed and are illegal, which really
16 limits our ability to have any
17 enforcement against those companies.

18 And I was wondering if, when a
19 individual comes in, a company comes in,
20 to get a license -- just going to the
21 issue of these monitoring units -- could
22 we not make that a part of the licensing
23 process? You know, you have to check off
24 certain things if you have a business
25 privilege license and all of the other

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2 things you check off when you go into L&I
3 for a license. Could we not make that a
4 part of the requirement in order to get a
5 license so that the cost of the unit, at
6 least on the upfront, could be -- would
7 be charged to the operator, to the
8 Dumpster company?

9 COMMISSIONER BURNS: Cost of --

10 COUNCILMAN DiCICCO: So that we
11 don't have to actually go out and
12 purchase those -- what are those gizmos
13 called, whatever they're called.

14 COUNCILMAN GREENLEE: ID tags.

15 COUNCILMAN DiCICCO: ID tags.

16 COMMISSIONER BURNS: That's
17 part of what -- yes. That was a part of
18 one of the comments that I've made that
19 it's not actually about needing more time
20 to study, but let's get some actual costs
21 around what are the costs for the
22 medallion and the technology so that we
23 can then say how -- what should the
24 license cost then be.

25 COUNCILMAN DiCICCO: All right.

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2 I'll come back 'cause I was going to have
3 some other issues on other types of
4 enforcement as well.

5 Councilman Jones.

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

8 You spoke, Commissioner Burns,
9 about the cost, the fee ratio based on
10 being able to perform a said duty or what
11 it costs the City to do so, at least that
12 was referenced by other folks from the
13 Administration.

14 When we take into account that
15 cost, are we talking about the added cost
16 of vector control that is assumed by the
17 City because of the increased number of
18 rats in the City of Philadelphia? Or in
19 the case of neighbors, neighborhoods, the
20 out-of-control level of wildlife such as
21 possums and raccoons that we're finding
22 in an around -- habitating in and around
23 Dumpsters because they know it is an
24 available food source and plentiful and
25 predictable and things like that? Are we

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2 taking into account those costs as well?

3 COMMISSIONER BURNS: When we
4 look at the cost to provide a service, we
5 include the cost allocation plan, which
6 is capped. It's a number that's provided
7 by the Finance Department for each
8 department, and that's about a 40 percent
9 increase in addition to the cost of just
10 L&I providing the service.

11 COUNCILMAN JONES: Mm-hmm.

12 COMMISSIONER BURNS: So my
13 answer to that is: Yes, that I believe
14 that is a part of the cost included in
15 the cost allocation plan.

16 COUNCILMAN JONES: So you're
17 saying the cost of increased rodents is
18 also factored into this?

19 COMMISSIONER BURNS: Well, the
20 cost allocation plan is a way to capture
21 not just the Department of Licenses and
22 Inspections singular cost to the service.

23 COUNCILMAN JONES: Okay.

24 COMMISSIONER BURNS: But also
25 to capture other costs like the Law

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2 Department when we have to take things to
3 court.

4 COUNCILMAN JONES: So those are
5 direct costs associated with it, but also
6 the fact that vector control winds up
7 having to do more exterminations and the
8 number of them because of the out-of-
9 control Dumpster situation. I mean, I'm
10 not sure that that's factored in as well
11 in your cost allocation plan.

12 And are you saying to me on
13 record that that is, in fact, indeed
14 considered?

15 COMMISSIONER BURNS: I'm saying
16 that I would consider it that because the
17 cost allocation plan is a 40 percent
18 increase in addition to the cost of our
19 department, and saying that I would.

20 COUNCILMAN JONES: Okay, all
21 right.

22 COMMISSIONER BURNS: I mean,
23 I'm open to really -- to looking closely
24 at if we can get some data around vector
25 control.

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2 COUNCILMAN JONES: Would you
3 please prove that to the Chair.

4 COMMISSIONER BURNS: And how
5 frequently they respond to Dumpster-
6 related issues, and if that should be a
7 line-item cost, so to speak.

8 COUNCILMAN JONES: Okay. And
9 you mention -- what is the number of
10 licensed Dumpsters in the City of
11 Philadelphia?

12 COMMISSIONER BURNS: It's on
13 Page 5 of the slide, but it's 4,713
14 private licensed Dumpsters, 835 public
15 licensed Dumpsters, and 183 construction
16 Dumpsters that are licensed.

17 COUNCILMAN JONES: So the
18 number of trash -- do you segregate out
19 trash, sanitation, trash Dumpsters? Do
20 you segregate that out of the number?

21 DEPT. COMM. WILLIAMS: Most of
22 'em are all trash -- some of 'em are
23 construction and others are personal,
24 private property Dumpsters. And those
25 private Dumpsters could be food Dumpsters

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2 behind a construction vendor like the
3 ones that you see on Moravian Street or
4 ones that are assigned to apartment
5 buildings or ones that are put in the
6 right-of-way.

7 Others are construction
8 Dumpsters used usually for building
9 permits and so forth, and they use it to
10 clean out houses and do major
11 construction.

12 So those are the different type
13 of Dumpster violations -- or Dumpster
14 licenses that are issued.

15 COUNCILMAN JONES: And you
16 don't consider those trashcans there
17 Dumpsters, do you, the ones we saw in the
18 slide like that? Those aren't Dumpsters?

19 DEPT. COMM. WILLIAMS: Well,
20 they're --

21 COUNCILMAN JONES: Those
22 wouldn't be registered under there.

23 DEPT. COMM. WILLIAMS: We don't
24 believe so, that they're registered, but
25 we do look at those as if they -- they

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2 cannot be set out early on the sidewalk.

3 We looked at this and addressed this with
4 our current laws on the system.

5 And if it's classified as a
6 Dumpster, it is allowable if they have a
7 permit for it. If it's similar to this,
8 then they have file on what the rules and
9 regulations are or what the Streets
10 Department rules and regulations are,
11 which means they can't be set out early
12 past whatever the setout requirements
13 are, to violate what our current codes
14 are.

15 So that's how we interpret what
16 those laws are.

17 COUNCILMAN JONES: So
18 conceivably in the presentation that you
19 have before you, where there are 29
20 50-gallon garbage cans, if they put it
21 out within the prescribed amount of time,
22 they could actually not have to use a
23 Dumpster.

24 DEPT. COMM. WILLIAMS:
25 Currently we don't regulate the number of

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2 --

3 COUNCILMAN JONES: Trashcans.

4 DEPT. COMM. WILLIAMS: --

5 trash -- we currently regulate to six
6 containers; that's what our law states,
7 that they can place out on the curb, 12
8 bags or 6 containers that they can place
9 out under our current Streets Department
10 rules and regulations for sanitation
11 collections.

12 COUNCILMAN JONES: I don't know
13 what it says about me, but I actually
14 know where that alley is.

15 DEPT. COMM. WILLIAMS: Mm-hmm.

16 COUNCILMAN JONES: And I know
17 that that happens all the time.

18 And for the record, it was a
19 cut through to get to my parking lot for,
20 the record.

21 But if we don't regulate these
22 things, it can, as is illustrated in this
23 picture, get out of control.

24 And on the record also, from
25 the point of view from Councilman

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2 Greenlee, I can surely tell you that if
3 it's a problem in Center City, it's a
4 epidemic in neighborhoods, because they
5 are less likely to get picked up on a
6 frequent rotation.

7 And unfortunately -- and not as
8 a slight on the business or even the
9 people who control Dumpsters, the waste
10 management folks, neighbors sometimes
11 dump in those containers and cause some
12 of this flow, because they are not
13 locked, they are not secured, and they
14 use it as their personal dumpsite, and
15 I'm aware of that.

16 I know, also for the record,
17 that each sanitation company, there's no
18 one-size-fits-all company. There's some
19 people who have different practices than
20 others, and we're clear of that.

21 But what we have here today, in
22 my opinion, is a situation out of
23 control. And for the health and
24 well-being of our city, we have to get it
25 under control.

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2 And when it comes to graffiti
3 on these Dumpsters, what is your policy
4 on citing a Dumpster there?

5 DEPT. COMM. WILLIAMS: That is
6 a violation of the law; you cannot have
7 graffiti visible on the Dumpster, and it
8 must be removed and replaced.

9 COUNCILMAN JONES: And do you
10 have a codification of how many fines
11 were issued based on that violation alone
12 last year?

13 DEPT. COMM. WILLIAMS: Hold on
14 for a minute. I don't know if I have it
15 broken down.

16 COUNCILMAN JONES: You may not
17 have it broken down. But if you could do
18 that.

19 And what is the policy for the
20 time frame in which they can correct that
21 violation?

22 DEPT. COMM. WILLIAMS: They're
23 supposed to correct it immediately,
24 within 24 hours.

25 COUNCILMAN JONES: And how

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2 often does that happen?

3 DEPT. COMM. WILLIAMS: That
4 information I don't have, Councilman.

5 COUNCILMAN JONES: Okay. And I
6 would imagine that that probably is less
7 enforced than it should be.

8 All right. Would it surprise
9 you that we did an informal census within
10 a mile of City Hall here, and we found
11 over 835 Dumpsters and trashcans right
12 within a one-mile walking distance of
13 this building, and that many of them were
14 in a condition that you see here in this
15 these photos so that we illustrated them
16 for you, and that any visitor to our city
17 who happened to see that would think that
18 this would be a lawless land when it
19 comes to Dumpsters and regulations
20 compared to some of our other cities.

21 You mentioned some of the best
22 practices in our cities; how do they
23 differ from what we do?

24 DEPT. COMM. WILLIAMS: Well, I
25 want to first of all answer the question

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2 that you have regarding the Dumpsters
3 with graffiti: We issued 524 citations
4 last year.

5 COUNCILMAN JONES: And what was
6 the cost of those citations?

7 DEPT. COMM. WILLIAMS: For
8 Dumpster violations for the non-600, they
9 were \$75 violations.

10 COUNCILMAN JONES: \$75?

11 DEPT. COMM. WILLIAMS: Yes.

12 COUNCILMAN JONES: Okay.

13 DEPT. COMM. WILLIAMS: And in
14 comparison to other cities, we do not
15 have that data; we did not do a study to
16 look at what other cities are doing, and
17 that's something that definitely we need
18 to take a look at.

19 But one thing I mentioned
20 earlier about, with franchise fees,
21 'cause that does allow us to regulate how
22 many Dumpsters and what the laws are. So
23 we are looking at alternative ways to
24 address the situation that we have
25 currently.

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2 COUNCILMAN DiCICCO: Just a
3 point of order on that.

4 Is Rina Cutler engaged in any
5 of these conversations? because there
6 might be -- there could be some issues
7 that might be helpful to both of you,
8 because she's dealing with traffic.

9 You know, if some -- if we were
10 to implement, or we were to consider
11 implementing, some of these things that
12 other cities have done -- I see where you
13 said that commercial pickup is done twice
14 a day; certainly that has an impact on
15 traffic patterns and congestion.

16 You know, it's -- I think it
17 might not be a bad idea to at least
18 engage her in some of your studies to get
19 some feedback from what her role is in
20 terms of, you know, greening the City and
21 making it more traffic-friendly or what
22 have you. I think there might be some
23 reason to engage in that conversation.

24 DEPT. COMM. WILLIAMS: She
25 definitely oversees both divisions in

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2 terms of traffic and the Sanitation

3 Division, yes, sir.

4 COUNCILMAN JONES: My final
5 question is: You mentioned tickets
6 issued last year; what was the number of
7 violations?

8 DEPT. COMM. WILLIAMS: For
9 graffiti on Dumpsters?

10 COUNCILMAN JONES: No, just
11 total violations.

12 DEPT. COMM. WILLIAMS: For
13 total violations across the City of
14 Philadelphia, or just for Dumpsters?

15 COUNCILMAN JONES: Total.

16 DEPT. COMM. WILLIAMS: 7,900
17 violations were issued.

18 COUNCILMAN DiCICCO: Almost
19 8,000.

20 COUNCILMAN JONES: And I don't
21 know where I got this information from,
22 but I see almost 8600 tickets given, with
23 a total violation amount of \$668,000 due
24 to the City of Philadelphia, of which
25 that amount -- oh, there it is, okay.

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2 And we have a half a million on the
3 street?

4 DEPT. COMM. WILLIAMS: Okay. I
5 don't know where you get your numbers.
6 I'd have to cross-reference your numbers
7 and our numbers, but --

8 COUNCILMAN JONES: Okay.

9 DEPT. COMM. WILLIAMS: Our
10 records (inaudible) and I'll have to see.

11 COUNCILMAN JONES: That's fair,
12 but do you think that that would more
13 than pay for some of the inspectors if we
14 more vigorously, like, enforced this? I
15 mean, right now, we it -- we have a half
16 a million dollars on the street owed to
17 us just under today's set of --

18 COUNCILMAN DiCICCO: It's 75
19 percent non-collection.

20 COUNCILMAN JONES: 75 percent
21 non-collection? I mean, we talk about
22 the cost of doing this; look at the cost
23 of not doing this.

24 I mean -- and I know -- listen,
25 I've sat on that side of the table in my

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2 lifetime, and I know you have to carry
3 the party line. But clearly for us in
4 this Council, this is something that
5 needs addressing both from the nature of
6 the health concern that we have, not to
7 mention beautification of this city and
8 greening of this city.

9 So, I mean, it begs to say even
10 the argument that it could not be paid
11 for kind of on the basis of just
12 collecting these fines alone, we could
13 more than pay for what we need to do by
14 way of equipment and enforcement.

15 Okay. Thank you very much,
16 Mr. Chairman.

17 COUNCILMAN DiCICCO: And I just
18 want to follow-up on that enforcement.
19 And, again, as you go through your
20 deliberations and looking for
21 alternatives and ways in which we can
22 make this a better product as it relates
23 to enforcement, maybe we should have a
24 conversation with the Parking Authority,
25 since they already have people out on the

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2 street, and they are really good at
3 writing citations, but they're already
4 out there.

5 It doesn't even require, I
6 don't think, any increase in personnel;
7 and if it would, it may be a small
8 increase. You might want to have that
9 conversation as well.

10 Councilman Greenlee.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman. And I will certainly
13 verify that the Parking Authority is very
14 good at writing violations.

15 Two quick things, and I don't
16 think you exactly answered these two
17 questions when -- in regard to some of
18 the Councilman Jones's questions.

19 On this whole issue of the
20 number of Dumpsters that are out there,
21 whether it's privately registered or
22 right-of-way, are you confident that
23 these numbers are in any way right?
24 'Cause it seems like a whole lot more
25 private Dumpsters are on record as

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2 opposed to right-of-way.

3 And that doesn't seem to be
4 just on visually what I see out there to
5 be consistent. It seems to be a lot more
6 in the right-of-way percentage-wise that
7 I see out there.

8 Am I -- I don't know which
9 department answers that, but...

10 DEPT. COMM. WILLIAMS: We'll
11 take a look at it, Councilman. I can't
12 answer that right now.

13 COUNCILMAN GREENLEE: Okay.

14 DEPT. COMM. WILLIAMS: We'll
15 take a look.

16 COUNCILMAN GREENLEE: Because
17 private license or private registration
18 is cheaper than right-of-way, from what I
19 remember of the Dumpsters, so isn't that
20 another cost issue here? Am I right?

21 COMMISSIONER BURNS: Private is
22 cheaper currently than --

23 COUNCILMAN GREENLEE: Private
24 is cheaper?

25 COMMISSIONER BURNS: Yes.

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2 COUNCILMAN GREENLEE: And just
3 for the record, Councilman Green's office
4 tells me, and they obviously are much
5 more cooperative than my staff would be;
6 they would look at me like I'm nuts.

7 They were out there early one
8 morning and counted almost, in just a
9 half a mile of City Hall, over 400 in the
10 right-of-way. And according to your
11 records, you have only 835. So over
12 half, or about half, were in the
13 right-of-way just within a half a mile of
14 City Hall.

15 So it would seem like those
16 figures -- again, that could get more
17 money into the coffers, if you will.

18 COMMISSIONER BURNS: Right,
19 yeah. I think the only comment that I
20 would make to that it that it does make
21 sense since this is the center --

22 COUNCILMAN GREENLEE: Mm-hmm.

23 COMMISSIONER BURNS: -- this is
24 the business district, the most
25 voluminous concentration of business in

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2 the City, that those parameters would be
3 where we'd find --

4 COUNCILMAN GREENLEE: I agree
5 with that. But remember, I just said a
6 half mile from City Hall, not the whole
7 Center City. And there are -- I mean,
8 they do exist in the neighborhoods too,
9 as Councilman Jones said, and sometimes
10 they're more ignored there, you know,
11 than they are in Center City 'cause they
12 might get less complaints.

13 The only other thing I wanted
14 to add: On this whole 50-gallon issue,
15 right now, they're not considered
16 Dumpsters; am I right, Deputy
17 Commissioner?

18 DEPT. COMM. WILLIAMS: That's
19 correct.

20 COUNCILMAN GREENLEE: Okay.
21 And I understand this bill would
22 establish it as such. Aren't, in
23 reality, they really used as Dumpsters,
24 though? And you might have answered this
25 to Councilman Jones and I may have --

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2 DEPT. COMM. WILLIAMS: If
3 they're out constantly on the side and
4 they're used --

5 COUNCILMAN GREENLEE: And
6 they're oftentimes privately collected, I
7 understand, correct?

8 DEPT. COMM. WILLIAMS: That's
9 correct.

10 COUNCILMAN GREENLEE: Okay. So
11 --

12 DEPT. COMM. WILLIAMS: It
13 wouldn't meet our --

14 COUNCILMAN GREENLEE: -- would
15 you have a -- do you have an objection to
16 that part of the bill, to make the
17 50-gallon containers Dumpsters?

18 DEPT. COMM. WILLIAMS: The only
19 objection that we have was looking at the
20 costs for the technology, and that was
21 going to --

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

24 COUNCILMAN GREENLEE: Well,
25 we're going to give you eight months to

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2 work on that, okay?

3 DEPT. COMM. WILLIAMS:

4 Understood.

5 COMMISSIONER BURNS: Just a

6 comment.

7 COUNCILMAN GREENLEE: Okay.

8 COMMISSIONER BURNS: I know

9 that was directed to Carlton, but --

10 COUNCILMAN GREENLEE: Okay.

11 COMMISSIONER BURNS: -- one of

12 the considerations with the 50-gallon, I

13 think, should be made between the public

14 right-of-way and the private.

15 COUNCILMAN GREENLEE: Okay.

16 COMMISSIONER BURNS: Just to

17 give some consideration around -- just

18 thinking about private homeowners

19 possibly having this size of --

20 COUNCILMAN GREENLEE: But how

21 do they get picked up? I think the key

22 is oftentimes -- well, aren't they picked

23 up privately? Particularly commercial

24 retail property?

25 MR. HAIGLER: Councilman, I

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2 just wanted to weigh in. My name is Otis
3 Haigler. I'm Director of Legislative
4 Affairs for the Department of Licenses
5 and Inspections.

6 Again, as the Commissioner
7 said, I think there is somewhat of a
8 distinction between the Dumpsters or
9 50-gallon waste containers on the public
10 right-of-way versus those that are within
11 people's property lines.

12 If the issue is that the
13 50-gallon container is located on the
14 public right-of-way is what's causing
15 most of the nuisances by being out there,
16 then I think there probably should be a
17 separation --

18 COUNCILMAN JONES: Okay.

19 MR. HAIGLER: -- because you do
20 have -- I mean, if it's within your
21 property line, then we have a way of
22 citing the property owner for property
23 maintenance issues within their property
24 line to get correction that way.

25 COUNCILMAN GREENLEE: Mm-hmm.

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2 MR. HAIGLER: So I think there
3 should be some distinction made --

4 COUNCILMAN GREENLEE:
5 Distinction.

6 MR. HAIGLER: -- in that area.

7 COUNCILMAN GREENLEE: Okay.
8 And I hear you. And it's just -- and I'm
9 thinking a lot of them are on the public
10 right-of-way, though. I mean, I see
11 them, I see them out there, so you know.

12 And I didn't even realize they
13 were not considered Dumpsters at this
14 juncture. So it would seem to make sense
15 to qualify them as such, especially those
16 on the public right-of-way.

17 Thank you, Mr. Chairman. Thank
18 you.

19 COUNCILMAN DiCICCO: Any other
20 questions?

21 (No further questions.)

22 COUNCILMAN DiCICCO: Thank you.
23 Thank you for your attendance.

24 Mr. Abernathy, please call the
25 next witness.

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2 MR. ABERNATHY: Tony Mazzullo.

3 (Witnesses come forward.)

4 COUNCILMAN DiCICCO: Thank you,
5 gentlemen. I appreciate your patience.

6 I know you guys have been here since
7 earlier this afternoon.

8 Please decide who's going to
9 start first. Identify yourself for the
10 record and proceed with your testimony.

11 MR. MAZZULLO: Thank you for
12 the opportunity to submit testimony, both
13 written and verbal, this afternoon on
14 behalf of the Pennsylvania Waste
15 Industries Association, PWIA, and the
16 Pennsylvania Independent Waste Haulers
17 Association.

18 I'm Anthony J. Mazzullo, Jr.
19 I'm counsel to the Pennsylvania
20 Independent Waste Haulers Association, an
21 incorporated body composed of small,
22 family-owned, independent waste haulers
23 who operate in the Commonwealth of
24 Pennsylvania.

25 The association was formed for

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2 the purpose of protecting and promoting

3 the interest of the public and the

4 members of the Collection and Disposal

5 Solid Waste in the Commonwealth of

6 Pennsylvania. And many members of our

7 association operate in the City of

8 Philadelphia, collecting commercial and

9 construction and demolition waste in the

10 City.

11 I'm going to speak to Bill No.

12 090122 first with very, very quick

13 comments, short comments, and then to

14 090123.

15 As to 090122, it is the opinion

16 of us in the Association and I, as

17 counsel, that the fee being proposed to

18 be raised to \$450 as a licensing fee and

19 that Act 90, passed by the state

20 legislature at the behest of the State

21 Department of Environmental Protection,

22 preempted the field of licensing for

23 cities and municipalities, and that that

24 licensing fee -- this bill should not be

25 passed, and the licensing requirement

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2 should be stricken from the ordinances of
3 the City of Philadelphia.

4 As to Bill No. 090123, the
5 Association is not in favor of the
6 proposed bill, as currently drafted, and
7 requests that the bill be retained in
8 committee and not submitted to the City
9 Council until we have been given the
10 opportunity to discuss with this
11 committee objections to and suggestions
12 for the improvement of this proposed
13 legislation.

14 I will limit my comments to the
15 prohibition of the servicing of Dumpsters
16 during the period of time from 9 p.m. to
17 7:00 a.m.

18 Beside me is Andy Foster, who
19 is appearing as counsel on behalf of the
20 Pennsylvania Waste Industry Association,
21 and he will discuss our other concerns
22 with the proposed legislation, as shown
23 in the testimony, written testimony,
24 which has been submitted prior to this
25 meeting.

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2 Initially, the restrictions in
3 090123 upon the time of collection
4 requires waste-hauling companies to
5 completely revamp its routes since waste
6 vehicles cannot service as many customers
7 as were serviced prior to the imposition
8 of the restriction.

9 In turn, many more waste
10 vehicles, almost exclusively
11 diesel-powered, are now required to
12 service the same number of customers as
13 previously serviced, thereby causing more
14 vehicles to be operating in the Center
15 City District than previously operating
16 in the District.

17 The greater number of vehicles
18 in operation causes an increase in the
19 number of gallons of fuel consumed in
20 servicing the customer routes,
21 necessitating higher costs for collection
22 and operation.

23 The larger number of vehicles
24 engaged in collections during permitted
25 hours of operation results in increased

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2 emissions from the additional vehicles'
3 exhaust systems, increasing the levels of
4 pollutants emitted in the atmosphere.

5 The increased number of
6 vehicles operating during the permitted
7 hours of waste collection greatly
8 increases the idling, because the traffic
9 will be at a greater volume,
10 necessitating longer waits and longer
11 periods of time to collect the waste from
12 customers.

13 Finally, the restricted
14 collections time frame raises health
15 concerns by reason of extended periods of
16 time in which the waste awaits
17 collection.

18 In an effort to quantify the
19 concerns raised by the time restrictions
20 upon collection and waste, the
21 Association has embarked upon a program
22 of collecting data from its members to
23 properly determine the effects of the
24 above-recited concerns upon the
25 environmental concerns, including health

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2 and safety concerns.

3 We're hopeful that our written
4 testimony and our testimony today will
5 establish a reasonable basis for this
6 committee to forego any further action on
7 the proposed bill until such time as we
8 can meet with the committee to further
9 present our concern.

10 This concludes my testimony,
11 and I thank you again for the opportunity
12 to present this testimony to the
13 committee. And I stand ready for any
14 questions if you have any.

15 COUNCILMAN DiCICCO: Thank you.

16 Councilman Greenlee.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. Chair.

19 Good afternoon, everyone.

20 I think I want to just start
21 out with the question I kind of posed to
22 the City department: Do you consider
23 Dumpsters a significant problem in the
24 City of Philadelphia?

25 MR. MAZZULLO: The manner in

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2 which the Dumpsters are being, number
3 one, handled by the customers, number
4 two, by outside sources, vandals, and
5 that kind of thing, it does pose a
6 problem. And we're very aware of that,
7 and we would like to meet with the City
8 departments to discuss solutions to those
9 problems.

10 We're very aware of those and
11 very concerned, sir.

12 COUNCILMAN GREENLEE: Okay, I
13 appreciate that.

14 The bill was introduced in
15 February. Have you made any -- when were
16 you aware of this bill? Did you make any
17 attempt to talk to the main sponsor or --

18 MR. MAZZULLO: We became aware
19 of it in March.

20 COUNCILMAN GREENLEE: Uh-huh.

21 MR. MAZZULLO: There was a
22 meeting scheduled for June, which was
23 never held. We've never received any
24 information --

25 COUNCILMAN GREENLEE: For June.

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2 MR. MAZZULLO: That's what we
3 were told, sir.

4 COUNCILMAN DiCICCO: You mean
5 this meeting.

6 COUNCILMAN GREENLEE: You mean
7 this meeting, yeah.

8 COUNCILMAN DiCICCO: Right.

9 MR. MAZZULLO: No, no, no.
10 That meeting before this, there was a
11 meeting scheduled before this.

12 COUNCILMAN GREENLEE: Mm-hmm.

13 MR. MAZZULLO: And we have been
14 meeting. Our two associations have been
15 meeting. And we normally have a small
16 staff.

17 And, number two, we were not
18 invited to any of the conferences or
19 discussions that were held by the City
20 departments with regard to this bill.
21 And we're here today.

22 COUNCILMAN GREENLEE: Okay, I
23 appreciate that.

24 COUNCILMAN DiCICCO: It was
25 just made clear by Councilman Green's

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2 staff that the organization had -- they
3 did reach out to have a meeting about a
4 week-and-a-half or so ago but timing, I
5 think, was not -- you were not able to
6 get your team together to have the
7 meeting.

8 And I'm not being critical --

9 MR. MAZZULLO: No, no, no. And
10 I understand, and that's why I said we
11 were not aware that this bill was going
12 to be presented today for referral to the
13 full Council.

14 COUNCILMAN GREENLEE: Okay.

15 MR. MAZZULLO: Until very, very
16 recently.

17 COUNCILMAN GREENLEE: Okay.

18 Just one other thing. You had said the
19 problem and you had said about the users
20 of the Dumpsters are a big problem, but I
21 guess, like anything else, isn't, in the
22 end, the owner responsible?

23 MR. MAZZULLO: Well, see,
24 that's the problem, sir.

25 COUNCILMAN GREENLEE: Mm-hmm.

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2 MR. MAZZULLO: And let me he
3 make an analogy, if I may --

4 COUNCILMAN GREENLEE: Mm-hmm.

5 MR. MAZZULLO: -- to those of
6 us who go out and rent cars. When you
7 rent that car, you're responsible for it
8 while you have it.

9 COUNCILMAN GREENLEE: Mm-hmm.

10 MR. MAZZULLO: And if you cause
11 any problems with it, traffic problems
12 and tickets, you get them. If you damage
13 it, you get it.

14 When we -- we -- our members
15 put out Dumpsters, those are in the
16 custody of the person who rents them,
17 much as we rent a car. To the extent
18 that we tell them that they are
19 responsible and we train our drivers to
20 explain that to the people, we cannot be
21 out there every day.

22 It's that person who has that
23 container, whether it's a roll-off or
24 it's a Dumpster, and that's where we
25 think that, in conjunction with the City

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2 departments, we can come up with
3 something collaboratively which would be
4 an enhancement of the present system and
5 do much more than this the bill in its
6 present form would do.

7 COUNCILMAN GREENLEE: Okay.

8 You might not have a comment on it, but
9 you heard about my comment about New
10 York.

11 MR. MAZZULLO: Yes.

12 COUNCILMAN GREENLEE: What
13 would be your feeling about a bill
14 like that --

15 MR. MAZZULLO: Well --

16 COUNCILMAN GREENLEE: -- where
17 it actually is taken off the street?

18 MR. MAZZULLO: Well, in New
19 York, they collect the commercial waste
20 in the center area in the middle of the
21 night.

22 COUNCILMAN GREENLEE: Mm-hmm.

23 MR. MAZZULLO: If you go back
24 to when that started, there were a number
25 of newspaper articles that Rudy Giuliani

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2 had finally cleaned up the city. That's
3 because of that kind of thing.

4 This bill, with this
5 prohibition, is going to exacerbate the
6 problem. If anything, it's going to
7 exacerbate it.

8 COUNCILMAN GREENLEE: Now, when
9 you say "the prohibition," what do you
10 mean, the time frame?

11 MR. MAZZULLO: The time frame.

12 COUNCILMAN GREENLEE: Isn't
13 that the time frame now?

14 MR. MAZZULLO: The time
15 frame --

16 COUNCILMAN GREENLEE: What's
17 the time frame now?

18 MR. MAZZULLO: Yes, it is. And
19 we had talked to the City before about
20 this situation.

21 COUNCILMAN GREENLEE: Mm-hmm.

22 MR. MAZZULLO: Went to a
23 hearing, were promised that what we said
24 would be considered and they would get
25 back to us, but nobody got back to us.

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2 And the next thing we know, it's on the
3 books.

4 COUNCILMAN GREENLEE: Yeah. I
5 guess the problem with that, though, in
6 all fairness, Philadelphia is a little
7 different from New York in that sense. I
8 mean, we have a lot more residential
9 right on top of businesses, maybe on the
10 same floor or the second floor.

11 So I guess, in fairness, I'm
12 not sure I would want a Dumpster being
13 emptied at 1 o'clock in the morning
14 across the street from me, you know.

15 MR. MAZZULLO: But, sir, it's
16 our experience --

17 COUNCILMAN GREENLEE: Uh-huh.

18 MR. MAZZULLO: -- that the
19 mixing of residences and businesses in
20 New York City is greater concentration
21 than it is in Philadelphia tenfold, and
22 that problem has been almost totally --
23 the problem that you see --

24 COUNCILMAN GREENLEE: Mm-hmm.

25 MR. MAZZULLO: -- and the

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2 problem that our people see, the drivers
3 see, and the customers see is almost
4 directly related to the fact that those
5 businesses cannot be handled properly
6 except during those off-hours. The
7 traffic -- the traffic --

8 COUNCILMAN GREENLEE: No, I'm
9 sure, the traffic aside, I understand
10 what you're saying there.

11 MR. MAZZULLO: Huge tie-ups.

12 COUNCILMAN GREENLEE: Mm-hmm,
13 mm-hmm, mm-hmm.

14 MR. MAZZULLO: We've already
15 talked --

16 COUNCILMAN JONES: Point of
17 information. Does that mean that you
18 support the New York style over this?
19 And are you saying --

20 MR. MAZZULLO: In the night,
21 yes.

22 COUNCILMAN GREENLEE: In the
23 time frame. I think he's talking about
24 the time frame.

25 MR. MAZZULLO: Time of day,

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2 absolutely.

3 COUNCILMAN GREENLEE: And
4 that's what I was getting at also; it
5 wasn't just the time frame, sir. It was
6 the whole issue of only having 'em out
7 for, I think, the two-hour window each
8 evening. What would you think of that?
9 I guess that's more for owners of
10 buildings, but I'm just wondering --

11 MR. MAZZULLO: Yeah, but the
12 problem when you restrict the customer --

13 COUNCILMAN GREENLEE: Uh-huh.

14 MR. MAZZULLO: -- and you
15 restrict the hauler in terms of when they
16 can get there and do it causes the
17 problem that we see today.

18 COUNCILMAN GREENLEE: Okay. I
19 have to point this out. You just pointed
20 out how New York did it right.

21 MR. MAZZULLO: Yeah.

22 COUNCILMAN GREENLEE: Now
23 you're telling me New York isn't doing it
24 right.

25 MR. MAZZULLO: No, no, I didn't

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2 say that.

3 COUNCILMAN GREENLEE: No, you
4 said when you limit the time. Well,
5 we're --

6 MR. MAZZULLO: No, I'm saying
7 what's being done here --

8 COUNCILMAN GREENLEE: Okay.

9 MR. MAZZULLO: -- is what's
10 causing the problem.

11 COUNCILMAN GREENLEE: Okay. So
12 you're saying --

13 COUNCILMAN DiCICCO: When you
14 say "here," are you meaning currently or
15 what's being proposed?

16 MR. MAZZULLO: With the present
17 time restrictions that are on the books.

18 COUNCILMAN GREENLEE: So you're
19 saying basically that the time
20 restrictions are the biggest problem; is
21 that why --

22 MR. MAZZULLO: Yes, sir.

23 COUNCILMAN GREENLEE: -- we
24 have a lot of this stuff?

25 MR. MAZZULLO: Yep.

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2 COUNCILMAN GREENLEE: Is that
3 why you believe that?

4 MR. MAZZULLO: Yeah, yeah.

5 COUNCILMAN GREENLEE: Okay.

6 MR. MAZZULLO: 'Cause that's --
7 the problems are in -- 90 percent of the
8 problems you see with Dumpsters are in
9 the areas that you've seen in your
10 travels around Center City. If you go
11 out into the neighborhoods, you don't see
12 this problem.

13 COUNCILMAN GREENLEE: No, no,
14 no, no, no.

15 COUNCILMAN DiCICCO: No, no,
16 no, no, no.

17 COUNCILMAN JONES: I don't know
18 what --

19 (Indiscernible; parties talking
20 over each other.)

21 COUNCILMAN GREENLEE: No,
22 that's not true.

23 MR. MAZZULLO: In terms of the
24 commercial -- and that's what our people
25 do. Our people pick up commercial and

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2 construction demolition waste. If you
3 talk about those, those problems do not
4 exist in the neighborhoods.

5 COUNCILMAN JONES: And I would
6 share with you that such is not the case.

7 COUNCILMAN GREENLEE: I don't
8 think it is, either. I don't believe --
9 and I don't mean this sarcastically, but
10 do you live in Philadelphia?

11 MR. MAZZULLO: No, not now.
12 Not presently.

13 COUNCILMAN GREENLEE: Not
14 presently, okay.

15 MR. MAZZULLO: Not presently.

16 COUNCILMAN GREENLEE: So, I
17 mean, in all fairness, do you really know
18 what goes on in the neighborhoods?

19 MR. MAZZULLO: I am in and out
20 of the City, sir. I have relatives who
21 live in the City we go to visit.

22 COUNCILMAN GREENLEE: Okay.

23 MR. MAZZULLO: Yes, so --

24 COUNCILMAN GREENLEE: Well, in
25 all due respect, we live here.

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2 MR. MAZZULLO: I understand.

3 (Indiscernible; parties talking
4 over each other.)

5 MR. MAZZULLO: No, I
6 understand.

7 COUNCILMAN GREENLEE: Okay, all
8 right.

9 MR. MAZZULLO: That's been your
10 experience and I'm not contesting it.

11 COUNCILMAN GREENLEE: Okay.

12 MR. MAZZULLO: I'm just telling
13 you what the experience has been with our
14 members.

15 COUNCILMAN DiCICCO: And I can
16 tell you, not everyone is abiding by the
17 current regulations.

18 COUNCILMAN GREENLEE: Right,
19 right.

20 COUNCILMAN DiCICCO: Because if
21 you ever need to get up at 3 a.m. in the
22 morning, you're welcome to sleep at my
23 house 'cause that's the time that the
24 trucks come and pick up the trash from
25 the deli on the one side of me and the

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2 restaurant across the street. 3 o'clock,
3 you could set your clock, they're there,
4 which poses a quality-of-life problem
5 that we're all dealing with almost on a
6 daily basis on our communities.

7 Next, please. Yes, sir.

8 MR. FOSTER: Good afternoon,
9 Chairman DiCicco. Good afternoon,
10 Chairman.

11 MR. MAZZULLO: I have a family
12 situation that began at 4:30. I'm going
13 to excuse myself --

14 COUNCILMAN DiCICCO: For your
15 family, you're excused.

16 MR. MAZZULLO: Thank you very
17 much and thank you again for the
18 opportunity.

19 COUNCILMAN DiCICCO: Thank you.

20 MR. MAZZULLO: We appreciate
21 the time.

22 COUNCILMAN DiCICCO: Thank you.

23 MR. FOSTER: Good afternoon.
24 Thank you for the opportunity to present
25 comments to you. My name is Andy Foster.

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2 I am counsel for the Pennsylvania Waste
3 Industry Association.

4 PWIA represents both the
5 publicly held and privately held waste
6 companies in the Commonwealth. We are
7 the state chapter of the National Solid
8 Waste Management Association. Our member
9 companies service and provide Dumpsters
10 in Philadelphia, and you see pictures of
11 some of our Dumpsters on your slide show.

12 I have, on behalf of PWIA,
13 submitted written comments. And it is
14 late, it's been a long day, and I don't
15 intend to read them to you.

16 They do contain proposed
17 amendments. And on behalf of the
18 association, we would urge their
19 consideration by this committee and ask
20 that they be included in the record.
21 What I would like to do this afternoon is
22 hit a couple of highlights in our
23 testimony.

24 But I want to say upfront that
25 it is the goal of PWIA and its members to

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2 work with this committee, with the
3 Streets Department, with L&I, and with
4 all other appropriate stakeholders to
5 build a good ordinance, and we absolutely
6 recognize that Bill No. 090123, to which
7 my comments go today, includes
8 improvements, and there are aspects of it
9 that we Philly support.

10 We believe that Dumpsters are
11 an important and necessary and helpful
12 part of collecting, hauling, and
13 disposing of waste. And we don't think
14 that just because there are problems --
15 and there are problems -- that the
16 solution is, for example, Councilman
17 Greenlee, a ban of the kind that you're
18 contemplating.

19 So I'd like to focus on the
20 collaboration that we think we can have
21 with you and with the Administration to
22 improve and optimize this ordinance. And
23 in many ways, my comments will echo and
24 support those of both Commissioner Burns
25 and Deputy Commissioner Williams, who

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2 both think that this merits careful study
3 and further study, but we need to get it
4 right, and we want to help you get it
5 right.

6 Let me say one or two things
7 about aspects of this ordinance that we
8 support. First of all, today, the
9 regulations governing Dumpsters, as this
10 committee well knows, are spread out
11 across a number of titles in the Code.
12 It creates confusion about who is
13 responsible for what.

14 This ordinance proposes to move
15 many of those provisions into one place,
16 and we applaud the ordinance and support
17 it. In fact, we'd like it to go further.

18 We think you could incorporate
19 the construction Dumpster provisions,
20 which are still left in Title 11 into a
21 new combined set of regulations that
22 would cover all Dumpsters, and we would
23 be -- we have suggestions for that in our
24 comments, and we would be happy to work
25 with you on that.

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2 Second, another aspect of this
3 that we very much support is that it, to
4 some degree, helps clarify the duties and
5 responsibilities of businesses that are
6 using Dumpsters and sticking their trash
7 in them and the different
8 responsibilities and duties of our
9 members that come down the alley every
10 couple of days, or sometimes more often
11 than that, to service the Dumpster.

12 Councilman Greenlee made an
13 analogy to the Parking Authority, and
14 this has to do with the medallion system,
15 and I'll comment on that further later,
16 but I think it's an important analogy.

17 In the case of the Parking
18 Authority and enforcement on the street,
19 if you're going down the street and
20 somebody has parked their car in a
21 handicapped zone or a no-parking zone,
22 you can write a ticket because you're
23 darn well sure that the person that put
24 the car there is the person that put the
25 car there and is the person that deserves

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2 the ticket.

3 What we urge consideration of
4 by this committee -- and I know the
5 Administration is very aware of it -- is
6 that with respect to a Dumpster, there
7 are user responsibilities and there are
8 provider responsibilities.

9 And you don't have to look any
10 further than the cover of this
11 PowerPoint, which shows a two cubic-yard
12 Dumpster, it's overflowing out the top
13 and onto the street.

14 And if you look in your
15 ordinances both today and as proposed,
16 the responsibility to keep trash in that
17 container and close the lid belongs to
18 the business owner who has its employees
19 walking out every day to shut it.

20 I heard Deputy Commissioner
21 Williams say something very important
22 when he was talking about the number of
23 tickets and citations his department
24 issues. And if I got it right, he said
25 something to the effect that they write

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2 X-number of thousand to the Dumpsters

3 every year.

4 The Dumpster isn't an owner, it
5 isn't a restaurant or a business. There
6 are duties and responsibilities that our
7 members have and there are duties and
8 responsibilities that the user has. And
9 with when we talk about enforcement, I
10 want to emphasize how important that is.

11 So those two aspects of the
12 bill before you -- consolidation and
13 clarification of duties -- our
14 association fully supports.

15 That said, as set forth in
16 detail in our written comments, we
17 believe there are areas that would
18 greatly benefit from further
19 consideration and careful study. I want
20 to touch on three of them.

21 Mr. Mazzullo talked about the
22 hours issue, and I'll (indiscernible) and
23 I'll comment on that in the papers.

24 The three I want to touch on
25 are: The proposal to use radio frequency

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2 medallions; second, some further
3 suggestions about how to separate the
4 duties of our members, the waste haulers,
5 from those of business users; and,
6 finally, some enforcement concerns.

7 And at any point, although I'm
8 going to make those comments succinctly,
9 please interrupt me with questions if I
10 say anything and you'd like to talk about
11 it.

12 Medallions. It may be that,
13 down the road, using medallions and a
14 radio frequency system will be the
15 greatest thing since sliced bread. Our
16 position today is, that proposal is
17 simply not fully developed, and because
18 it's not fully developed, there's some
19 risks, and we think those risks belong to
20 the City and, frankly, to us.

21 The number-one risk is cost,
22 and you heard Deputy Commissioner
23 Williams talk about this. This is
24 critical.

25 The cost in the medallion

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2 system is unclear. There are a limited
3 number of manufacturers. There are
4 questions about what the cost would be of
5 the reading devices. There is a
6 back-office cost to entering data,
7 managing data.

8 It isn't simply that you take a
9 medallion and staple it to the front of
10 the container and you're off and running.
11 This Council obviously well knows that
12 you need an RFP process, you need specs,
13 you need bids, you need to purchase it,
14 you need to service it, you need to
15 fine-tune it and get the kinks out, all
16 of which there may come a time is
17 appropriate to do. We would ask that we
18 have the opportunity now to collaborate
19 with Streets and L&I and this committee
20 to work on that.

21 Second concern we see with the
22 medallion system, as set forth in this
23 ordinance, is that it is not always clear
24 whose responsibility something should be
25 and is. An example of that would be in

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2 your ordinance.

3 Although the business owner is
4 required to get it when they get a
5 license, in the event anybody -- Streets,
6 one of our companies, or the business
7 owner -- sees that a medallion is broken
8 or missing, the legislation suggests that
9 the responsibility to deal with that
10 falls back on the waste hauler even
11 though we don't own the medallion and
12 we're typically there only a few short
13 minutes every couple of days. So we see
14 concern in that light.

15 One final concern about
16 medallions that I want to mention that I
17 don't think I've heard from other
18 commentators here is an issue regarding
19 privacy, and I would recommend that the
20 Council give some consideration to that.

21 In particular, medallions have
22 been introduced in some narrow parts of
23 the waste industry. There's been a pilot
24 program in Philly, for example, with
25 Recycle Bank. There's been more advanced

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2 use of them in Europe and in Australia.

3 And your staff will find, if it
4 investigates those uses, that on
5 occasion, they have been met with a
6 firestorm of public protest, which has
7 been very vocal about privacy concerns.

8 Here, with our new muscled-up
9 right-to-know law in Pennsylvania,
10 there's little doubt that a lot of the
11 information collected in these medallions
12 will be public records.

13 Now, from the industry's point
14 of view, we have some concerns about
15 sharing competitive information and each
16 of us searching for information. We
17 think we can roll up our sleeves in a
18 room, work that out, and get appropriate
19 protections.

20 We don't agree with some of
21 hysterical comments we've seen that "Big
22 Brother is going through my trash now
23 that there's a medallion," but there
24 certainly are questions about that
25 information. And since no one else

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2 mentioned it, I did want to mention it to
3 you and urge you to consider that in
4 connection with moving forward.

5 That's my first point.

6 Let me move to my second point.

7 It is critical that the duties and
8 responsibilities of users of Dumpsters be
9 separated from those of providers. In
10 many respects, the new ordinance is an
11 improvement.

12 For example, it says that if
13 one of our trucks goes down Moravian
14 Street and empties Dumpsters, we are
15 required, when we're done, to make sure
16 it's clean, to close the lid, to make
17 sure it's back in the right location. We
18 accept those responsibilities; that's our
19 job.

20 On the other hand, when you
21 look at something like -- on mine, it's
22 Page 8 of this PowerPoint, it's probably
23 something different than that.

24 Well, take the cover. When you
25 see a Dumpster like that on Moravian

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2 Street, that is a violation. We don't
3 condone it, the business user is not
4 using their Dumpster correctly. And,
5 frankly, it's a lost business opportunity
6 for us.

7 This business owner should be
8 getting tickets from the Streets
9 Department regarding an overflowing
10 Dumpster 'cause it's in violation of your
11 ordinances. And if they got the right
12 number of tickets and there was
13 appropriate enforcement, they might order
14 another Dumpster because their business
15 is generating more trash than this
16 Dumpster can contain.

17 You won't get any objection
18 from our members to that outcome. But it
19 is important that the separation of their
20 duties and our duties be maintained.

21 The last point I want to
22 comment on has to do with enforcement.
23 If you don't know about; it's hard to fix
24 it.

25 There have been longstanding

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2 problems with the enforcement system for
3 Dumpsters in the City. We are
4 frustrated, the Streets Department is
5 frustrated, and L&I is frustrated, and
6 it's clear that this committee is
7 frustrated. We share that frustration.

8 Take, for example, graffiti and
9 vandalism. It's our property that's
10 being defaced. We are the ones that have
11 to go buy paint and periodically pay
12 laborers to repaint the Dumpsters.

13 That said, Councilmembers, we
14 frequently, frequently get tickets from
15 the Streets Department -- and I'm not in
16 any way blaming the Streets Department --
17 for graffiti, for open lids, for garbage
18 on the ground that we didn't cause.

19 And we often get a string of
20 eight tickets on the 1400 block of
21 Moravian Street written day after day
22 after day after day for graffiti and open
23 lids. And, Councilman, they'll show up
24 two months later in the mail in a bundle.

25 So we would plead for an

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2 improvement in the due process and system
3 of enforcement in the City. And I do
4 know -- and we note this in our written
5 comments -- that the day may come when a
6 medallion system makes sense and is fully
7 vetted, and it may present a great
8 opportunity to help us with that problem.

9 We would love realtime
10 information about whether a Dumpster has
11 been defaced or the lid has been torn
12 off. But, today, unfortunately we don't
13 have that information. We get tickets
14 after the fact, and they're often tickets
15 for aspects of the container that aren't
16 our responsibility in the first place.

17 Let me conclude. And we'd be
18 happy to answer as many questions as you
19 have regarding something that's dry and
20 technical, and it's in our amendments but
21 it's important.

22 These are tricky provisions in
23 the way they intersect. An example I'd
24 like to offer is the definition of
25 "Dumpster."

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2 Right now, a Dumpster is more
3 than a cubic-yard container, and there's
4 a separate definition for "construction
5 Dumpster."

6 We recognize that one of the
7 purposes behind the new proposed
8 definition is to sweep in the 50-gallon
9 toters that you have pictures of up here.
10 Respectfully, we'd submit that making a
11 toter a Dumpster is not the right
12 solution. A Dumpster is a Dumpster.
13 They're treated differently, they're
14 processed differently, and we think
15 different rules should apply.

16 Specifically, we have in our
17 comments that we do believe a Dumpster
18 should be one cubic yard, up to ten cubic
19 yards. They're various sizes. It's
20 pretty much every one you're looking at
21 except a toter.

22 When you get above ten cubic
23 yards, you're talking about
24 (indiscernible) construction Dumpsters,
25 and they belong in a separate category.

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2 With respect to toters, instead
3 of including the broadening of the
4 Dumpster definition to include all of
5 those 50-gallon containers, let's all put
6 our heads together and think about the
7 best way to do this. There are pros and
8 there are cons.

9 There are alleys that are so
10 tight that it would be safer to use a
11 toter. There alleys where it's so
12 difficult to maneuver down that you'd
13 rather not have a large truck going on
14 it; you're going to cause more traffic
15 problems.

16 Similarly, if you have lots of
17 toters out on the street -- and we don't
18 agree with a business that's got 19
19 toters out there. But if you regulate
20 those, and we are picking them up, we all
21 need to think about and consider that
22 that's a much longer stop than it would
23 be if there was a five-cubic-yard
24 Dumpster in an appropriate place. And,
25 frankly, from a business point of view,

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2 we'd much rather go down a street and
3 take a minute-and-a-half to empty a
4 five-yard, you know, cubic yards,
5 Dumpster than have to sit there and empty
6 19 toters.

7 So there are pros and cons to
8 all of that, but the devil is in the
9 details. And we have submitted details
10 to you in the amendments that we propose
11 and ask be included, but we would welcome
12 a little more time to work on them.

13 We want a solution. We
14 recognize there's a problem. We are --
15 our clients, our members are experts;
16 they do this every day. We enjoy a very
17 good working relationship with the
18 Streets Department and L&I. And all we
19 ask is that the committee strongly
20 consider our amendments.

21 And whether you move the bill
22 today or not, and we join in the request
23 that it be held, but whether you move it
24 or not, we are going to do everything we
25 can to meet with your chambers and staff,

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2 with the Streets Department and L&I,
3 because we know that getting the trash
4 out of Philadelphia is necessary for it
5 to be a great city.

6 We all generate trash, the
7 businesses generate trash, and we need to
8 get it out of the City. And we stand
9 ready, willing, and able to help you do
10 that in an efficient way.

11 So those are my comments, and
12 I'd be happy to entertain questions.

13 COUNCILMAN DiCICCO: Thank you.

14 For the record, a condition
15 like what is on the front page of
16 PowerPoint, not specifically that
17 Dumpster, but I'm going on the record
18 that I do agree that it's not the
19 Dumpster company's problem; they didn't
20 create that.

21 But I would also suggest that,
22 you know, it's a fine line. I would also
23 think that the trash that is being shown
24 in this photograph may not necessarily be
25 all of the trash that was generated by

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2 the customer.

3 People have a tendency, for
4 whatever reason -- and it started years
5 ago. They have this issue with keeping
6 trash in a container in their yard until
7 trash day. They find it necessary to
8 walk many blocks to drop a plastic bag
9 full of trash at a Dumpster or a
10 container they know will be either picked
11 up by a private vendor or the City.

12 MR. FOSTER: Probably not for
13 exercise.

14 COUNCILMAN DiCICCO: It happens
15 at rec centers and all, and I'm fully
16 aware of that, and I think we all would
17 agree that you're not the reason for that
18 trash -- but for the fact that maybe we
19 need to figure out better locations,
20 because as long as there is a Dumpster or
21 a container that folks understand will be
22 picked up on a regular basis, we will
23 have those people who have this phobia
24 about keeping trash in their yard for six
25 days, until trash day.

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2 And I don't have the answer to
3 that, I don't know if we'll ever get to
4 that point, but I do want to go on the
5 record and I'm letting you understand
6 that I know that problem.

7 MR. FOSTER: I understand that
8 and I appreciate that very much.

9 COUNCILMAN DiCICCO: And the
10 only other thing that I'm going to add is
11 that, you know, if this bill comes out of
12 committee favorably, we do have 240 days
13 before it would become law. I think
14 Greenlee pointed out that earlier, which
15 is eight months.

16 That's not to suggest that at
17 the end of the eight-month period, if
18 there's still some outstanding issues,
19 that we could not extend it even further,
20 if need be.

21 I think the issue for us is --
22 and I'm one of the cosponsors, is to get
23 everybody in a room to start talking
24 serious about -- and hearing what your
25 concerns are, 'cause they're just as

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2 important to us when we devise
3 legislation as it is to you.

4 This isn't us versus you.
5 We're all on this together. So I just
6 want to make certain that you understand
7 that.

8 And I don't know if you've had
9 any conversation with the chief sponsor
10 of the bill. If you had, I don't know if
11 it's been a while ago or it's been more
12 recently, but I suggest that all keep --
13 and maybe by passing this bill, it keeps
14 everybody focused so that we just don't
15 forget about it until after the summer,
16 and three months will have passed. It
17 really does sometimes get people to be
18 more energetic about getting these things
19 done.

20 So I think we all want to come
21 out in the same place, at a better place
22 than we are today.

23 MR. FOSTER: Yes.

24 COUNCILMAN DiCICCO: What that
25 is, I don't have the answer for.

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2 MR. FOSTER: Mr. Chairman, may
3 I just remark briefly that I understand
4 fully.

5 And also, we noted carefully
6 that the bill, as written, does not take
7 an effect -- go into effect for 240 days.
8 There's obviously good thought behind
9 that.

10 Our concern -- and I would urge
11 you to consider it -- is that there's
12 some things that can be fixed through
13 regulations, and certainly, we've worked
14 in the past with the Streets Department
15 and L&I on regulations that are
16 authorized by the existing law.

17 But if we move too fast here
18 and lock in a major change, such as a
19 medallion system, before it's been
20 constructed in the best way it could for
21 trash service in Philadelphia, we're
22 concerned that that would be a step
23 backwards, not forwards.

24 So, again, we would hope to
25 have the opportunity to work on the bill,

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2 first, recognizing the urgency of the
3 problem before you and your desire to
4 move quickly.

5 COUNCILMAN DiCICCO: I
6 understand that, but I also would like to
7 point out, there is a -- in many
8 communities where we get complaints from
9 residents who are being woken in the
10 middle of the night, as I mentioned
11 earlier, there is also a feeling of
12 distrust towards the waste management
13 folks, that they just ignore the law.

14 We may disagree that the
15 hours -- or may agree that the hours are
16 not the appropriate hours because it
17 actually may take you longer if we
18 restricted you at certain times of the
19 day. Maybe it's better in the
20 early-morning hours. That's, again, to
21 be discussed.

22 But there's a certain amount of
23 frustration with the industry when it
24 continually happens. L&I goes out, there
25 may be a citation, the problem goes away

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2 for about a week. Two weeks later, what
3 have you, 3 o'clock, 4 o'clock, 2 o'clock
4 in the morning, the noise, the backing up
5 of the truck, the beeping sound, the
6 smashing of the containers, and all that
7 goes on, and it does disrupt the quality
8 of life of people that live in the City.

9 So, you know, you've got to
10 police yourselves a little bit better
11 until we come to a con -- a final
12 resolution, hopefully, on how to address
13 this overall problem.

14 MR. FOSTER: We can certainly
15 agree that although there is an hours ban
16 on the books from 9 p.m. to 7 in the
17 morning, and has been for a long time.
18 That it is neither fully enforced, nor
19 fully followed. I'm not going to sit
20 here and tell you otherwise.

21 What I would suggest is if it
22 were fully enforced, the complaints about
23 the waste industry and probably
24 complaints to your chambers may increase
25 many, manyfold, with hundreds of trucks

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2 out there during the rush hour and

3 daytime.

4 COUNCILMAN DiCICCO: That may
5 be the case, but then it certainly helps
6 your case to get what you need to be more
7 effective and efficient. It could
8 actually work to your benefit.

9 MR. FOSTER: And it's exactly
10 why we ought to be collaborating
11 together, and appreciate those comments.

12 COUNCILMAN DiCICCO: All right.
13 Thank you.

14 Councilman Greenlee and then
15 Councilman Jones.

16 COUNCILMAN GREENLEE: Thank
17 you, Mr. Chairman. Very, very quickly
18 'cause it's a long day.

19 On a couple of your points,
20 sir, one on the medallion and that whole
21 reading mechanism you're concerned about.
22 And my understanding is that in the bill,
23 as it's written out, it has a certain
24 system that has to be used but put in an
25 amendment that will give the Streets

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2 Department discretion to use other
3 possible systems that may work better so
4 we're not locked into this particular
5 system that's in the ordinance. Just to
6 let you know.

7 And, again, as the chairperson
8 pointed out, we got eight months to deal
9 with this to find out what the best
10 system is, and that was why Councilman
11 Green did that, to give us a lot of --
12 give everybody a lot of time to work on
13 this.

14 On the privacy issue, I got
15 distracted for a minute, so I'm sorry I
16 lost you a little bit. Right now, isn't
17 there -- isn't your -- isn't the
18 company's name on the Dumpster? The
19 privacy, whose privacy? I'm sorry, I
20 didn't catch that.

21 MR. FOSTER: Yeah, that was not
22 the privacy issue I was referring to.
23 And I apologize if it was communicated
24 that way.

25 COUNCILMAN GREENLEE: No. I

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2 probably (indiscernible) it. That's all
3 right.

4 MR. FOSTER: I simply wanted to
5 alert this committee to the fact that
6 that, when radio frequency and medallions
7 have been introduced in the waste
8 industry in a number of areas, that some
9 government have been subjected to quite
10 vocal objections from their constituents
11 regarding the "eye in the sky" and the
12 collection of data regarding their
13 personal lives.

14 I'm not suggesting a strong
15 position on it.

16 COUNCILMAN GREENLEE: Mm-hmm.

17 MR. FOSTER: I'm simply
18 hoping -- I just wanted to give you that
19 information --

20 COUNCILMAN GREENLEE: All
21 right.

22 MR. FOSTER: -- so that you
23 would take it into account.

24 COUNCILMAN GREENLEE: I
25 understand that.

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2 On the 50-gallon containers
3 here again, I hear your objections to it,
4 but, I mean -- and I think of one place,
5 like our good friends at the Union
6 League. I mean, their Dumpsters are
7 these 50 gallons. There's bunches of
8 'em; there might be 20, 25 of 'em lined
9 up on the sidewalk on, again, whatever
10 that street is, Moravian Street again.

11 So that's why I think the
12 idea -- and I think in the bill, it
13 differentiates between those used for on
14 the right-of-way and those in private
15 circumstances.

16 So I think that's the reason --
17 'cause in essence, they're Dumpsters.
18 And in a sense, they are -- in some ways
19 they're more of a problem because there's
20 so many of 'em, they take up more space
21 on the sidewalk, you know? So I think
22 that's what -- I think that's why the
23 50-gallon issue was brought into the
24 bill.

25 Just to let you know and --

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2 MR. FOSTER: I have not seen
3 the amendments --

4 COUNCILMAN GREENLEE: Okay.

5 MR. FOSTER: -- that you
6 referred to earlier about the flexibility
7 in the medallion system.

8 COUNCILMAN GREENLEE: Mm-hmm.

9 MR. FOSTER: I understood they
10 were here today, and I -- we will
11 certainly (indiscernible) on the 50
12 gallons. Subject to looking at those, we
13 they're different items than Dumpsters.
14 They present some different complexities,
15 nothing that all of us working together
16 can't solve, and we would like to
17 collaborate with you on that.

18 COUNCILMAN GREENLEE: And I
19 agree and I certainly agree with
20 Councilman DiCicco that, you know, the
21 communication and conversation is
22 important.

23 But I would argue that those 50
24 gallons, for all intents and purposes,
25 are Dumpsters, the way they're used in

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2 many locations of the City.

3 Thank you, Mr. Chair.

4 COUNCILMAN DiCICCO:

5 Councilwoman Sanchez.

6 COUNCILWOMAN SANCHEZ: I just
7 wanted to add that it is my understanding
8 that the industry did submit a whole host
9 of amendments that we will review and the
10 sponsor will review and that we could
11 amend accordingly, both in committee or
12 on the Council floor, this bill.

13 But I have to agree that
14 there -- we have to have a sense of
15 urgency with this situation so the
16 dialogue doesn't end today. And we are
17 definitely, as cosponsors of this bill,
18 willing to continue to meet.

19 But one of the things that we
20 find in legislating is, if you don't move
21 the needle and push people to do stuff,
22 we don't get the cooperation; and,
23 therefore, I am comfortable with moving
24 this bill with the commitment from the
25 chief sponsor that dialogue will continue

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2 both with L&I and the Streets Department.

3 And we are all, obviously, as cosponsors,

4 willing to look at amendments on the

5 floor and, as our chairman said, if the

6 time frame needs to be expanded.

7 But this is -- you know, when

8 you look at the discrepancies about what

9 we do and how we regulate this, it's --

10 and we know we can't fine our ways out of

11 these problems, and we've had this

12 discussion as it relates to recycling,

13 but we have to change behaviors, and

14 people need to know that we are serious

15 about dealing with these problems that

16 hamper quality of life in the

17 neighborhoods.

18 And, you know, that's why, when

19 you mentioned the issue of the

20 neighborhoods, that is a serious issue

21 for us in the neighborhoods. And while

22 Center City is the place where people see

23 it, in the neighborhoods, in our

24 commercial corridors, this is a problem,

25 so we have to fix it.

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2 So I just want you to rest
3 assured that we're committed to continue
4 to the dialogue; this isn't the end of
5 the dialogue.

6 MR. FOSTER: We very, very much
7 appreciate that.

8 And historically, as you all
9 know, a Dumpster was, in large part,
10 designed to improve upon having trash
11 bags on the street and the rodents and
12 other problems associated with that.

13 And we do needs to work
14 together to come up with the best
15 ordinance we can.

16 COUNCILMAN DiCICCO: Councilman
17 Greenlee.

18 COUNCILMAN GREENLEE: Just one
19 more thing, Mr. Chairman. Thank you.

20 And, again, to be really fair,
21 I will say -- and you may not know, but
22 for years before I was here, I was
23 assistant to a councilman, and we would
24 get calls about problems with Dumpsters.
25 And in all fairness, the companies, when

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2 we would call the companies directly,
3 overwhelmingly, we got good response.

4 But the problem is, you know,
5 we can't do that on every single one, and
6 we have to come up with a general policy.

7 But I will -- my experience has
8 been, the companies have been responsive
9 when contacted. I should get that on
10 record.

11 COUNCILWOMAN SANCHEZ: Thank
12 you.

13 COUNCILMAN DiCICCO: Thank you.
14 Mr. Gentile.

15 MR. GENTILE: Good evening,
16 Council. My name's Lou Gentile. I'm the
17 owner of Gold Medal Disposal.

18 In regards to most of these
19 issues, for instance, with the issue
20 you're implying maybe with the New York
21 type of system, which is picked up
22 through the evening, it's a
23 container-free city, I don't think that
24 would work here without the containers.
25 If you think Broad Street, with the

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2 rodents now is a problem, you pile those
3 bags up like they do in New York City,
4 and you won't be able to lift them bags
5 without them falling apart. That would
6 be a big, major problem. It would not
7 work.

8 And I -- and in New York, it's
9 just -- they don't use the containers,
10 but there's piles of trash that are, you
11 know, ten-foot high, and it would look
12 horrible during the day with the time
13 stipulations we have right now. I seen
14 it along Arch Street myself. It's
15 just -- it looks terrible, you know, for
16 tourism and everything else, picking this
17 stuff up during the day.

18 The picture with the toters out
19 front of -- that's right near the Union
20 League building, those toters are only
21 put out there in the morning. The reason
22 they have toters is because they could
23 bring them in after they're picked up.
24 So they're not that there all the time.

25 That picture's real deceiving,

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2 just like this whole slide show is. You
3 know, these overflowing cans, they're out
4 there because they weren't picked up yet.
5 When they're picked up, they're emptied,
6 they're closed.

7 You know, you want the cans
8 picked up during the day, you're going to
9 have this till they're picked up. We
10 cannot pick up all these cans within an
11 hour in the morning. We can't pick 'em
12 up in an eight-hour frame as many cans as
13 we pick up through the evening. It's
14 going to take twice the trucks at least.

15 We're going to -- I don't know
16 if -- did the City do any types of, uh,
17 of, uh, studies on the environmental
18 impact or the traffic flow impact that
19 this would have with all these trash
20 trucks running during the day? Were any
21 studies done of the emissions, being as
22 the City is looking to be green. You
23 know, how friendly do they want to be?
24 Do they want to be green- friendly or
25 don't they?

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2 If we're there during the day,
3 the standing time of these trucks is
4 going to be threefold of what they are
5 through the evening. You know, the
6 emissions is going to quadruple. The
7 traffic flow, forget it; it will be at a
8 standstill. If all these trucks came out
9 at the same time, it would be at a total
10 standstill.

11 On the other hand, the Streets
12 Department and L&I has to start
13 communicating with our police department,
14 'cause constantly, my drivers are getting
15 tickets for stopping in a no-standing
16 zone 'cause their emptying the container
17 or dumping the toter.

18 I mean, there's no
19 communication in this city. They don't
20 want to communicate with us. We've been
21 trying to speak with them, it's probably
22 gone on, three years now. And, you know,
23 they'll "yeah, yeah, yeah" you, and
24 nothing -- nobody gets back to you to
25 talk about the issues to resolve the

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2 problems.

3 The graffiti. We spend
4 thousands of dollars on paints. We paint
5 these cans, and when we put them out
6 there, these cans look brand-new.
7 Guaranteed, they look brand-new. And
8 within hours, there's graffiti all over
9 them.

10 My guys in their trucks have a
11 container of paint with a roller that
12 they're constantly covering over that
13 stuff, putting new stickers on it. And
14 by the next day, it's covered up again.
15 I thought we had an anti-graffiti
16 program; is it working? Don't look like
17 it.

18 But, on the other hand, we --
19 picking up during that daytime is -- in
20 the neighborhoods, it would be great. I
21 would love to do it in the South
22 Philadelphia, North Philadelphia, all in
23 the neighborhoods.

24 But Center City is not a
25 neighborhood; it's a business district.

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2 Because they built fancy condos above
3 these businesses that have been here for
4 years and years right before these
5 condos, it doesn't mean it's a
6 neighborhood. They chose to buy those
7 condos.

8 This trash has to be picked up.
9 In other words, they want us to pick it
10 up but they don't want to see us or hear
11 us. Until that technology is out there,
12 if it was, we'd be glad to buy a truck
13 that you don't hear or a container that
14 you don't see, you know, but that's the
15 way it's done right now.

16 But we're looking to resolve
17 these problems. We want to be a part of
18 the solution, not a part of the this
19 problem. We want to resolve this
20 problem.

21 This container that's upside
22 right down here, we didn't turn it upside
23 down, my guys didn't throw that can over
24 or that company whose can it is. We
25 didn't write that graffiti on it, but

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2 we're constantly getting tickets for that
3 graffiti and for overflowing trash.

4 That's why that number with
5 those outstanding citations is so
6 inflated, it's deceiving. Most of these
7 tickets are in litigation. No one's
8 avoiding them; they've gone through the
9 process, and we're following through with
10 it.

11 But they got to find a way
12 who's causing these problems gets the
13 ticket, not the hauler because we're the
14 ones that are easy to find and that our
15 name and number is on the container. You
16 have to communicate with us not.

17 You know, we have to get rid of
18 this trash. We're the guys out there
19 getting rid of it, but if you talk to us
20 and try to come up with a resolution,
21 we'll be glad to work with the City and
22 the Streets Department.

23 I've been in this business
24 about three years now, and every since I
25 got in it, I've been trying to get a

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2 dialogue with the Streets Department and
3 the City and L&I, and I don't get no
4 responses. I left phone numbers, cell
5 numbers, they could get me 24/7, just
6 like these store owners could get me 24/7
7 when there's a problem, or any of you
8 guys

9 Like Mr. Green [sic] says, when
10 there's a problem and we get a call, that
11 can's switched out or painted or
12 whatever, new wheels put on it or
13 whatever has to be done. We're looking
14 to resolve these problems. We're in
15 business, this is our livelihood, and we
16 employ many people.

17 You know, the medallion system,
18 like they said, it could be a good thing,
19 but I think it has to be tweaked. They
20 got to make sure it's going to work. If
21 not, the City's going to have another
22 venture that they gets into that's going
23 to cost a lot of money and it's going to
24 wind up being kicked to the curbside
25 again if they don't make sure that it's

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2 the right program to go with, not just
3 because somebody in another city, like,
4 Toronto or something that's container-
5 free says it's going to work

6 Our city is unique. These
7 store owners don't have no places for
8 these containers. There is no yards.
9 Places like that Union League, they bring
10 them inside; that's why they have the
11 toters and not the two-yarders. Most of
12 these businesses, like the DiBruno
13 Brothers, they have five, six containers
14 out there; they have nowhere to put them.

15 Now, in most of the new
16 buildings, thank God, the regulations
17 call for loading docks and trash rooms
18 and stuff like that, which is great, but
19 this city has been here for hundreds of
20 years; we have to deal with what we have
21 and try to work around that. We're not
22 going to just let these containers
23 disappear.

24 And like I said, you just put
25 trash bags piled up out there and it's

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2 not going to work; the rodents -- we'll
3 have a bigger problem.

4 And, on the other hand, with
5 the containers, we need more containers,
6 not less. Youse want to be green and
7 recycling. To do recycling, you're going
8 to have different containers with
9 different products that people are
10 throwing away.

11 So they're going to need to be
12 in different-sized containers. It might
13 not -- instead of a two-yard container,
14 they might have two one-yards or four
15 toters that are different colors for
16 commingle, cardboard, paper, you know,
17 glass, depending on how green the City
18 wants to be

19 But they can't say they want to
20 be green and then they want these trucks
21 out there during the day, putting a lot
22 of emissions in our air that you guys are
23 breathing walking around City Hall. It's
24 not going to taste too good. In the long
25 run, we all lose

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2 So you got to communicate with
3 us if you want to make it work.

4 COUNCILMAN DiCICCO: Thank you.

5 MR. GENTILE: You're welcome.

6 COUNCILMAN DiCICCO: Yeah, I
7 think we understand, and I think it's
8 been said a few times that this is a
9 process that has begun. There will be
10 eight months from now until the end. Or
11 maybe not eight months; could actually be
12 longer. We will have that conversation.

13 But sometimes it takes
14 legislation to get everyone's
15 attention -- not only on your side but
16 our side as well. And that's what this
17 is, part of a conversation that will take
18 place over the next several months. And,
19 hopefully, we'll be able to resolve these
20 issues to the best of everyone's liking.

21 Councilman Greenlee.

22 COUNCILMAN GREENLEE: Thank
23 you, Mr. Chairman.

24 Very quickly. First of all,
25 sir, I understand your frustration at

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2 some of the laws. And I'm there.

3 MR. GENTILE: Oh, we want to
4 work with you. We --

5 COUNCILMAN GREENLEE: One thing
6 I will say is, I think --

7 COUNCILMAN DiCICCO: You should
8 have stuck with pizza.

9 MR. GENTILE: I was born and
10 raised in this city too.

11 COUNCILMAN GREENLEE: I
12 apologize if I might be using the wrong
13 term, but you pointed to the --

14 MR. GENTILE: From one end to
15 the other.

16 COUNCILMAN GREENLEE: -- slides
17 and said that they were either misleading
18 or deceiving; I forget exactly the words.
19 I would take issue with that. I think
20 that's real, that's real.

21 MR. GENTILE: What's that?

22 COUNCILMAN GREENLEE: It may
23 not be -- no, I think you said about the
24 slides --

25 MR. GENTILE: No, no. I said

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2 about the dollar-amount on these tickets.

3 In other words --

4 COUNCILMAN GREENLEE: Well, no,
5 you said --

6 MR. GENTILE: Some of those
7 tickets are in litigation.

8 COUNCILMAN DiCICCO: I think
9 you mentioned something to the effect
10 about --

11 MR. GENTILE: All right, with
12 the slide show, yes.

13 COUNCILMAN GREENLEE: You said
14 they were misleading.

15 MR. GENTILE: No, it insinuates
16 that, in other words, we're the cause of
17 these containers being like that.

18 COUNCILMAN GREENLEE: No, no.
19 We --

20 (Indiscernible; parties talking
21 over each other.)

22 COUNCILMAN GREENLEE: We're
23 saying it's there.

24 MR. GENTILE: All right, I
25 understand that.

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2 COUNCILMAN GREENLEE: We're
3 saying the problem is there. And I think
4 that's the purpose of the slides.

5 MR. GENTILE: Right.

6 COUNCILMAN GREENLEE: Not that
7 we're trying to blame any one company or
8 any one entity.

9 MR. GENTILE: Okay.

10 COUNCILMAN GREENLEE: But, you
11 know -- and the last thing I will say is,
12 if I had a dollar for every time I heard
13 people come in here and say, "Every other
14 city has this but Philadelphia can't do
15 it," I'd be a much richer man. I think
16 that we have to figure out how to do it.

17 Okay, thank you.

18 MR. GENTILE: No, it ain't
19 that --

20 (Indiscernible; parties talking
21 over each other.)

22 MR. GENTILE: Right. It ain't
23 that Philly can't do it; we have to find
24 a way we could do it --

25 COUNCILMAN GREENLEE: Okay.

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2 MR. GENTILE: -- because
3 different situations --

4 COUNCILMAN GREENLEE: No, I --

5 MR. GENTILE: And like I said,
6 some of these cities are set up where
7 they have the room --

8 COUNCILMAN GREENLEE: No, I
9 understand.

10 MR. GENTILE: -- and they can
11 these containers out of sight and out of
12 mind.

13 COUNCILMAN GREENLEE: I agree.

14 MR. GENTILE: And we're not
15 afforded that luxury.

16 COUNCILMAN GREENLEE: Well --

17 MR. FOSTER: And, Councilman,
18 on that point, to follow up --

19 COUNCILMAN GREENLEE: Yeah.

20 MR. FOSTER: -- we stress this
21 in our submissions. Our clients work all
22 over the country. We are not aware of a
23 major city that has used medallions in
24 scale like you're proposing. That may be
25 a great thing for Philadelphia, but you

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2 wouldn't want to be the first one out of
3 starting gate to trip, so we would really
4 want to --

5 COUNCILMAN GREENLEE: I'd like
6 the first one and do something sometimes.
7 Usually we follow everybody's. Maybe if
8 this is right -- and, again, we said it
9 about a hundred times. Eight months we
10 got to try to get it right.

11 MR. GENTILE: What -- what --

12 COUNCILMAN GREENLEE: And we're
13 going to try and get it right. But, you
14 know, just to say nobody else has done
15 it, that doesn't mean it might not be the
16 way to go, if we get it right.

17 MR. GENTILE: Councilman Green
18 [sic], what --

19 COUNCILMAN GREENLEE: It's
20 Greenlee.

21 MR. GENTILE: Greenlee? Oh,
22 I'm sorry.

23 COUNCILMAN GREENLEE: Don't
24 call me "Councilman Green."

25 MR. GENTILE: My eyesight ain't

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2 too good.

3 COUNCILMAN GREENLEE: There
4 would be so many things I could get in
5 trouble for Bill Green, so please don't
6 do that to me.

7 (Laughter.)

8 MR. GENTILE: Councilman
9 Greenlee, what do you anticipate that
10 this medallion system is going to do
11 besides tell you whose container it is,
12 which it's plain as day whose container
13 it is.

14 COUNCILMAN GREENLEE: Well,
15 first of all, it would be easier to
16 enforce with the reading mechanism and
17 all to be able to find it, you know, find
18 out who the owner is, find out if they're
19 licensed, and that's a problem.

20 MR. GENTILE: Right.

21 COUNCILMAN GREENLEE: And I'm
22 not saying your company --

23 MR. GENTILE: Right.

24 COUNCILMAN GREENLEE: -- but
25 there's a lot of 'em out there that are

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2 not licensed or not licensed properly. I
3 talked about the difference between the
4 private -- when they're supposed to be
5 private and on right-of-way and all that.

6 MR. GENTILE: Right. I'm
7 looking at all the containers that you
8 guys have in the slide show here --

9 COUNCILMAN GREENLEE: Mm-hmm.

10 MR. GENTILE: -- that all have
11 whose container it is. I see they all
12 have that little sticker on the right
13 upper corner there that shows which store
14 it belongs to. You know, what I mean?

15 COUNCILMAN GREENLEE: But --

16 MR. GENTILE: These things are
17 rules and regulations now.

18 COUNCILMAN GREENLEE: Right,
19 but the problem -- I think the thinking
20 is with the reading mechanism is that you
21 would be able to do it faster.

22 One of the things that I think
23 we here from the Streets Department and
24 L&I is just the volume of problems, how
25 long it takes to get around.

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2 This is -- ideally, if we get
3 it right, it's supposed to quicken the
4 system, where we can read things and find
5 out who the violator is, if there is a
6 violation, who they are much quicker and
7 get to them much more quickly.

8 MR. GENTILE: The problem with
9 the violation system is that we don't
10 receive these citations in that
11 (indiscernible) fashion.

12 COUNCILMAN GREENLEE: Okay. I
13 agree with you.

14 MR. GENTILE: We're receiving
15 them four, six.

16 COUNCILMAN GREENLEE: I agree
17 with you.

18 MR. GENTILE: And that's being
19 quick when we get them in four to six
20 weeks. In other words, the medallion
21 system isn't going to make them move
22 faster and --

23 COUNCILMAN GREENLEE: Well, I
24 mean, that's another thing we have to
25 look at.

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2 MR. GENTILE: They got to get
3 us on notice quicker so we could get the
4 graffiti off the --

5 (Indiscernible; parties talking
6 over each other.)

7 COUNCILMAN DiCICCO: I think
8 those are the kinds of questions and
9 discussions that we will be having over
10 the next eight months.

11 MR. GENTILE: Okay.

12 COUNCILMAN DiCICCO: But thank
13 you.

14 MR. FOSTER: Thank you for your
15 time.

16 COUNCILMAN DiCICCO: Next two
17 witnesses?

18 MR. ABERNATHY: Gray Smith and
19 Eric Cheung.

20 COUNCILMAN DiCICCO: Gray left
21 a while ago.

22 (Witness comes forward.)

23 MS. EDWARDS: Good evening,
24 Councilman. My name is Katie Edwards; I
25 am not Eric Cheung. He had to leave

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2 earlier, so I'm here earlier in his
3 place.

4 I'm here on behalf of Clean Air
5 Council, which is a nonprofit
6 environmental organization that works to
7 protect everyone's right to breathe clean
8 air. I'll keep it short and simple.

9 As a clean air advocate, the
10 Council's concern about a provision in
11 the proposed Bill 090123 having to do
12 with when Dumpsters can be serviced by
13 waste haulers, specifically under
14 Sections 1 and 2 of the bill, waste
15 Dumpsters can only be collected between
16 7 a.m. and 9 p.m.

17 The general practice of waste
18 haulers is to collect garbage during
19 early-morning hours, when traffic is at
20 its lightest. The Council believes that
21 forcing trash pickups to take place later
22 in the day will lead to increased traffic
23 congestion as waste haulers start
24 blocking streets during rush hour. This,
25 in turn, will lead to increased air

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2 pollution from vehicles that are forced
3 to idle behind the slow-moving trash
4 trucks. This means more smog and more
5 soot will be emitted, when Philadelphia
6 already fails to meet the federal health
7 standards for both pollutants, and more
8 greenhouse gasses that cause global
9 warming.

10 In light of Philadelphia's
11 recently unveiled Green Works
12 Philadelphia plan to make the City more
13 sustainable, the limitation of waste
14 collection hours is a step in the wrong
15 direction. The Council opposes the
16 timing constraints for Dumpster
17 servicing, as currently set forth in the
18 bill.

19 The Council hopes this
20 committee will take more time to review
21 the sections and looks forward to working
22 with the bill's sponsors to improve this
23 bill. As it stands, we cannot support
24 this bill because of the negative impact
25 we feel it will have on air quality.

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2 And just to speak candidly, as
3 a South Philadelphian like you,
4 Councilman DiCicco, I too hear, you know,
5 the trash being picked up at the corner
6 deli; but at the same time, when I go
7 down and I speak to the children in South
8 Philadelphia that have asthma and telling
9 them, Well, you need to stay inside the
10 summer day, you can't go outside and play
11 because the ozone levels are too high,
12 that's another quality-of-life issue. So
13 it's a lose/lose both ways.

14 COUNCILMAN DiCICCO:

15 Understood. Thank you.

16 Councilman Greenlee.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. Chairman.

19 Again, I said this earlier:
20 Isn't that the law now? Now, it may be
21 broken, but that's the law now, so I
22 don't think we're changing anything in
23 this --

24 MS. EDWARDS: No, it isn't, but
25 it will definitely cause -- the more

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2 stringent enforcement will cause -- and

3 we'd actually like to look and see it

4 extended -- extending collection times.

5 We've just in the past --

6 COUNCILMAN GREENLEE: Well, up

7 front, that can be talked about. But as

8 the Clean Air Council, what do you think

9 about the rest of the bill?

10 MS. EDWARDS: Well, no comment.

11 We'd just like to see much more waste

12 minimization on behalf of the --

13 COUNCILMAN GREENLEE: Okay. So

14 it needs eight months after we get it out

15 of here, and you're going to work with

16 us; is that right?

17 MS. EDWARDS: Yes.

18 COUNCILMAN GREENLEE: Okay.

19 good.

20 MS. EDWARDS: And I have to say

21 I know this is a Dumpster bill, but where

22 are all of the recycling Dumpsters? You

23 know, where is all the paper being

24 collected? Where is all of the plastic

25 being collected? So that's another

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2 issue.

3 COUNCILMAN GREENLEE: Okay.

4 Well that --

5 MS. EDWARDS: And I know that
6 commercial recycling enforcement is about
7 to be stepped up by the Streets
8 Department, and that's going to put much
9 more pressure to put out more waste.

10 COUNCILMAN GREENLEE: Okay.

11 Well, I guess I would like to hear the
12 Clean Air Council say -- since we're
13 trying to dealing with the environment
14 here, be a little bit more favorable than
15 just coming out --

16 MS. EDWARDS: Well, we --

17 COUNCILMAN GREENLEE: -- and
18 pick out one little piece --

19 MS. EDWARDS: Well, we will
20 work with you --

21 COUNCILMAN GREENLEE: -- with
22 all due respect, you know, at the end.

23 MS. EDWARDS: We will work with
24 you and we appreciate the intent of the
25 bill.

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2 COUNCILMAN GREENLEE: Great.

3 Thank you.

4 COUNCILMAN DiCICCO: Next
5 witness?

6 MR. ABERNATHY: No more
7 witnesses.

8 COUNCILMAN DiCICCO: No more
9 witnesses on this bill.

10 Is there anyone else who wants
11 to testify on this bill?

12 (No response.)

13 COUNCILMAN DiCICCO: You sure?
14 Okay.

15 Read the title of the next
16 bill.

17 MR. ABERNATHY: Bill No.
18 090444, an ordinance amending Chapter
19 10-611 and 12-800 of the Philadelphia
20 Code, entitled respectively "Sidewalk
21 Behavior and Bicycle Regulations and
22 Penalties" to authorize the Department of
23 Streets to designate sidewalks on which
24 bicycle-riding is permissible, providing
25 for penalties and making technical

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2 changes, all under certain terms and
3 conditions.

4 (Witnesses come forward.)

5 COUNCILMAN DiCICCO: Good
6 evening.

7 MR. GREENBERGER: Hello. How
8 you holding up?

9 COUNCILMAN DiCICCO: All right.

10 MR. GREENBERGER: Can I talk
11 about Dumpsters? (Laughing.)

12 COUNCILMAN DiCICCO: Plastic
13 bags.

14 MR. GREENBERGER: No Dumpsters,
15 all right, all right.

16 COUNCILMAN DiCICCO: It will
17 only cost you a nickel. It went from a
18 quarter and went down to a nickel. All
19 right.

20 MR. GREENBERGER: All right.
21 I'll make this relatively painless, I
22 think.

23 Good evening. I'm Allan
24 Greenberger, the Executive Director of
25 the City Planning Commission. And with

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2 me is Debra Schatz, who is a senior
3 planner in our Strategic Planning and
4 Policy Division.

5 The purpose of this bill is to
6 allow the designation neigh of trail
7 segments on sidewalks for bicycles
8 outside of Fairmount Park. And an
9 example of that is the planned Central
10 Delaware River Waterfront Trail, much of
11 which will have to be on the sidewalk.

12 This is a a little bit of
13 background on bicycle-riding. It's
14 governed by both state and city laws in
15 Pennsylvania. State law prohibits
16 bicycle-riding on sidewalks in business
17 districts, and that's fairly typical of
18 communities across the nation. Business
19 districts are defined under state vehicle
20 code.

21 But Philadelphia, like many big
22 cities, takes a more restrictive approach
23 to bicycling. Our code says that no one
24 under age 12 or older may bike on the
25 sidewalk anywhere. This rule is designed

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2 to protect pedestrians in densely
3 developed cities with narrow sidewalks
4 like ours.

5 Complaints about sidewalk
6 cycling are common among pedestrians,
7 especially the elderly, who are more
8 likely to be injured if hit by a bicycle.
9 Furthermore, sidewalk bicycle-riding has
10 dangers that many cyclists, especially
11 novice riders, are not aware of.

12 Sidewalk bicycling is a factor
13 in a high percentage of intersection and
14 driveway bicycle crashes. We believe
15 that the general rule against sidewalk
16 bicycling in Philadelphia must be
17 preserved to protect pedestrians and
18 bicyclists alike. However, there are
19 limited instances when a sidewalk may be
20 the best or only way of accommodating an
21 important trail connection.

22 City law already grants
23 exception to a sidewalk biking ban in
24 Fairmount Park, where the Fairmount Park
25 Commission may authorize bicycle-riding

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2 on sidewalks such as Kelly Drive by
3 regulation. This bill would grant to the
4 Streets Department similar power over the
5 rest of the City's sidewalks.

6 The bill would amend the
7 traffic code to allow the Streets
8 Department to designate certain sidewalks
9 for shared use by pedestrians and
10 bicyclists. Such sidewalks would have to
11 be posted with signs to clearly
12 distinguish them from the majority of
13 sidewalks where bicycling will remain
14 prohibited to those age 12 and older.

15 Before adopting regulations
16 permitting bicycling on any sidewalk, the
17 Streets Department will first have to
18 receive the recommendation of the City
19 Planning Commission, which is why we're
20 testifying, and must consider factors
21 such as pedestrian safety and comfort,
22 bicycle rider safety, existing and
23 expected density of use by pedestrians
24 and bicyclists, motorist safety, traffic
25 flow and the free ingress and egress to

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2 and from surrounding buildings.

3 The provisions for a
4 recommendation from the Planning
5 Commission will provide a forum for
6 community and public input. The
7 Commission has traditionally been
8 concerned with protecting the pedestrian
9 realm, and we are currently working on a
10 pedestrian and bicycle bill for the City,
11 and that's something that Debbie here has
12 been doing quite a bit of. We're closely
13 collaborating with the Streets Department
14 and the Mayor's Office of Transportation
15 and Utilities in that effort.

16 The bill also will amend the
17 sidewalk behavior section of Chapter 10
18 of the code to make it consistent with
19 the traffic code and will increase the
20 fine for riding a bicycle on the
21 sidewalk.

22 There's also an amendment to
23 this bill, and I don't know whether this
24 is in the testimony that you received
25 earlier because I think the amendment was

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2 late in the day; is that right, Brian?

3 You're going to -- okay.

4 The amendment will allow
5 bicyclists to ride in the roadway next to
6 those sidewalks that the Streets
7 Department designates for shared use by
8 bicyclists and pedestrians. Often, a
9 shared-used trail may become so popular
10 that congestion and conflicts between
11 users with different speeds, different
12 travel characteristics develop.

13 In such cases, it's better if
14 the bicyclists who are comfortable using
15 the roadway be allowed to do so. This
16 basically is that there's a legal
17 technicality that basically says if you
18 offer an alternative path, that path is
19 the one you have to use.

20 And so, there are instances --
21 the Delaware Boulevard may be one of
22 them -- where there's a bike path
23 already, but we probably need to also
24 allow it on the sidewalk, and we can't --
25 we don't want to be in a position of

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2 forcing everybody to use one or the
3 other, particularly related to speed and
4 sort of biking ability.

5 And I think -- did you just
6 hand out, Brian, copies of that
7 amendment? Thank you.

8 We've not -- as a commission,
9 we've not had the opportunity to act on
10 this bill, but it will be up at our next
11 meeting, on June 9th. However, the staff
12 intends to recommend approval, and while
13 I can't speak for what the Commissioner
14 does, I don't expect that we'll see much
15 resistance.

16 Thank you. And we'll answer
17 questions.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions?

20 COUNCILWOMAN MILLER: I have a
21 question.

22 COUNCILMAN DiCICCO:
23 Councilwoman Miller and then Councilwoman
24 Sanchez.

25 Councilwoman Miller.

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2 COUNCILWOMAN MILLER: Hi. Good
3 afternoon -- evening.

4 What is -- how do you educate
5 the public regarding these kind of laws,
6 rules, whatever?

7 MR. GREENBERGER: As to what
8 the law says or as to proper behavior on
9 the sidewalk?

10 COUNCILWOMAN MILLER: Well,
11 both.

12 MR. GREENBERGER: Okay.

13 COUNCILWOMAN MILLER: Proper
14 behavior, plus this would be a new law.

15 MR. GREENBERGER: Yeah.

16 COUNCILWOMAN MILLER: And I
17 guess mostly where I see people riding
18 bikes where they share a sidewalk is the
19 Kelly Drive.

20 MR. GREENBERGER: Right.

21 COUNCILWOMAN MILLER: And I
22 don't see that many pedestrians on West
23 River Drive. So, I mean, it's just an
24 assumption. I just assume that you're
25 able to ride your bike on the sidewalk at

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2 Kelly Drive.

3 MR. GREENBERGER: Yes. In
4 Fairmount Park, apparently that's the
5 case.

6 COUNCILWOMAN MILLER: Right.

7 MR. GREENBERGER: But, to use
8 an example, the Delaware Boulevard is
9 one. Here's another one: Grays Ferry
10 Avenue is envisioned as part of a
11 potentially longer trail for the time
12 being that picks up from the Schuylkill
13 Trail. It's going to take a lot more
14 work before that trail's extended on the
15 waterfront, so Grays Ferry might be a
16 logical place to have biking. There are
17 bike lanes there now.

18 It's relatively high-speed
19 traffic, and if we believed in that as a
20 bikeway, we might also want to believe in
21 allowing bicyclists on the sidewalk in a
22 place like that --

23 COUNCILWOMAN MILLER: Okay.

24 MR. GREENBERGER: -- just to
25 make sure that people who are not so

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2 comfortable being on a higher-speed road
3 like that, or like Kelly Drive, have a
4 place to go.

5 This is probably not going to
6 come up that often.

7 COUNCILWOMAN MILLER: Mm-hmm.

8 MR. GREENBERGER: We know
9 about -- this really was designed around
10 something we know, which was Delaware
11 Avenue. We don't expect that it's going
12 to come up again that many times. But
13 it's going to come up sometimes, and
14 that's why the law provides there to be
15 posting.

16 COUNCILWOMAN MILLER: Mm-hmm.

17 MR. GREENBERGER: I think we
18 also have to do a better job as a city,
19 both through the websites that we have,
20 through bicycle coalitions, and probably
21 even through schools, to let people know
22 what the laws are about biking in the
23 City.

24 COUNCILWOMAN MILLER: Mm-hmm.

25 MR. GREENBERGER: I would bet

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2 that if you asked somebody now, Are you
3 allowed to bike on the sidewalk? most
4 people would probably say sure.

5 COUNCILWOMAN MILLER: Right.

6 MR. GREENBERGER: So I think
7 that's critical.

8 The other thing that I think
9 can happen primarily through bicycle
10 coalitions is that they also need to help
11 us do a better job informing bicyclists
12 about the rules of being both on the road
13 and/or the sidewalk 'cause I think
14 they're -- frankly, they're too often
15 violated.

16 COUNCILWOMAN MILLER: Right.

17 MR. GREENBERGER: And I was
18 just crossing the street to come to City
19 Hall to testify, and red light, cars
20 stopped, bikes weren't.

21 COUNCILWOMAN MILLER: Bikes
22 don't, right. And, in fact, I almost saw
23 a accident yesterday with this bicyclist
24 and he just kind of away from the right,
25 all the way to the left in front of cars,

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2 and I don't know whether people know the
3 rules of the road.

4 For example, are they -- are
5 bicyclists allowed to be on Kelly Drive
6 or on the actual roadway, not the
7 sidewalk?

8 (Witness comes forward.)

9 COUNCILWOMAN MILLER: 'Cause
10 sometimes that's pretty dangerous too,
11 particularly during peak hours.

12 MR. DENNY: Good evening.
13 Charlie Denny, Traffic Engineering,
14 Streets Department.

15 COUNCILWOMAN MILLER: Hi.

16 MR. DENNY: The answer to your
17 question is that there's a restriction on
18 Kelly Drive in riding in the peak
19 direction during the peak hour, but the
20 rest of the time, they're allowed on that
21 roadway.

22 COUNCILWOMAN MILLER: Okay.

23 MR. DENNY: And the same
24 condition exists on the West River Drive.

25 COUNCILWOMAN MILLER: Yes.

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2 MR. DENNY: Or the Martin
3 Luther King Drive, sorry.

4 COUNCILWOMAN MILLER: All
5 right. I could see that, you know,
6 during off-peak hours, but I've often
7 seen them during peak hours on the drive,
8 and it's pretty dangerous, and it
9 actually could cause accidents when
10 you're trying to slow around to get
11 around them and whatnot, okay.

12 And I have a pet peeve about
13 bicycle -- I don't want to say paths, but
14 it's -- in the street, in the business
15 corridors, bike lanes, right? in the
16 business corridors because -- well, I
17 guess we need them, but I don't see that
18 many bicycle users in business corridors
19 in my district.

20 And at Germantown and Cheltenham
21 business district, we've actually -- we
22 have a awful, awful problem with parking,
23 and they took parking meters out to
24 create a bike path. And, you know, of
25 course, people are parking there and

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2 they're getting tickets, but they don't
3 have any other alternatives.

4 So, at some point, I do want to
5 talk to someone about that because it's
6 just -- and, my God, I don't think I've
7 ever seen a bike going down that
8 particular part of Cheltenham Avenue.

9 UNIDENTIFIED SPEAKER: I ride
10 it.

11 COUNCILWOMAN MILLER: Do you?

12 UNIDENTIFIED SPEAKER: It's
13 very useful.

14 COUNCILWOMAN MILLER: Well,
15 maybe you and another person, but --

16 (Laughter.)

17 COUNCILWOMAN MILLER: But,
18 listen, I had a -- I had a shop owner
19 that put a lot of money into a new --
20 rehabbing his -- rehabilitating his
21 jewelry store, and they took out like
22 three or four parking spaces. And he
23 called me up saying, "Oh, my God, I just
24 invested all of this money and now my
25 customers don't even have a place to

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2 park." So we were able to work that out.

3 But in many areas, you don't
4 really see that many people riding bikes.

5 MR. DENNY: We do try to avoid
6 taking up parking spaces when we put in
7 bike lanes, and we do it in very limited
8 cases.

9 COUNCILWOMAN MILLER: Yeah,
10 well, I'm going to bring those to your
11 attention.

12 MR. DENNY: Okay.

13 COUNCILWOMAN MILLER: Thank
14 you.

15 MR. DENNY: And we'll listen.

16 COUNCILWOMAN MILLER: Okay.

17 Thank you, Mr. Chair.

18 COUNCILMAN DiCICCO: Thank you.

19 Any other questions?

20 COUNCILWOMAN SANCHEZ: I just
21 wanted to congratulate the City. I know
22 we got an award for our work around bikes
23 in the City, and I will just share with
24 my colleagues that my husband has become
25 a rider again and is counting the number

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2 of streets where I don't have bike paths,
3 so we'll both have work to do.

4 Do we need State enabling
5 legislation to fix the glitch between the
6 sidewalk and where there's dual -- where
7 there's a street path? 'Cause I
8 notice -- I'm looking at our packet. In
9 a letter written by Paul Levy, he says
10 that there has to be an elimination of a
11 law in the Commonwealth to repeal the
12 mandatory side path law.

13 So can I get some clarity? I
14 just want to make sure that...

15 MS. SCHATZ: I'm Debra Schatz,
16 with the City Planning Commission.

17 No. State law already is --
18 the State law was amended in 1995 to say
19 that you don't -- that bicyclists don't
20 have to use the roadway when there's on
21 adjacent side path unless there are signs
22 that are posted that say you do have to,
23 like there you are on Kelly Drive during
24 peak-hour --

25 COUNCILWOMAN SANCHEZ: So we

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2 don't have any --

3 MS. SCHATZ: So we don't --

4 (Indiscernible; parties talking
5 over each other.)

6 MR. GREENBERGER: We just to
7 need to deal with it in --

8 MS. SCHATZ: In our own code.

9 COUNCILWOMAN SANCHEZ: Okay. I
10 just wanted to make sure with this, we
11 would be fixing whatever the glitch is.
12 Okay.

13 COUNCILMAN DiCICCO: Any other
14 questions?

15 (No further questions.)

16 COUNCILMAN DiCICCO: Thank you.
17 Thank you for your patience.

18 Next witness, please.

19 (Witness comes forward.)

20 MS. STEWART: Good evening,
21 members of the Committee on Streets and
22 Services and Councilman DiCicco. Thank
23 you for allowing me to testify today. My
24 name is Sarah Clark Stewart. I'm with
25 the Bicycle Coalition of Greater

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2 Philadelphia, and I'm here to testify on
3 Bill 090444. I'll try to summarize
4 'cause I know it's very late.

5 In reading this ordinance, this
6 ordinance does maintain that
7 Philadelphia's traffic code with respect
8 to bicycle-riding on sidewalks is
9 stricter than the State code. We would
10 prefer that the State code and the --
11 Philadelphia's code be consistent.

12 This ordinance does not do that
13 today. We would like to work with the
14 City and with Council to do that in the
15 near future.

16 Nevertheless, we do understand
17 the circumstances that are driving this
18 particular amendment in this bill today,
19 and we are willing to be supportive of
20 that if there's some considerations.

21 First of all, we don't want to
22 see this bill drive people off of the
23 road -- who are bicycling off of the
24 roadway onto sidewalks. We don't think
25 that that's the intention of this bill,

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2 but we certainly don't want that to
3 happen

4 There are many arterial roads
5 in Philadelphia that are in poor
6 condition, such as Roosevelt Boulevard,
7 where it's not safe to bike on the
8 roadway. It would be better to bike on
9 the sidewalk.

10 So, in addition to the
11 particular circumstance that's behind
12 this bill, which is Columbus Boulevard
13 for a particular trail that Center City
14 District is working on, we would
15 encourage the Planning Commission and the
16 Streets Department to study some other
17 areas in which -- where a sidewalk could
18 be permissible.

19 We are supportive of the
20 increase in fine that's in this bill, but
21 we also want to just point out that in
22 cases such as Roosevelt Boulevard, where
23 it's very unsafe to bicycle -- to ride
24 your bike in the roadway, it would be a
25 shame if, all of a sudden, people were

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2 getting higher fines by bicycling on the
3 sidewalk. So we just wanted to point
4 that out.

5 With respect to the issue that
6 Councilwoman Quiñones-Sanchez raised, the
7 City's code does have a section that we
8 think should be repealed altogether. And
9 today -- in the bill that you receive
10 today with the amendment, the problem
11 that exists of having -- where the City
12 code says if you're -- if you have a side
13 path next to a roadway, you have to get
14 on the -- you can't be in the roadway at
15 all, it fixes it for the circumstances of
16 where the Planning Commission or Streets
17 Department designates an area

18 We think that the City's code
19 in its Section 12-8042 should be
20 completely repealed. And, again, we'd
21 like to work with the Council and with
22 City Planning to address that
23 comprehensively as a policy in the very
24 near future. We realize today that this
25 amendment -- or this ordinance just deals

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2 with technical changes, and you can't do
3 that

4 But it sets up a situation
5 where, if you are riding on the Martin
6 Luther King path, technically -- and it's
7 not peak hour and you're on the roadway,
8 you're violating City code, and you would
9 get a ticket.

10 So you're -- the State makes it
11 very clear: You can ride in the roadway
12 on your bicycle, under most
13 circumstances.

14 With respect to enforcement and
15 the whole general nature of sidewalk
16 riding behavior, we are very much in
17 favor of education and encouragement to
18 more broadly educate all users about
19 safety, traffic rules, and proper
20 behavior.

21 Sidewalk riding is --
22 particularly in business districts, is
23 unsafe. It's unsafe for pedestrians,
24 it's unsafe for the bicyclists; we
25 completely agree with that.

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2 And we have a bicycle
3 ambassador program that is out there,
4 working at a grassroots level one-on-one
5 with people on the street and people at
6 events to educate them about the rules.

7 What is needed very much so is
8 a public education campaign. It's not
9 only bicyclist that need to be educated;
10 motorists need to be educated,
11 pedestrians need to be educated. And
12 this requires a really much more broad-
13 based effort.

14 And it's an investment that the
15 City and the nonprofit and private
16 community need to make, but that's really
17 what's going to help improve and modify
18 behavior.

19 New York City has a very good
20 program that's called Look, L-O-O-K.
21 It's in my written testimony, which I'll
22 submit. But this is the kind of effort,
23 kind of broad-based, cross-jurisdictional
24 or cross-agency effort that really needs
25 to be undertaken

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2 I'll be happy to take any
3 questions.

4 COUNCILMAN DiCICCO: Thank you.

5 I just have one thought. A
6 traffic or judge friend of mind, Judge
7 Thomasina Tynes, mentioned to me a while
8 ago about, I think in California -- I may
9 be mistaken -- that bicycle owners are
10 required to have a license plate. Are
11 you familiar with any of that?

12 MS. STEWART: I'm not familiar
13 with that in particular.

14 COUNCILMAN DiCICCO: For the
15 purpose identifying -- someone is riding
16 on the sidewalk, runs into somebody,
17 takes off. We don't want to discourage
18 people from using bikes; we want to
19 encourage them.

20 MS. STEWART: Right.

21 COUNCILMAN DiCICCO: I thought
22 it was a pretty novel idea, and I didn't
23 know if you had any -- do you know of any
24 municipalities that are doing that?

25 MS. STEWART: I have not heard

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2 of a municipality in which a registration
3 of that kind of scale law really has been
4 effective.

5 This is a -- I think this sort
6 of drifts over into a big issue of
7 enforcement generally, which is, as we
8 heard in the prior discussions, very
9 difficult because there is no enforcement
10 of most traffic laws.

11 COUNCILMAN DiCICCO: But it
12 becomes even more difficult to enforce if
13 there's no identification as to the -- in
14 this case, a bicycle, and it just keeps
15 going.

16 MS. STEWART: True.

17 COUNCILMAN DiCICCO: It's just
18 a thought.

19 MS. STEWART: I will look into
20 this.

21 COUNCILMAN DiCICCO: Yeah, if
22 you do, if you find anything, I'd like
23 for to you share that with me.

24 MS. STEWART: Year.

25 COUNCILMAN DiCICCO: And I'll

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2 share that with my committee 'cause it's
3 something that we may want to look at
4 doing going forward.

5 Thank you.

6 MS. STEWART: You're welcome.

7 COUNCILMAN DiCICCO: I
8 appreciate you spending all of the time
9 here.

10 MS. STEWART: You're welcome.

11 COUNCILMAN DiCICCO: Thank you.

12 Mr. Abernathy?

13 MR. ABERNATHY: Bill No.
14 090262, an ordinance amending Section
15 9-211 of the Philadelphia Code, entitled
16 "Boxes for the Distribution of News and
17 Printed Material," by including certain
18 areas in the vicinity of Manayunk and
19 adding additional requirements, under
20 certain terms and conditions.

21 And Bill No. 090388, an
22 ordinance amending Section 9-213 of the
23 Philadelphia Code, entitled "Farmers
24 Markets," by adding as a permissible
25 location Canal View Park, all under

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2 certain terms and conditions.

3 (Witness comes forward.)

4 MR. CROWNGOLD: Good evening,
5 Councilman Jones, Councilman DiCicco,
6 Councilwoman Sanchez, and all of the
7 members of the Streets and Services
8 Committee. Good evening. My name is Sam
9 Crowngold. I'm the owner of Propper
10 Brothers Furniture Store in Manayunk, and
11 I'm also currently the treasurer of
12 Manayunk Development Corporation. Thank
13 you for this opportunity to testify in
14 support of ordinance No. 090262.

15 The Manayunk Development
16 Corporation (MDC) is a nonprofit
17 organization dedicated to enhancing the
18 economic base and esthetic environment of
19 the Manayunk Commercial District and to
20 promoting and advancing economic vitality
21 through education, advocacy, and
22 outreach.

23 MDC is also the sponsor and
24 executor of the Manayunk Special Services
25 District, a municipal authority. The

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2 MSSD's mission is to create a clean,
3 attractive, safe, and well-managed
4 business district so that Manayunk can
5 successfully compete as an environment in
6 which to do business, live, shop, dine
7 and visit.

8 MDC supports this ordinance to
9 allow for publishers' boxes at the
10 following locations: Main and Leverage
11 Streets, Main and Cotton, Main and Locke,
12 and Carson and Kresson, but not including
13 the corner of south of Kresson Street and
14 west of Carson in the Manayunk commercial
15 zone. Manayunk Development Corporation
16 believes it will help to eliminate blight
17 in our district.

18 Presently, the honor boxes
19 located throughout our district are
20 placed indiscriminately on sidewalks,
21 many are chained to light posts. The
22 boxes block the right-of-way and hinder
23 the flow of pedestrian traffic along our
24 commercial corridors.

25 In addition, many honor boxes

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2 in our district are ill-maintained
3 magnets for graffiti and other forms of
4 vandalism. They are eyesores that
5 contribute to blight in our district.

6 We believe that designating
7 these areas for the honor boxes will
8 greatly benefit the district, it will
9 ensure that boxes are properly placed in
10 a designated area and facilitate
11 maintenance of the boxes.

12 This legislation has had a
13 positive impact on the sidewalks. The
14 honor boxes are better maintained, are
15 more esthetically pleasing, and do not
16 inhibit pedestrian traffic as a result of
17 enforcing these regulations in the Center
18 City District, where this ordinance is
19 enforced.

20 We would like to see a similar
21 change in Manayunk, one of the City's
22 best known historic and commercial
23 districts

24 On behalf of the Manayunk
25 Development Corporation Board of

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2 Directors, I urge you to pass this
3 legislation.

4 Thank you very much

5 COUNCILMAN DiCICCO: Thank you.

6 Mr. Haigler, please, your
7 testimony.

8 MR. HAIGLER: Good evening,
9 Councilman -- Chairman DiCicco and
10 members of the committee. I am Otis
11 Haigler, Jr., Director of Legislative
12 Affairs for the Department of Licenses
13 and Inspections.

14 And in the interest of time I
15 have submitted my testimony in support of
16 this bill. And the only thing that I
17 would add to that is that we would be
18 pleased to work with the Manayunk
19 Development Corporation to deal with any
20 issues that we have to have with
21 enforcement.

22 Thank you.

23 COUNCILMAN DiCICCO: Thank you.

24 Thank you, sir. Do you have a
25 furniture store in South Philly as well?

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2 MR. CROWNGOLD: That is my
3 family's business since 1892. I'm with
4 Propper Brothers Furniture in Manayunk.

5 COUNCILMAN DiCICCO: Okay. I
6 knew the name.

7 MR. CROWNGOLD: Yes, yes.

8 COUNCILMAN DiCICCO: I'm very
9 familiar with it. Thank you for your
10 patience.

11 MR. CROWNGOLD: That's quite
12 all right.

13 COUNCILMAN DiCICCO: I just
14 have a question.

15 MR. CROWNGOLD: Yes.

16 COUNCILMAN DiCICCO: Otis
17 remembers this. We dealt with this a
18 long time ago. We tried to get citywide
19 enforcement of corrals, narrowed it down
20 to Center City.

21 Have you gotten any pushback
22 yet from any of the folks who may be
23 using honor boxes today? You know, a big
24 issue in Center City was the number of
25 boxes in a corral, who would be the honor

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2 boxes that would be allowed to be in
3 there, and then all the other things that
4 go with it. It was quite an ordeal.

5 I was just wondering, have you
6 taken any of that into consideration?

7 MR. CROWNGOLD: I --

8 COUNCILMAN DiCICCO: To you,
9 sir, Mr. Cromwell, I support what you're
10 doing. I think it's the right thing to
11 do.

12 MR. CROWNGOLD: Number one, in
13 Manayunk, we, two or three years ago, had
14 over 55 honor boxes in a three-quarter-
15 of-a-mile strip of Main Street. Over the
16 past three-and-a-half years, they have
17 dissipated down to 27 or 29 at the last
18 count -- that's on Main Street and
19 Kresson Street.

20 What we have is an
21 overabundance of honor boxes from the
22 same publishers at every corner. They,
23 in many cases, are chained to public
24 poles, utility poles. In many cases,
25 they are blocking a pedestrian

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2 right-of-way or the grooved-out area for
3 handicap or disabled passage.

4 COUNCILMAN DiCICCO: The ramp.

5 MR. CROWNGOLD: They are a
6 magnet for graffiti and stickers and
7 posters. And if we can have one from
8 each publisher in each of these spaces
9 only, that would make Manayunk a much
10 more attractive place for our visitors,
11 shoppers -- and, hopefully, furniture
12 buyers -- to come and visit.

13 COUNCILMAN DiCICCO: Yeah, I
14 agree, we all agree on that. And it is a
15 pollution, a visual pollution sometimes,
16 and sometimes it's a public safety issue
17 as well.

18 MR. CROWNGOLD: Yes.

19 COUNCILMAN DiCICCO: Just be
20 prepared. You may have some issues going
21 forward with folks who feel as though
22 they're being discriminated against in
23 terms of being able to be in that corral.
24 And your District Councilperson, I'm sure
25 will help you monitor --

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2 MR. CROWNGOLD: We will monitor
3 very carefully to make sure that
4 everybody that wants to be is
5 represented.

6 They also need to have their
7 honor boxes licensed through L&I.

8 COUNCILMAN DiCICCO: Yeah.

9 MR. CROWNGOLD: And in the
10 Manayunk District, of the 27 or 29 at
11 last count boxes on the streets, there is
12 only one box that has the --

13 COUNCILMAN DiCICCO: The
14 sticker.

15 MR. HAIGLER: Well, at the
16 present time, the licensing provisions
17 only apply to certain areas of the City,
18 and primarily Center City and any other
19 area where the provisions of 9-211 have
20 been expanded to, so it's not citywide.
21 There's no citywide requirement for the
22 licensing of honor boxes.

23 COUNCILMAN DiCICCO: Think.

24 Councilman Jones.

25 COUNCILMAN JONES: Sam, I just

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2 want to thank you so very much for your
3 patience today and representing the
4 Manayunk Development Corporation and the
5 work you put in, your longevity on the
6 corridor, and what you mean to that
7 commercial strip, and I want to thank you
8 for your patience today.

9 You heard a lot of things you
10 probably wish you didn't today, but I'm
11 thankful that you maintained and stayed
12 the course.

13 MR. CROWNGOLD: Thank you,
14 Councilman.

15 COUNCILMAN JONES: Very
16 quickly. Did I understand in your
17 testimony that you wanted one of the
18 boxes removed? Did I hear see you say
19 that?

20 MR. CROWNGOLD: One of the
21 boxes removed?

22 COUNCILMAN JONES: Yeah, one of
23 the corners eliminated? That was not in
24 your testimony?

25 MR. CROWNGOLD: No, it was not.

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2 COUNCILMAN JONES: I just --

3 MR. CROWNGOLD: I went along
4 with the way it was written. I believe
5 you wanted three areas to have boxes.
6 And as much as --

7 COUNCILMAN JONES: That's all
8 right. I just wanted it clarified.

9 MR. CROWNGOLD: As much as I
10 would rather have one, I go along with
11 the three.

12 COUNCILMAN JONES: And we
13 appreciate you for it.

14 MR. CROWNGOLD: Thank you.

15 COUNCILMAN DiCICCO: Any other
16 questions for this witness?

17 (No further questions.)

18 COUNCILMAN DiCICCO: Any other
19 witnesses to testify on this bill?

20 (No response.)

21 COUNCILMAN DiCICCO: Seeing
22 none, thank you, sir.

23 Oh, I'm sorry.

24 MR. CROWNGOLD: No, next I have
25 Ordinance No. 090388.

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2 COUNCILMAN DiCICCO: I didn't
3 know that. Do you have any testimony?
4 On that?

5 MR. CROWNGOLD: Yes. Good
6 morning, Councilman Jones, DiCicco, Reed,
7 Greenlee, and Sanchez. Good evening.

8 I am no longer -- Laurie Jones
9 is in your written testimony. I am Sam
10 Crowngold, Treasurer of the Manayunk
11 Development Corporation. Thank you for
12 this opportunity to testify in support of
13 Ordinance No. 090388.

14 The Manayunk Development
15 Corporation is a nonprofit organization
16 dedicated to enhancing the economic base
17 and esthetic environment of the Manayunk
18 Commercial District and to promoting and
19 advancing economic vitality through
20 education, advocacy, and outreach.

21 MDC is also the sponsor and
22 executor of the Manayunk Special Services
23 District, a municipal authority.

24 The MSSD's mission is to create
25 a clean, attractive, safe and well

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2 managed business district so that

3 Manayunk can successfully compete in an

4 environment in which to do business,

5 live, shop, dine, and visit.

6 MDC supports City Council

7 passage of Ordinance No. 090388, amending

8 Section 9-213 of the Philadelphia Code

9 entitled "Farmers Markets" by adding

10 Canal View Park on Main Street in

11 Manayunk as a permissible location.

12 Farmers markets, particularly

13 neighborhood urban farmers markets like

14 the one we are proposing, have increased

15 in popularity. According to the United

16 States Department of Agriculture, there

17 were 4685 farmers markets in the country

18 in '08, a 267 percent increase since

19 1994.

20 This increase is both the cause

21 and the result of the growing local food

22 movement in Philadelphia and the rest of

23 the country. Philadelphia now has over

24 30 farmers markets which provide

25 residents have access to locally grown

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2 fresh produce.

3 Farmers are popular because
4 they provide a convenient shopping option
5 since farmers markets are located in
6 neighborhoods.

7 They improve the health of our
8 citizens by providing fresh products
9 often picked the same day or the day
10 before.

11 They build community by
12 offering on outdoor setting where people
13 can gather, exchange recipes, or simply
14 catch up the latest neighborhood news.

15 They greatly reduce the carbon
16 footprint of the food consumed since the
17 food miles are a small fraction of the
18 conventional food supply.

19 And farmers markets preserve
20 local farm lands by making farmers -- or
21 allowing farmers to be more successful.

22 Manayunk merchants, consumers,
23 and residents all support the market.

24 MDC is undergoing a comprehensive
25 strategic-planning process. As part of

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the plan, we conducted a survey, a customer survey, that collected over 1250 responses.

Survey respondents listed farmers market as one of the top three improvements that would encourage them to visit Manayunk more often. We believe having a farmers markets on Main Street will increase foot traffic in our commercial corridor.

We solicited feedback about where and when to locate a market in the district. Nearly 900 responded to our online farmers market survey, and 600 asked to be added to a mailing list or offered to volunteer in some capacity for the market.

As a result of our planning, outreach, and feedback we identified Canal View Park as the market location and plan to operate the market only on Saturdays from 10 a.m. to 2 p.m.

We are partnering with Farm To City, a local nonprofit that manages

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2 several other markets in the Greater
3 Philadelphia area. We are inviting
4 student farmers from a local agricultural
5 school to sell produce at the Manayunk
6 Farmers Market.

7 Passage of Bill No. 090388
8 would allow to us open our market this
9 month possibly during our Second Saturday
10 promotion, June the 13th. The market
11 will serve the residents of Manayunk and
12 visitors and enrich the Main Street
13 experience for all.

14 On behalf of the Manayunk
15 Development Corporation, I urge you to
16 pass this legislation.

17 And if you have any questions,
18 we put a lot of time and effort into
19 research into deciding the placement of
20 the market within the community, the
21 parking implications, the shopping
22 implications, the need, the desire, et
23 cetera. I will be more than happy to
24 respond.

25 COUNCILMAN DiCICCO: Thank you.

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2 Any questions?

3 (No questions.)

4 COUNCILMAN DiCICCO: Any
5 comments?

6 Thank you.

7 MR. HAIGLER: Uh --

8 COUNCILMAN DiCICCO:
9 Mr. Haigler.

10 MR. HAIGLER: Good evening,
11 Councilman Chairman DiCicco and members
12 of the committee. I am Otis Haigler,
13 Jr., Director of Legislative Affairs for
14 the Department of Licenses and
15 Inspections.

16 You have my written testimony.
17 We do not object to the passage of this
18 bill. Thank you.

19 COUNCILMAN DiCICCO: Thank you.
20 I'm sorry. I didn't mean to be rude.
21 It's a call I've been waiting for all
22 day.

23 Any other questions comments?

24 (No questions or comments.)

25 COUNCILMAN DiCICCO: Thank you.

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2 MR. CROWNGOLD: Thank you very
3 much, Chairman. Thank you very much,
4 committee.

5 MR. ABERNATHY: Bill No.
6 090329, an ordinance amending Section
7 9-213 of the Philadelphia Code, entitled
8 "Farmers Markets," by adding a
9 permissible location on the sidewalk of
10 the west side of 18th Street between
11 Walnut Street and Locust Street, abutting
12 Rittenhouse Square.

13 And Bill No. 090406, an
14 ordinance amending Section 9-205 of the
15 Philadelphia Code, entitled "Sidewalk
16 Sales," by prohibiting sidewalk sales on
17 portions of Broad Street, Venango Street,
18 Tioga Street, and Ontario Street.

19 And Bill No. 090259, an
20 ordinance authorizing William Schoepe to
21 construct, own, and maintain an open-air
22 sidewalk café at 4000 Spruce Street,
23 under certain terms and conditions.

24 And Bill No. 090266, an
25 ordinance authorizing Dahlia Osman to

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 construct, own, and maintain an open-air
3 sidewalk café at 1001 South Tenth Street,
4 under certain terms and conditions.

5 And Bill No. 090387, an
6 ordinance amending Section 9-208 of the
7 Philadelphia Code entitled "Sidewalk
8 Cafés," by permitting sidewalk cafés to
9 be maintained on Ridge Avenue, both
10 sides, between Rochelle Avenue and Domino
11 Lane, all under certain terms and
12 conditions.

13 And Bill No. 090402, an
14 ordinance authorizing Ralph Picket to
15 construct, own, and maintain an open-air
16 sidewalk café at 3900 Chestnut Street,
17 under certain terms and conditions.

18 And Bill No. 090403, an
19 ordinance authorizing certain existing
20 underground improvements owned by the
21 Children's Hospital of Philadelphia to
22 encroach into the rights-of-way of
23 certain streets, which are to be
24 dedicated to the City of Philadelphia, in
25 the vicinity of South 34th Street and

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 Civic Center Boulevard, under certain
3 terms and conditions.

4 Bill No. 090409, an ordinance
5 authorizing the National Park Service to
6 construct, own, and maintain a building
7 encroachment and steps at 530 Market
8 Street, under certain terms and
9 conditions.

10 And Bill No. 090382, an
11 ordinance amending Chapter 12-3000 of the
12 Philadelphia Code, entitled "Use of an
13 Automated Red Light Enforcement System to
14 Prevent Red Light Violations," by
15 authorizing the installation of red light
16 enforcement systems at the intersection
17 of Rising Sun Avenue and Adams Avenue,
18 all under certain terms and conditions.

19 And Bill No. 090386, an
20 ordinance amending Chapter 12-3000 of the
21 Philadelphia Code, entitled "Use of an
22 Automated Red Light Enforcement System to
23 Prevent Red Light Violations," by
24 authorizing the installation of red light
25 enforcement systems at the intersection

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 of Henry Avenue at Walnut Lane, all under
3 certain terms and conditions.

4 And Bill No. 090391, an
5 ordinance amending Chapter 12-3000 of the
6 Philadelphia Code, entitled "Use of an
7 Automated Red Light Enforcement System to
8 Prevent Red Light Violations," by
9 authorizing the installation of red light
10 enforcement systems at the intersection
11 of Aramingo Avenue and York Street, all
12 under certain terms and conditions.

13 Bill No. 090407, an ordinance
14 amending Chapter 12-3000 of the
15 Philadelphia Code, entitled "Use of an
16 Automated Red Light Enforcement System to
17 Prevent Red Light Violations," by
18 authorizing the installation of red light
19 enforcement systems at the intersection
20 of Aramingo Avenue and Castor Avenue, all
21 under certain terms and conditions.

22 And Bill No. 090404, an
23 ordinance establishing a one-way
24 regulation on Belgrade Street, from Ash
25 Street to Pratt Street northbound.

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2 And Bill No. 090291, an
3 ordinance establishing a no-parking
4 regulation on the 5200 block of Marshall
5 Street from Fisher Avenue to Duncannon
6 Avenue on the eastern side.

7 And Bill No. 090320, an
8 ordinance authorizing the installation of
9 a traffic signal at the intersection of
10 Seventh Street and Godfrey Avenue.

11 And Bill No. 090438, an
12 ordinance establishing a no-truck-parking
13 regulation on Vernon Road from Cheltenham
14 Avenue to Michener Avenue, both sides.

15 COUNCILMAN DiCICCO: We done?

16 Mr. Haigler.

17 MR. HAIGLER: Yes.

18 COUNCILMAN DiCICCO: Can you do
19 a blanket, like: "Haigler for all that
20 all that has been read into the record,"
21 or something like that?

22 MR. HAIGLER: Only two. I'm
23 sorry, I can do only two.

24 COUNCILMAN DiCICCO: Okay.

25 MR. HAIGLER: But in reference

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2 to Bill No.'s 090329 and 090406, my name
3 is Otis Haigler, Jr., Director of
4 Legislative Affairs for the Department of
5 Licenses and Inspections.

6 You have my written testimony,
7 and The department offers no objections
8 to those bills.

9 COUNCILMAN DiCICCO:
10 Mr. Haigler, this concludes your
11 testimony, right?

12 MR. HAIGLER: That concludes my
13 testimony.

14 COUNCILMAN DiCICCO: And for
15 all the other bills, I believe there's
16 testimony in favor by the Administration
17 except the bill that is now being
18 discussed by Mr. Denny and Mr. Fenerty
19 regarding a red light camera at Aramingo
20 and York.

21 (Witnesses come forward.)

22 COUNCILMAN DiCICCO: Thank you.
23 Good evening, gentlemen.

24 Mr. Fenerty, are you beginning
25 the conversation?

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2 MR. FENERTY: Yes,
3 Mr. Chairman. If we could wait a few
4 minutes, I have 37 witnesses that would
5 like to testify.

6 COUNCILMAN DiCICCO: We got all
7 night. Don't worry about it. We got all
8 night.

9 MR. FENERTY: Good afternoon,
10 Mr. Chairman and members of the
11 committee. My name is Vince Fenerty.
12 I'm the Executive Director of the Parking
13 Authority.

14 I'd like to thank Chairman
15 DiCicco and the members of the committee
16 for allowing me to testify. I would also
17 like to thank Councilmember Tasco, Jones,
18 along with Chairman DiCicco for
19 introducing the legislation.

20 I am testifying in favor of
21 Bills 090382, 090386, 090391, and 009407,
22 which would add four more intersections
23 to the red light camera program in the
24 City. These intersections will be Rising
25 Sun at Adams, Henry at Walnut Lane,

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2 Aramingo at York, and Aramingo at Castor.

3 As always, I'd like to thank
4 the Council for its past support for the
5 program. There are now 64 cameras at 13
6 intersections, not including the six new
7 cameras at the two intersections around
8 City Hall. The City Hall intersections
9 City Council, which the City Council
10 previously approved, are now in
11 development.

12 The addition of the four
13 intersections into today's ordinance
14 would bring the citywide total to 19.
15 All four proposed intersections are
16 located in places where the posted speed
17 limits are often ignored by motorists
18 throwing caution to the wind and speeding
19 through red lights just to save a few
20 seconds on their trips.

21 Rising Sun and Adams is an
22 intersection that is one of the worst in
23 the City. The Parking Authority has
24 wanted to place cameras here for some
25 time, but until we were allowed by state

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2 statute to convert to the digital
3 cameras, the previous wet film technology
4 was not advanced enough to place the
5 cameras there.

6 Thanks to the cooperation of
7 Councilman Jones and his staff --
8 particularly Joshua Cohen -- the Parking
9 Authority has researched a number of
10 intersections along Henry Avenue before
11 proposing Walnut Street Lane at Henry
12 Avenue. Henry Avenue is notorious for
13 fast and aggressive driving, and the area
14 around Walnut Lane is especially
15 problematic. I believe this
16 intersection, in Councilman Jones's
17 district, to have red light cameras will
18 help change driver behavior on Henry
19 Avenue.

20 The intersection at Aramingo
21 and York Street is the last light before
22 interstate 59 southbound at Girard
23 southbound and is also the entrance to a
24 busy shopping center. Constant traffic
25 congestion in this area has caused many

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2 frustrated motorists to disregard the
3 light here, which has created an unsafe
4 atmosphere for drivers and pedestrians
5 alike.

6 I'd also like to add that, you
7 know, I've witnessed this intersection
8 myself firsthand almost daily. It's in
9 the neighborhood where I grew up, and
10 there are a lot of children that go back
11 and forth across there, and this is a
12 problematic intersection.

13 Finally, there has been a
14 number of serious -- and, in some cases,
15 fatal -- accidents around Aramingo Avenue
16 and Castor Avenue. The development of
17 the commercial sector along this area has
18 created more traffic, which has caused a
19 dangerous situation that this
20 intersection is a large part of. I
21 believe the establishment of the red
22 light cameras at this intersection I just
23 described will help to enhance and extend
24 the program to other dangerous areas in
25 the City.

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2 I would just like to note that
3 this intersection was called to our
4 attention by the battalion chief of
5 Battalion 10, located out of Kensington
6 and Castor, okay, and asked us to look at
7 this one from the number of fire calls,
8 et cetera, that they had had there. It
9 was one we weren't looking at but it was
10 suggested by the chief for the battalion
11 area, and we looked at it.

12 I ask the committee to give
13 Bills 090382, 090386, 090391, and 090407
14 a favorable recommendation and request
15 that the rules be suspended to allow for
16 reading at the next Council session.

17 Thank you again for the
18 opportunity to testify before the
19 committee this afternoon. I would be
20 happy to answer any questions you may
21 have.

22 COUNCILMAN DiCICCO: Thank you.

23 Mr. Denny, you can testify.

24 MR. DENNY: Good evening again.

25 My name is Charles Denny. I'm the

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2 Assistant Chief Traffic Engineer with the
3 Department of Streets and am here to
4 testify on the four bills for
5 red-light-running cameras, and I'll try
6 abbreviate my testimony.

7 Bill No. 090407 and 090382,
8 which are red-light-running camera at
9 Aramingo and Castor, and Rising Sun and
10 Adams, which the Streets Department
11 supports.

12 The Streets Department
13 generally supports the concept of the
14 red-light-running cameras; however, on
15 the other two, we do have some comments.

16 Aramingo and York is the first
17 intersection north of the Girard Avenue
18 interchange with I-95 and is about to
19 start construction. Should be bid this
20 summer and then start construction
21 sometime after. We have not done
22 red-light-running cameras in the area of
23 construction, and I think the Parking
24 Authority needs to work with PennDOT in
25 terms of what the detours are through the

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2 construction site.

3 This intersection is on the
4 north end of the construction site but
5 will be affected by the construction site
6 and actually will be rebuilt as a part of
7 the construction.

8 COUNCILMAN DiCICCO: Before you
9 go any further, Mr. Fenerty, what is your
10 opinion of that? I see you shaking your
11 head.

12 MR. FENERTY: I just became
13 aware of this today. Naturally, PennDOT
14 traffic engineers would have to approve
15 whatever construction there would be. We
16 would be always more than willing to work
17 with them. And rather than come back to
18 Council again, I would hope that the
19 Streets Department would agree to move
20 forward with this one, and we would build
21 that into the time frame that the
22 engineers at PennDOT would do.

23 COUNCILMAN DiCICCO: In other
24 words, pass the bill and then work out
25 the details on the installation?

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2 MR. FENERTY: Yes.

3 COUNCILMAN DiCICCO: And you
4 all would agree on that before --

5 MR. DENNY: Yes.

6 COUNCILMAN DiCICCO: Okay.

7 MR. FENERTY: Before we install
8 anything, we have to have an okay from
9 the Secretary of Transportation.

10 COUNCILMAN DiCICCO: If that
11 works for Streets, then it works for us.

12 MR. FENERTY: That's fine.

13 COUNCILMAN DiCICCO: Thank you.

14 MR. FENERTY: Thank you.

15 MR. DENNY: Then on Bill No.
16 090486, which is the red-light-running
17 enforcement system at Henry Avenue and
18 Walnut Lane, we support the concept, but
19 Walnut Street and Henry Lane are
20 post-mounted traffic signals, and it does
21 not meet current standards. We believe
22 that mast arms should be added before red
23 light enforcement is done.

24 COUNCILMAN DiCICCO: Any
25 questions for these witnesses?

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2 (No questions or comments.)

3 COUNCILMAN DiCICCO: Any other
4 concerns?

5 MR. FENERTY: I think Mr. Denny
6 had a concern about Walnut.

7 COUNCILMAN DiCICCO: Yeah.

8 MR. FENERTY: The technology we
9 have now with digital cameras, we
10 believe -- did a VIN study -- that
11 they're similar to the one at Walnut
12 Street at 58, and the technology would
13 support it.

14 And I became aware of the
15 concerns of the Streets Department when
16 Deputy Mayor Cutler called me yesterday.
17 And it wasn't until Mr. Vogler told me
18 today. I had forgotten we didn't have
19 mast arms at Walnut Street. We believe
20 the technology would support it.

21 If our engineers and traffic
22 engineers agree that mast arms need to be
23 put there, the Parking Authority, I
24 believe, has the full capability of
25 funding the mast arms from the profits of

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2 the program. And that's how we would
3 solve that.

4 I was not fully aware of an
5 objection from the Streets Department
6 until today. It was not communicated. I
7 was just asked about the mast arms.

8 So I think this is something,
9 since we have a very good work
10 relationship with Streets, which can be
11 resolved down the line. I know
12 Councilman Jones has suggested upwards of
13 eight or ten intersections in his
14 district to be studied.

15 And I think if Mr. Denny would
16 agree, we can work this out and see if
17 the technology is good enough to do
18 further testing. If a mast arm is -- if
19 mast arms are needed there, I believe we
20 can pay for that from the profits of the
21 program at the direction of the Streets
22 Department to install them and reimburse
23 the City.

24 COUNCILMAN DiCICCO: If all
25 those conditions were met by the Parking

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 Authority, Mr. Denny, then would there
3 still be objection or no?

4 MR. DENNY: No. And PennDOT
5 has to approve it. And then we'll concur
6 with PennDOT's decision as well.

7 COUNCILMAN DiCICCO: So just a
8 question. Do we vote it out -- we can
9 vote it out today?

10 MR. DENNY: Yeah. I was
11 supporting the concept; I was just
12 recommending that mast arms be installed.

13 COUNCILMAN DiCICCO: Okay.

14 MR. FENERTY: We need to look
15 at it. If the Streets Department
16 engineers think that the mast arms are
17 needed, I would like to get them with
18 the -- at least have them speak with the
19 engineers from --

20 COUNCILMAN DiCICCO: Well, what
21 about if we vote it out favorably. We
22 have a suspension to hold off on final
23 passage until these issues have been
24 addressed all the way around. Would that
25 work?

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2 MR. FENERTY: That would be
3 fine.

4 COUNCILMAN DiCICCO: Whose
5 district would this --

6 MR. FENERTY: That's Councilman
7 Jones's.

8 If I may suggest -- and I don't
9 know the rules of Council. Would it be
10 appropriate to pass it upon final passage
11 before the recess and then we work this
12 out as we move along rather than delay it
13 another three months?

14 COUNCILMAN DiCICCO: As long as
15 there's an understanding -- and the
16 record will reflect -- that nothing will
17 take place until the all the I's have
18 been dotted and the T's have been
19 crossed.

20 MR. FENERTY: I have a had a
21 brief, two-minute conversation with
22 Mr. Denny before we started.

23 COUNCILMAN DiCICCO: Okay.

24 MR. FENERTY: And I would
25 definitely concur to that.

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2 MR. DENNY: That is okay with
3 me.

4 COUNCILMAN DiCICCO: Okay.
5 Well, then we'll do it that way. Thank
6 you.

7 Any other questions, comments?
8 No?

9 (No further questions or
10 comments.)

11 COUNCILMAN DiCICCO: Seeing
12 none, this concludes the public hearing
13 on the Committee on Streets and Services.
14 We'll now go into the public meeting.

15 Councilman Greenlee will read
16 the titles of the bills that are not
17 amended and then we'll go back and do the
18 amended bills.

19 COUNCILMAN GREENLEE: Thank
20 you, Mr. Chair.

21 I move the following bills:

22 090122

23 090259

24 090262

25 090266

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2 090290

3 090291

4 090320

5 090329

6 090382

7 090386

8 090388

9 090391

10 090402

11 090403

12 090404

13 090406

14 090407

15 090409

16 090436

17 090438

18 090441

19 090442

20 I move that all those bill be
21 reported out of this committee with a
22 favorable recommendation and move further
23 that the rules of Council be suspended to
24 allow them to be heard for first reading
25 at our next session of Council.

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2 (Motion duly seconded.)

3 COUNCILMAN DiCICCO: It's been
4 properly moved and seconded that all of
5 the bills that have just been read into
6 the record by Councilman Greenlee be
7 approved with a rules suspension.

8 All those in favor will signify
9 by saying aye.

10 Those opposed?

11 All those bills have been
12 approved.

13 I will now refer to Councilman
14 Greenlee on the amended bills.

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Chair.

17 I move the adoption of the
18 amendment to Bill No. 090123.

19 (Motion duly seconded.)

20 COUNCILMAN DiCICCO: It's been
21 properly moved and seconded that the
22 amendment to Bill No. 090123 be approved.

23 All in favor will signify by
24 saying aye.

25 Those opposed?

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2 The ayes have it, the motion
3 carries.

4 Councilman Greenlee.

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

7 I move that Bill No. 090123, as
8 amended, be reported out of this
9 committee with a favorable recommendation
10 and move further that the rules of
11 Council be suspended to allow for first
12 reading at our next session of Council.

13 (Motion duly seconded.)

14 COUNCILMAN DiCICCO: It's been
15 properly moved and seconded that Bill No.
16 090123, as amended, be reported out of
17 this committee with a favorable
18 recommendation and that the rules of
19 Council be suspended in order to allow
20 for first reading at our next Council
21 session.

22 All those in favor will signify
23 by saying aye.

24 Those opposed?

25 The ayes have it and the bill

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 is approved.

3 Councilman Greenlee.

4 COUNCILMAN GREENLEE:

5 Mr. Chairman, I move the approval of the
6 amendment to Bill No. 090387.

7 (Motion duly seconded.)

8 COUNCILMAN DiCICCO: It's been
9 properly moved and seconded that the
10 amendment to Bill No. 090387 be approved.

11 All in favor will signify by
12 saying aye.

13 Those opposed?

14 The ayes have it, the
15 amendment's approved.

16 Councilman Greenlee.

17 COUNCILMAN GREENLEE:

18 Mr. Chairman, I move that Bill No.
19 090387, as amended, be reported out of
20 this committee with a favorable
21 recommendation and a rules suspension to
22 allow for first reading at our next
23 session of Council.

24 (Motion duly seconded.)

25 COUNCILMAN DiCICCO: It's been

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 properly moved and seconded that Bill No.

3 090387, as amended, be reported out of

4 this committee with a favorable

5 recommendation and that the rules of

6 Council be suspended in order to allow

7 for first reading at our next Council

8 session.

9 All those in favor will signify

10 by saying aye.

11 Those opposed?

12 The ayes have it and the bill's

13 approved.

14 Councilman Greenlee.

15 COUNCILMAN GREENLEE: Mr. Chair

16 man, I move that the approval of the

17 amendment to Bill No. 090444.

18 (Motion duly seconded.)

19 COUNCILMAN DiCICCO: It's been

20 properly moved and seconded that the

21 amendment to Bill No. 090444 be approved.

22 All in favor will signify by

23 saying aye.

24 Those opposed?

25 The ayes have it, the motion

1 6/3/09 COMMITTEE ON STREETS & SERVICES

2 carries.

3 Councilman Greenlee.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. Chairman.

6 I move that Bill No. 090444, as
7 amended, be reported out of this
8 committee with a favorable recommendation
9 and that the rules of Council be
10 suspended so as to allow for first
11 reading at our next session of Council.

12 (Motion duly seconded.)

13 COUNCILMAN DiCICCO: It's been
14 properly moved and seconded that Bill No.
15 090444, as amended, be reported out of
16 this committee with a favorable
17 recommendation and that the rules of
18 Council be suspended in order to allow
19 for first reading at our next Council
20 session.

21 All those in favor will signify
22 by saying aye.

23 Those opposed?

24 The ayes have it and the bill
25 is approved.

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2 This concludes the public
3 meeting on the Committee of Streets and
4 Services. I thank all my committee
5 members and everyone else who
6 participated in these hearings today.
7 Have a good evening.

8 (Proceedings end at 7:10 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Streets and Services are
contained fully and accurately in the
stenographic notes taken by me on Wednesday,
June 3, 2009, and that this is a true and
correct statement of same.

JOSEPHINE CARDILLO

Registered Professional Reporter

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