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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, April 6, 2004
10:15 a.m.

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BILLS 040028, 040112, 040135, 040150,
040151, 040158, 040182, 040185,
040186, 040188, 040208, 040209,
040264, 040265, 040266, 040271.

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PRESENT:

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COUNCILMAN FRANK DICICCO, Chair

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COUNCILMAN JUAN RAMOS

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COUNCILMAN FRANK RIZZO

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COUNCILWOMAN DONNA REED MILLER

18

COUNCILMAN MICHAEL NUTTER

19

COUNCILMAN DARRELL CLARKE

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1 04/06/04 - STREETS - BILL 040185

2 COUNCILMAN DICICCO: Before we get
3 started, Bill No. 040182 is being held at the
4 request of the sponsor.

5 Also, Bill No. 040265 is being held
6 at the request of the sponsor.

7 The Clerk will read the title of the
8 first bill.

9 THE CLERK: Bill No. 040185, an
10 ordinance establishing a "No Truck Parking"
11 regulation on South Seventh Street between
12 Washington Avenue and Fitzwater Street, both
13 sides.

14 COUNCILMAN DICICCO: Good morning,
15 Mr. Denny. Please identify yourself for the
16 record and proceed with your testimony.

17 MR. DENNY: Good morning, Mr.
18 Chairman and Members of the Committee. I
19 thank you for the opportunity to appear before
20 you today. My name is Charles Denny. I'm the
21 Assistant Chief Traffic Engineer for the
22 Department of Streets. I'm here to testify on
23 Bill 040185, a bill establishing a No Truck
24 Parking regulation on South Street from
25 Washington Avenue to Fitzwater Street, both

1 04/06/04 - STREETS - BILL 040185

2 sides.

3 The Streets Department has no
4 objections to this bill. We are posting it
5 under a trial ordinance. We can have the
6 signs posted within four weeks.

7 COUNCILMAN DICICCO: Any questions
8 for the witness from the Committee?

9 (No response.)

10 COUNCILMAN DICICCO: Anyone else
11 here to testify for or against this bill?

12 COUNCILMAN RIZZO: Can I ask a
13 question?

14 COUNCILMAN DICICCO: Councilman
15 Rizzo.

16 COUNCILMAN RIZZO: On these trials
17 that you do, could you describe how it gets to
18 the trial part?

19 Is it a request of the District
20 Councilperson and you can just go and install
21 signs and then do the ordinance later?

22 MR. DENNY: Yes.

23 COUNCILMAN RIZZO: In other words,
24 if you get a request, you look at it and say
25 it's worthy of a trial and you'll do a trial.

1 04/06/04 - STREETS - BILL 040186

2 And then if it works out, you'll go back to
3 the District Councilperson and do an
4 ordinance?

5 Does that fairly describe that?

6 MR. DENNY: If it's worthy of a
7 trial, we'll prepare work orders, post the
8 signs, prepare paperwork that says it's a
9 trial ordinance and forward that to the
10 District Councilperson.

11 COUNCILMAN RIZZO: How often have
12 you -- have you had a situation where you did
13 a trial and you took the signs down and said,
14 "This isn't going to work"?

15 MR. DENNY: Yes.

16 COUNCILMAN RIZZO: You do have that
17 happen on occasion?

18 MR. DENNY: Yes.

19 COUNCILMAN RIZZO: I just want to
20 understand that process. Thank you.

21 COUNCILMAN DICICCO: The Clerk will
22 read the title of the next bill.

23 THE CLERK: Bill No. 040186, an
24 ordinance establishing a "No Truck Parking"
25 regulation on East Passyunk Avenue between

1 04/06/04 - STREETS - BILL 040186

2 Washington Avenue and Fitzwater Street, both
3 sides.

4 MR. DENNY: Thank you again, Mr.
5 Chairman and Members of the Committee. My
6 name again is Charles Denny and I'm the
7 Assistant Chief Traffic Engineer for the
8 Department of Streets. I'm here to offer
9 testimony on Bill 040186, a bill establishing
10 a No Truck Parking regulation on East Passyunk
11 Avenue from Washington Avenue to Fitzwater
12 Street, both sides.

13 The Streets Department has no
14 objections to this bill. We are posting it
15 under a trial ordinance. We can have the
16 signs posted in four weeks.

17 COUNCILMAN DICICCO: Thank you.

18 Any questions for this witness from
19 the Committee?

20 (No response.)

21 COUNCILMAN DICICCO: Anyone who
22 wishes to testify for or against this bill?

23 (No response.)

24 COUNCILMAN DICICCO: Seeing none,
25 the Clerk will read the title of the next

1 04/06/04 - STREETS - BILL 040209

2 bill.

3 THE CLERK: Bill No. 040209, an
4 ordinance establishing a "No Truck Parking"
5 regulation on the 10900 block of Dutton Road.

6 MR. DENNY: Thank you again. My
7 name is Charles Denny and I'm here to offer
8 testimony on Bill 040209, a bill establishing
9 a "No Truck Parking" regulation on the 10900
10 block of Dutton Road, both sides.

11 The Streets Department has no
12 objections to this bill. We are posting it
13 under a trial ordinance. We can have the
14 signs posted in four weeks.

15 COUNCILMAN DICICCO: Councilman
16 Rizzo.

17 COUNCILMAN RIZZO: I'm still a
18 little confused here. Where does it say trial
19 ordinance? It doesn't say trial. This is, to
20 me, an ordinance.

21 MR. DENNY: Well, we can't post the
22 signs until the ordinance passes unless we do
23 it first as a trial. And then when the
24 ordinance passes --

25 COUNCILMAN RIZZO: You just told me

1 04/06/04 - STREETS - BILL 040209

2 that you didn't need to be here to do a trial.

3 MR. DENNY: A bill was introduced
4 and we are here. We can either wait until the
5 bill is passed and then post the signs or we
6 can post it ahead of time as a trial. So it
7 gets done before the bill gets signed.

8 COUNCILMAN RIZZO: If the District
9 Councilperson put an ordinance in to put the
10 signs up, why does it have to be trial? Why
11 can't it just be a done deal?

12 MR. DENNY: It's not a done deal
13 until the bill passes Council and then signed
14 by the Mayor.

15 COUNCILMAN RIZZO: But you keep
16 using the word "trial." It isn't a trial as
17 far as I'm concerned. Maybe your language is
18 trial, but what I'm reading here doesn't
19 mention the word "trial."

20 MR. DENNY: If we post the signs
21 before the bill is signed --

22 COUNCILMAN DICICCO: Then it's a
23 trial.

24 MR. DENNY: Then it's a trial. We
25 can't post the signs before the bill is signed

1 04/06/04 - STREETS - BILL 040209

2 unless we post it as a trial.

3 COUNCILMAN RIZZO: Well, if this
4 flies through, it will be a done deal. You
5 said it's going to take four weeks to get the
6 signs up, so by the time you put the signs up,
7 this should be signed by the Mayor.

8 MR. DENNY: Sometimes it does, and
9 sometimes it doesn't.

10 COUNCILMAN DICICCO: Councilman, I
11 think -- we're getting into kind of semantics
12 here. If for some reason I held the bill, I'm
13 not around to move the bill out for a second
14 and final reading beyond the four weeks, it
15 would still be in that trial phase.

16 The likelihood is that won't occur,
17 but the potential is that it could be voted
18 out of committee today favorably. It may not
19 get to second and final reading within the
20 four weeks. It could possibly happen much
21 later than that.

22 COUNCILMAN RIZZO: But if it did and
23 the ordinance passed, at that moment it is no
24 longer a trial. You'd have to have an
25 ordinance to back out of that ordinance.

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2 MR. DENNY: Correct.

3 COUNCILMAN RIZZO: But my point
4 being is you used the word trial, if this bill
5 passes within the next three weeks, you don't
6 have the signs up, you need another ordinance
7 to cancel the trial.

8 MR. DENNY: If the bill passes, we
9 need another ordinance to cancel the bill,
10 yes.

11 COUNCILMAN RIZZO: All right. I
12 just want to make sure because sometimes you
13 say four weeks and it's eight weeks.

14 COUNCILMAN DICICCO: No, no. You're
15 at the wrong department.

16 COUNCILMAN RIZZO: Excuse me. I
17 rescind that statement. Strike that from the
18 record.

19 COUNCILMAN DICICCO: Any other
20 questions from the Committee for this witness.

21 (No response.)

22 COUNCILMAN DICICCO: Anyone else
23 here who wishes to testify for or against the
24 bill?

25 (No response.)

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2 COUNCILMAN DICICCO: Seeing none,
3 the Clerk will read the title of the next
4 bill.

5 THE CLERK: Bill No. 040028, an
6 ordinance granting permission to 900 South
7 Front Street, LLC, owner of the property 900
8 South Front Street, Philadelphia, PA 19147, to
9 operate and maintain an open air sidewalk cafe
10 on the southwest corner of Front and Christian
11 Streets, under certain terms and conditions.

12 MR. MAUTZ: Good morning, Chairman
13 and Members of the Committee, my name is
14 William Mautz and I'm a construction engineer
15 with the Streets Department. I'm here to
16 offer the following testimony for Bill No
17 040028 on behalf of the Streets Department.

18 This bill grants permission to 900
19 South Front Street, LLC, owner of the property
20 900 South Front Street to operate an open air
21 cafe at the southwest corner of South Front
22 and Christian Street adjacent to the property.
23 Four tables are proposed. Two tables will be
24 located on Christian Street which will leave 8
25 feet, 6 inches of clear unobstructed footway.

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2 Two tables will be located on South Front
3 Street which will leave 10 feet of clear
4 unobstructed footway. No rails will be used.

5 The Streets Department has reviewed
6 the cafe plan and has no objection to the
7 passage of this bill.

8 COUNCILMAN DICICCO: Thank you. Any
9 questions for this witness from the Committee?

10 (No response.)

11 COUNCILMAN DICICCO: Anyone else who
12 wishes to testify for or against the bill?

13 (No response.)

14 COUNCILMAN DICICCO: Seeing none,
15 the Clerk will read the title of the next
16 bill.

17 THE CLERK: Bill No. 040150, an
18 ordinance granting permission to Carmen
19 Polutro and Joseph Polutro, owners of the
20 property 2650 South 15th Street, to operate
21 and maintain an open air sidewalk cafe on the
22 northwest corner of South 15th Street and
23 Oregon Avenue, under certain terms and
24 conditions.

25 MR. MAUTZ: Good morning, Chairman

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2 and Members of the Committee. My name is
3 William Mautz and I'm a construction engineer
4 with the Streets Department. I'm here to
5 offer the following testimony for Bill No.
6 040150 on behalf of the Streets Department.

7 This bill grants permission to
8 Carmen and Joseph Polutro, owners of the
9 property 2650 South 15th Street to operate an
10 open air sidewalk cafe on the north footway of
11 Oregon Avenue adjacent to the property. Six
12 tables are proposed which will leave nine feet
13 of clear, unobstructed footway. No rails will
14 be used.

15 The Streets Department has reviewed
16 the cafe plan and has no objection to the
17 passage of the bill.

18 COUNCILMAN DICICCO: Any questions
19 for this witness from the Committee?

20 (No response.)

21 COUNCILMAN DICICCO: Anyone else
22 here who wishes to testify for or against the
23 bill?

24 (No response.)

25 COUNCILMAN DICICCO: The Clerk will

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2 read the title of the next bill.

3 THE CLERK: Bill No. 040188, an
4 ordinance granting permission to TCG Delaware
5 Valley, Inc, a Delaware corporation, its
6 successors and assigns to construct, maintain
7 and operate, replace, and remove
8 telecommunications service connections and
9 fiber optic cables for telecommunications
10 purposes along, over, in and under the public
11 rights-of-way of Caroline Road and Comly Road;
12 all under certain terms and conditions.

13 MR. MAUTZ: Good morning, Chairman
14 and Members of the Committee. My name is
15 William Mautz, and I'm a construction engineer
16 with the Streets Department. I am here to
17 offer the following testimony for Bill No.
18 040188 on behalf of the Streets Department.

19 This bill authorizes TCG Delaware
20 Valley, Inc., to construct, own and maintain
21 an underground telecommunications service
22 connection and fiber optic cables for
23 telecommunication purposes under the public
24 rights of way of Caroline Road and Comly Road.

25 The Streets Department has reviewed

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2 the construction plans for this project and
3 has no objection to the passage of the bill.

4 COUNCILMAN DICICCO: Any questions
5 for this witness?

6 Councilman Rizzo.

7 COUNCILMAN RIZZO: Mr. Mautz, in
8 this particular ordinance, is there any new
9 aerial construction associated with this
10 project. Are we adding any aerial
11 construction at all in this community?

12 MR. MAUTZ: For this particular
13 bill, there's no aerial facilities.

14 COUNCILMAN RIZZO: It's all
15 underground?

16 MR. MAUTZ: That's correct.

17 COUNCILMAN RIZZO: Because it does
18 say over, in and under.

19 MR. MAUTZ: That's standard language
20 that the Law Department would put in the bill,
21 but this is entirely underground.

22 COUNCILMAN RIZZO: Thank you.

23 COUNCILMAN DICICCO: Councilmember
24 Clarke.

25 COUNCILMAN CLARKE: Thank you, Madam

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2 Chairman.

3 I have a question more in a general
4 sense as it relates to trenching. Are we
5 looking at a policy to increase fees for
6 trenching and excavation for communication
7 lines?

8 MR. MAUTZ: As far as communication
9 lines, I'm not specifically aware of that.
10 I'm not aware of that.

11 COUNCILMAN CLARKE: Do we
12 traditionally -- is there a cost to the City
13 as a result of trenching above and beyond what
14 the normal fees are for complete restoration,
15 just generally?

16 MR. MAUTZ: For this type of bill
17 and the permit that would be issued for it,
18 which is a highway opening permit, the grantee
19 or the contractor is required to restore the
20 trench to our specifications. Currently, this
21 isn't fee based, but through an application to
22 the Community of Highway Supervisors it's
23 mandated that they're going to go and restore
24 the trench to our requirements.

25 COUNCILMAN CLARKE: To your

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2 knowledge, the restoration of the streets, has
3 it traditionally withstood the winters, the
4 seasons that we have in the city of
5 Philadelphia, or do we have a situation that
6 as a result of the restoration during bad
7 weather that comes up more so than it would if
8 it were just a normal street?

9 MR. MAUTZ: It's my opinion that
10 once you go and make any sort of hole in the
11 street, whether it's a plumber's trench,
12 something that PGW or PECO might do in terms
13 of emergency repair or any sort of trenching
14 operation that you do compromise the life of
15 the street. If one could go and completely
16 rip something out and restore it in kind, you
17 would have much better integrity in life of
18 the particular street. But once you would go
19 and physically open something up, there's all
20 kinds of contractors that do great jobs,
21 there's other ones that don't do such good
22 jobs -- I mean, I'm generalizing, but once you
23 would go and open up a street in any fashion,
24 over the years that's going to be a point of
25 deterioration.

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2 COUNCILMAN CLARKE: And I'm assuming
3 that the specifications that we give are
4 minimal specifications?

5 A good contractor would probably
6 make restoration better than a lesser
7 contractor, but the lesser contractor meets
8 the traditional specs.

9 MR. MAUTZ: I don't know if I would
10 necessarily categorize it as minimum. I mean,
11 a lot of stuff that the Streets Department
12 mandates is very similar to what PennDOT
13 requires in their roadway restoration. So I
14 don't think we would necessarily be requiring
15 minimum effort by anybody.

16 COUNCILMAN CLARKE: Do we require
17 minimal life of the restoration, say that our
18 specifications on the restoration would have a
19 life span of two years, five years, under
20 normal conditions? Or we just simply say
21 restore at grade certain materials?

22 And I know it's difficult to project
23 a life term of a restoration, but I'm
24 wondering because I see visually, you know,
25 you see these potholes, they're traditionally

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2 around plumbers ditches or other types of
3 within vehicular way. I'm wondering if we --

4 MR. MAUTZ: Unfortunately, no matter
5 how great of a job one would do, the materials
6 that we use are subject to a lot of
7 environmental conditions, heat, cold,
8 expansion, contraction. No matter how great
9 of a thing we would specify -- I guess what
10 I'm saying is our materials aren't perfect,
11 they're only going to last for so long. I
12 know the Streets Department has done some
13 studies in terms of streets, degradation
14 studies I believe it's called. We have looked
15 at it.

16 COUNCILMAN CLARKE: Why don't we
17 just charge more money?

18 COUNCILMAN DICICCO: Correct me if I
19 I'm wrong, Mr. Mautz. A few years ago I know
20 I had some legislation for a company that was
21 looking to lay some cable throughout the City.
22 I forgot what the purpose was. RCN, RNC,
23 something like that. And we were involved in
24 the conversations at the time about the cost
25 of maintaining the highways because it does

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2 interfere with the integrity. And once you
3 dig up the street, the life expectancy of that
4 street is reduced significantly. And I know
5 we talked some fee structures at the time.
6 Did we not implement some prorated, if that's
7 the correct way of describing it, cost to the
8 contractor for the purpose of opening the
9 street that would benefit the City or defray
10 some of our costs, the City's costs going
11 forward?

12 MR. MAUTZ: The only thing where
13 there's anything fee based has to do with
14 plumbers permits for ditches. There is a
15 component in there for fees where the plumber
16 would pay for the ditch to be restored up
17 front and the Streets Department would
18 physically go out and do the work within 30
19 days of the trench being filled. But other
20 than that, our highway opening permits are
21 currently not fee based.

22 COUNCILMAN DICICCO: If memory
23 serves me right --

24 Excuse me for interrupting,
25 Councilman Clarke.

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2 But I thought we agreed at the time
3 that there would be some change in the fee
4 structure to address those very issues that
5 Councilman Clarke brought up because there are
6 a lot of companies who were opening up
7 streets, especially in those areas where they
8 couldn't coexist with another company who
9 already had services in those conduits or
10 whatever that were under the street where you
11 had to literally start a whole new set of
12 conduits. I thought at the time there was
13 some agreement with the Streets Department
14 that the fees would be restructured not to be
15 unbusiness friendly but as a way of reducing
16 the cost to the taxpayers going forward.

17 You're saying that, to the best of
18 your knowledge, that hasn't occurred.

19 MR. MAUTZ: That's correct. The
20 highway opening permits for this type of work
21 are not fee based.

22 COUNCILMAN RIZZO: May I follow-up?

23 COUNCILMAN DICICCO: Councilman
24 Rizzo.

25 COUNCILMAN RIZZO: I'm glad

1 04/06/04 - STREETS - BILL 040188
2 Councilman DiCicco and Councilman Clarke
3 brought this up. For years I've been talking
4 about the fact that we use the word "pothole"
5 broadly. And I can tell you, most of the
6 potholes that I hit weren't the ones that God
7 made; PGW made them, PECO Energy made them,
8 the Water Department made them. And it really
9 distresses me when I see a crew leave a
10 location, a Water Department crew or a PGW
11 crew, and what they call their temporary patch
12 where they just throw the backfill back in the
13 hole they tamp it. Scenario: It rains that
14 night. The next thing, you're coming down the
15 street and that entire excavation has started
16 to erode and you hit that and you blow out two
17 front tires or whatever, and it's because the
18 crew did not restore that to the temporary
19 standard that they're supposed to restore it
20 to. So this wasn't a pothole that just
21 happened to happen. Or I can tell you that
22 there are some utilities -- and I have to say
23 PECO Energy does a good job at replacing --
24 you know, I see temporary repairs done all the
25 time where the joint isn't sealed with tar

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2 around the perimeter of the repair. And
3 what's going to happen? The first thing,
4 water's going to get down there and it's going
5 to buckle. I believe, and I've been talking
6 to every Streets Commissioner since I've been
7 here asking them -- they told me that there
8 was supposed to be a task force with all the
9 utility companies to talk about how we repair
10 these, and I haven't seen anybody really grab
11 ahold of this and fix it. Because, you know,
12 maybe now that we're losing some of the City
13 cars and they hit it with their own, they
14 might get the attention. But it's a damn
15 shame to see a person on the side of the road
16 with their four-ways on that hit one of these
17 temporary excavations or they hit one of these
18 repair jobs that's only lasted a couple
19 cycles, a couple years. Somebody's really got
20 to do something about this, because I believe
21 what Councilman Clarke allude to, I think
22 they're cutting corners. I think that there
23 is a standard that's supposed to be introduced
24 when they make these repairs, and I think that
25 they are saving a lot of dollars. And if 10

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2 holes are being repaired, they look good a
3 week after they're done, but a month or a
4 season later they're in big trouble and they
5 create a problem.

6 I think that the Commissioner should
7 assign somebody to look at this, because we
8 don't even protect these -- a crew leaves and
9 they put a traffic cone. You know, Hunting
10 Park Avenue, big hole, they put one traffic
11 cone; that's work area protection, one traffic
12 cone. The first truck that comes by blows it
13 away and everybody behind winds up hitting
14 this hole. I think it's, again, a disgrace
15 that we expose people, visitors and our
16 motorist and pedestrians the way we leave some
17 of these excavations. I don't mean to preach,
18 but it's been something that's been bothering
19 me a long time. And I'm glad Councilman
20 Clarke brought it up because somebody really
21 needs to do something.

22 So would you carry this message back
23 to the Commissioner and let him know that I
24 think really something's got to be done to
25 enforce the standard. And if the stand is

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2 loose, it should be tightened up because the
3 subcontractor that gets paid big money to
4 repair those should be repairing them
5 according to the specification that you have
6 and not one inch of material instead of
7 four-inch or modified -- it's just, I think, a
8 very bad situation.

9 Thank you, Mr. Chairman.

10 COUNCILMAN DICICCO: Thank you.

11 Any questions?

12 Let the record reflect that
13 Councilmember Ramos is now here as well.

14 I want to go back to the two
15 previous bills concerning the outdoor cafes,
16 Mr. Mautz. Will the owners of this these
17 properties need to have to wait for the bill
18 to pass?

19 What I've done in the past in my
20 district -- one of the bills is my district.
21 The 15th Street bill, Bill No. 040150 is in
22 Council President's district. I've done a
23 letter to your office or the Commissioner's
24 saying that I have every intention of passing
25 the bill, getting it out of Committee, so if

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2 the owners decided they wanted to set up this
3 weekend they would be allowed to. There won't
4 be any problem if they do that?

5 MR. MAUTZ: I certainly wouldn't
6 have an issue with it. You might want to
7 include something to Licenses and Inspection.

8 COUNCILMAN DICICCO: Yes, I'll do a
9 letter to the Commissioner of L&I.

10 Mr. Polutro, hopefully the weather
11 will break in the next few days, so if you get
12 an early start and set up the cafe, you don't
13 need to wait because we're not in session this
14 week. Mr. Haigler has a comment, I'm sure.
15 We won't be in session this week so by the
16 time we get to the second reading we're three
17 weeks out which is almost a month out and I'd
18 like to get them started as quickly as
19 possible.

20 Mr. Haigler.

21 MR. HAIGLER: Otis Haigler,
22 Legislative Regulatory Affairs Manager for
23 Licenses and Inspections.

24 Yes, Councilman, you're correct that
25 in the past you have given us letters

1 04/06/04 - STREETS - BILL 040188
2 indicating that -- giving some dispensation to
3 persons who want to operate. The only thing
4 we ask, though, is that they comply with all
5 of the requirements of the particular
6 ordinance, meaning that they have to have the
7 insurance, the bonding that I believe that's
8 required. So as long as they were to do that,
9 then I believe --

10 COUNCILMAN DICICCO: If their
11 paperwork is in order.

12 MR. HAIGLER: That's correct.

13 COUNCILMAN DICICCO: I apologize. I
14 didn't notice you back there, Mr. Haigler. I
15 certainly would have brought you up for your
16 comments, but I didn't notice you were sitting
17 in the back of the room. I apologize.

18 MR. HAIGLER: That's okay.

19 COUNCILMAN DICICCO: Thank you.

20 You understand, Carmen, that you can
21 now go, provided you have the proper licensing
22 and bonding, whatever it is -- I'll do a
23 letter -- I can't do a letter for you,
24 actually, you should see Councilwoman Verna.
25 Go across the hall, ask for Dianne. If she

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2 needs any explanation, ask her to come over
3 and see me. So you can start it rather than
4 wait three four weeks for the bill to pass.

5 COUNCILMAN RIZZO: And the weather
6 will be just fine.

7 COUNCILMAN DICICCO: I hope so. I
8 hope the weather is fine.

9 The Clerk will read the title of the
10 next bill.

11 THE CLERK: Bill No. 040208, an
12 ordinance authorizing Homewood Suites Hotel,
13 Stout Road Associates, 4200 City Avenue,
14 Philadelphia, PA 19131, owners of the property
15 4200 City Avenue, their successors and assigns
16 to construct and maintain a building addition
17 and footing into the public right-of-way of
18 Stout Road east of City Avenue, under certain
19 terms and conditions.

20 MR. MAUTZ: Good morning, Chairman
21 and Members of the Committee. My name is
22 William Mautz. I'm a construction engineer
23 with the Streets Department. I'm here to
24 offer the following testimony for Bill No.
25 040208 on behalf of the Streets Department.

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2 This bill authorizes Homewood Suites
3 Hotel, Stout Road Associates, owners of the
4 property 4200 City Avenue to construct and
5 maintain a building addition and footing into
6 the public right-of-way of Stout Road. The
7 12-story building addition will partially
8 encroach into the north footway of Stout Road
9 at three locations.

10 The Streets Department has reviewed
11 the construction plans for this project. As
12 the encroachments do not affect public
13 right-of-way, the Streets Department
14 recommends passage of this bill.

15 COUNCILMAN DICICCO: Good morning.
16 Please identify yourself for the record and
17 proceed with your testimony.

18 MR. KELSON: Peter Kelson on behalf
19 of the Homewood Suites Hotel, Stout Road
20 Associates.

21 The encroachment, Members of the
22 Committee, that we're proposing is extremely
23 small and it will allow us to construct this
24 addition to the existing hotel, a 12-story
25 addition and a real complement to the City

1 04/06/04 - STREETS - BILL 040208

2 Avenue area.

3 The area in which we would encroach,
4 as indicated, is very small, but it's also on
5 the grassy area of Stout Road. There will be
6 no physical encroachment into anything
7 remotely appearing to be sidewalk or streets.

8 And, therefore, we would ask your
9 consideration for the grant of this relief.

10 In addition, we would ask for suspension of
11 Rules to allow more favorable time frame.

12 If you have any questions, we would
13 be happy to answer it.

14 COUNCILMAN DICICCO: Councilman
15 Nutter, who is not a member of this Committee
16 but who has joined us this morning.

17 COUNCILMAN NUTTER: Actually, this
18 is my first week of service on this Committee,
19 which I've been trying to avoid for 12 years
20 now. But I'm now on this Committee.

21 COUNCILMAN DICICCO: I apologize.
22 I'm so accustomed to you sitting in your chair
23 at these hearings, I didn't realize it.

24 COUNCILMAN NUTTER: Thank you, Mr.
25 Chairman. I would only add to the record that

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2 there have been community meetings about the
3 proposed expansion of the City Avenue Hilton
4 and at this location. The owner has been very
5 forthright with the community, and we're very
6 excited about this particular project. So I
7 can only give my strong support for it. Thank
8 you.

9 COUNCILMAN DICICCO: Thank you. And
10 again, I apologize for not recognizing who was
11 on my Committee.

12 Any other questions for these
13 witnesses from the Committee?

14 (No response.)

15 COUNCILMAN DICICCO: Anyone else
16 here who wishes to testify for or against the
17 bill?

18 (No response.)

19 COUNCILMAN DICICCO: Seeing none,
20 the Clerk will read the title of the next
21 bill.

22 THE CLERK: Bill No. 040135, an
23 ordinance authorizing the revision of lines
24 and grades on a portion of City Plan No. 307
25 by striking and abandoning portions of a

1 04/06/04 - STREETS - BILL 040135
2 certain pedestrian walkway and right-of-way
3 for gas main purposes lying between fourth
4 street and fifth street within the lines of
5 former Commerce Street, under certain terms
6 and conditions.

7 MR. LONIE: Good morning, Mr.
8 Chairman and Members of the Committee. My
9 name is Paul Lonie, Survey Bureau Manager of
10 the Department of Streets, and the Department
11 would like offer the following testimony on
12 Bill No. 040135.

13 This is not an Administration
14 ordinance, but an ordinance requested by Mr.
15 Christopher Preate of Cozen O'Connor
16 Attorneys, 1900 Market Street, who represent
17 the National Museum of American Jewish
18 History.

19 The purpose of this ordinance is to
20 vacant a pedestrian walkway and right-of-way
21 to allow for building expansion.

22 This ordinance is supported by the
23 Department of Streets and is recommended to
24 your Committee for favorable action.

25 COUNCILMAN DICICCO: Good morning,

1 04/06/04 - STREETS - BILL 040135

2 sir.

3 MR. SOFFER: Good morning, Mr.
4 Chairman and Members of the Streets and
5 Services Committee. My name is Martin Soffer,
6 I'm a City Planner and I'm here to testify on
7 behalf of the City Planning Commission.

8 The proposed ordinance authorizes
9 the striking and the abandon of certain
10 portions of an existing pedestrian walkway in
11 the Old City section of Center City.

12 The purpose of this ordinance is to
13 relocate the existing pedestrian walkway to
14 allow for the expansion of the National Museum
15 of American Jewish History.

16 The Planning Commission staff
17 reviewed and tentatively approved this action
18 on October 11, 2002. Therefore, the Planning
19 Commission recommends that the Bill No. 040135
20 be approved. Thank you.

21 COUNCILMAN DICICCO: Thank you.

22 Any questions for these witnesses
23 from the Committee?

24 (No response.)

25 COUNCILMAN DICICCO: Anyone else

1 04/06/04 - STREETS - BILL 040158

2 here who wishes to testify for or against the
3 bill?

4 (No response.)

5 COUNCILMAN DICICCO: Seeing none,
6 the Clerk will read the title of the next
7 bill.

8 THE CLERK: Bill No. 040158, an
9 ordinance amending Section 2 of an ordinance,
10 Bill No. 020740, approved January 23, 2003,
11 entitled an ordinance authorizing the revision
12 of lines grades on a portion of City Plan No.
13 58 by striking from the City Plan and vacating
14 Olive Street to Percy Street to 10th Street by
15 striking from the City Plan and vacating
16 Hutchinson Street from Olive Street to Brown
17 Street and by reserving and placing on the
18 City Plan a right-of-way for drainage
19 purposes, water main purposes and public
20 utility purposes within the bed of Hutchinson
21 Street, under certain terms and conditions by
22 extending the time for compliance within the
23 conditions stated therein.

24 MR. LONIE: Good morning, Mr.
25 Chairman and Members of the Committee. Again,

1 04/06/04 - STREETS - BILL 040158

2 my name is Paul Lonie, the Survey Bureau
3 Manager of the Department of Streets. The
4 department would like to offer the following
5 testimony on 040158.

6 This is not an Administration
7 ordinance but an ordinance requested Mr. Jian
8 Li Wen of Sun Kee Tofu 715 North 10th Street.

9 The purpose of this ordinance is to
10 extend the time period to strike and vacate
11 Olive and Hutchinson Streets to enhance the
12 safety and security of the businesses and
13 alleviate short dumping in the area.

14 This ordinance is supported by the
15 Department of Streets and is recommended to
16 your Committee for favorable action.

17 COUNCILMAN DICICCO: Thank you. Any
18 questions for these witnesses from the
19 Committee?

20 (No response.)

21 COUNCILMAN DICICCO: Anyone else
22 here who wishes to testify for or against the
23 bill?

24 (No response.)

25 COUNCILMAN DICICCO: Seeing none,

1 04/06/04 - STREETS - BILL 040264

2 the Clerk read the title of the next bill.

3 THE CLERK: Bill No. 040264, an
4 ordinance authorizing the revision of lines
5 and grades on City Plan No. 42 by striking
6 from the City Plan and abandoning a certain
7 right-of-way for municipal and public utility
8 purposes extending from Market Street
9 southwestwardly to 33rd Street and reserving
10 and placing on the City Plan a right-of-way
11 for drainage purposes, water main purposes,
12 and public utility purposes, under certain
13 terms and conditions.

14 MR. LONIE: Good morning, Mr.
15 Chairman. Again, my name is Paul Lonie,
16 Survey Bureau Manager for the Department of
17 Streets, and the Department would like offer
18 the following testimony on Bill No. 040264.

19 This is not an Administration
20 ordinance but an ordinance requested by Alice
21 Beck Dubow, Deputy General Council, Drexel
22 University, 3201 Arch Street.

23 The purpose of this ordinance is to
24 relocate existing utility lines in the campus
25 to facilitate new construction at Drexel

1 04/06/04 - STREETS - BILL 040266

2 University.

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

6 COUNCILMAN DICICCO: Any questions
7 for this witness from the committee?

8 (No response.)

9 COUNCILMAN DICICCO: Anyone else who
10 wishes to testify for or against the bill?

11 (No response.)

12 COUNCILMAN DICICCO: Seeing none,
13 the Clerk will read the title of the next
14 bill.

15 THE CLERK: Bill No. 040266, an
16 ordinance amending Section 2 of an ordinance,
17 Bill No. 020716, approved January 23, 2003,
18 entitled an ordinance authorizing the revision
19 of lines and grades on a portion of City Plan
20 No. 197 by striking from the City Plan and
21 vacating Wensley Street from the Southeasterly
22 line of the Delaware Expressway more or less,
23 to a point approximately 183 feet
24 southeastwardly therefrom, under certain terms
25 and conditions, by extending the time for

1 04/06/04 - STREETS - BILL 040266
2 compliance with the conditions stated therein.

3 MR. LONIE: Good morning, Mr.
4 Chairman and Members of the Committee. My
5 name is Paul Lonie, Survey Bureau Manager of
6 the Department of Streets. The Department
7 would like to offer the following testimony on
8 Bill No. 040266.

9 This is not an administration
10 ordinance but an ordinance requested by
11 William Parker, the president of William
12 Parker Associates, 2845 West Moreland Street.

13 The purpose of this ordinance is to
14 extend the time period to strike Wensley
15 Street from the City plan to solve a rear
16 entrance security problem and expand existing
17 businesses.

18 This ordinance is supported by the
19 Department of Streets and is recommended to
20 your Committee for favorable action.

21 MR. SOFFER: Good morning, Mr.
22 Chairman and Members of the Streets and
23 Services Committee. My name is Martin Soffer,
24 City Planner, and I'm here to testify on
25 behalf of the City Planning Commission.

1 04/06/04 - STREETS - BILL 040112

2 The proposed ordinance, formally
3 introduced as Bill No. 020716, authorizes the
4 striking from the City Plan and the vacating
5 of a minor stub-end street located in the Port
6 Richmond section of North Philadelphia. The
7 purpose of this ordinance is to permit William
8 Parker Associates, Inc., the adjacent property
9 owner, to secure the area for future
10 expansion.

11 Therefore, by action at its meeting
12 on December 17, 2004, the Planning Commission
13 recommends that Bill No. 040266 be approved.
14 Thank you.

15 COUNCILMAN DICICCO: Thank you.

16 Any questions for these witnesses
17 from the Committee?

18 (No response.)

19 COUNCILMAN DICICCO: Anyone else who
20 wishes to testify for or against the bill?

21 (No response.)

22 COUNCILMAN DICICCO: Seeing none,
23 the Clerk will read the title of the next
24 bill.

25 THE CLERK: Bill No. 040112, an

1 04/06/04 - STREETS - BILL 040112
2 ordinance amending Section 9-212 of The
3 Philadelphia Code entitled "Newsstands" by
4 prohibiting the newsstands within the area
5 bonded by Dyre Street, Cheltenham Avenue, Penn
6 Street and Frankford Avenue, including both
7 sides of the streets and avenues bounding this
8 area, all under certain terms and conditions.

9 COUNCILMAN DICICCO: Good morning,
10 Mr. Haigler. Please identify for the record
11 and proceed with your testimony.

12 MR. HAIGLER: Good morning,
13 Councilman DiCicco and Members of the
14 committee. I am Otis Haigler, Jr.,
15 Legislative Regulatory Affairs Manager for the
16 Department of Licenses and Inspections.

17 First of all, I'd like to apologize.
18 I didn't prepare any written testimony for
19 this particular bill because it was a little
20 bit of confusion there as to exactly the role
21 of L&I with respect to the location of
22 newsstands. This is, I believe, the first
23 bill that we had to deal with since the
24 original newsstand ordinance passed where we
25 are prohibiting a location for newsstands.

1 04/06/04 - STREETS - BILL 040112

2 But I had read the bill, and the Department of
3 Licenses and Inspections offers no objections
4 to the enactment of this ordinance. I also
5 had spoken with Councilwoman Krajewski's
6 office and ascertained that at the present
7 time there were no newsstands at that present
8 location. So we have no objection with the
9 prohibition of newsstands at that location.

10 COUNCILMAN DICICCO: Thank you.

11 Mr. Mautz.

12 MR. MAUTZ: Good morning, Chairman
13 and Members of the Committee and I'm a
14 construction engineer with the Streets
15 Department.

16 I have not made any formal
17 testimony, but I will second what Mr. Haigler
18 has said, that the Streets Department is not
19 in opposition of this bill.

20 COUNCILMAN DICICCO: Thank you.

21 Any questions for these witnesses
22 from the Committee?

23 (No response.)

24 COUNCILMAN DICICCO: Anyone else who
25 wishes to testify? Ms.

1 04/06/04 - STREETS - BILL 040112

2 Jones and whoever is with you.

3 Please identify yourself for the record and
4 proceed with your testimony.

5 MR. NUXOLL: Good morning, Mr.

6 Chairman and Members of the Streets Committee.

7 My name is Tom Nuxoll, SEPTA's Communication
8 Manager for the Frankford Transportation
9 Center Project, and I'm here to testify in
10 support of Bill No. 040112.

11 Frankford Transportation Center
12 Project or FTC is a \$187 million capital
13 improvement project to replace the defunct
14 Frankford Terminal, the eastern terminus of
15 SEPTA's Market-Frankford line. Although SEPTA
16 began operating the new City-owned facility
17 last August, work on FTC continues and will
18 reach completion with the opening of a 1,000
19 space parking garage in 2005.

20 Built into the FTC project are
21 retail spaces to accommodate up to 11
22 businesses. While all these locations are not
23 yet ready for leasing, several of the spaces
24 were publicly advertised over the winter and
25 the first businesses are expected to begin

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2 opening for the public this summer.

3 Last fall, with the interest of
4 bolstering the viability of these business
5 outlets within the terminal, SEPTA contacted
6 Councilwoman Krajewski's office and requested
7 that steps be taken to prohibit the licensing
8 of outdoor vendors in the immediate vicinity
9 of the FTC complex. SEPTA has shared
10 information regarding this proposed
11 prohibition on outdoor vending at meetings of
12 the Bridge-Pratt Business and Professional
13 Association and the Future of Frankford
14 Committee. SEPTA has received no objections
15 on this proposals. I will also note that the
16 Frankford Community Development Corporation
17 supports this ordinance.

18 The FTC project has physically
19 transformed the Bridge-Pratt area, greatly
20 improving the likelihood of additional private
21 investment. SEPTA believes that the proposed
22 ordinance serves the common good in providing
23 viable business opportunities for those who
24 wish to serve the riding public, while also
25 preventing the unplanned establishment of

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2 outdoor stands that frequently detract from
3 the aesthetics of a community.

4 COUNCILMAN DICICCO: Ms. Jones, are
5 you testifying?

6 MS. JONES: No, just here in support
7 of bill.

8 COUNCILMAN DICICCO: Thank you.

9 Any questions for these witnesses
10 from these from the Committee?

11 Councilman Rizzo.

12 COUNCILMAN RIZZO: We're talking
13 about 040112?

14 COUNCILMAN DICICCO: Yes.

15 COUNCILMAN RIZZO: Is the Newsstand
16 Association aware of this prohibition?

17 MR. NUXOLL: Not to my knowledge

18 COUNCILMAN DICICCO: I don't know
19 either, Councilman Rizzo. I suspect that if
20 they were aware of it, they've made their
21 position known to the sponsor of the bill,
22 Councilwoman Krajewski. The only time there's
23 activity with newsstands in my district, they
24 do contact me. But I'm just guessing that
25 they've already made that contact.

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2 COUNCILMAN RIZZO: It would be nice
3 that they know.

4 COUNCILMAN DICICCO: Well, it would
5 be, but it doesn't mean that newsstand is part
6 of the association. There are a number of
7 newsstand operators out there who are not part
8 of the association. So at this point, it's
9 anybody's guess.

10 I would like to point out to you,
11 Ms. Jones, for a number of years it's been on
12 my mind. There's a newsstand located at the
13 northeast corner of Broad and Snyder. I think
14 it's a public safety problem there. It's
15 right where people board the bus, the Snyder
16 Avenue bus, and exit or enter the subway
17 station. You might want to take a look at it.
18 If you think that it's an impediment for SEPTA
19 customers, please let me know. I don't want
20 to eliminate the newsstand, but maybe we could
21 move it a little bit further east on Snyder or
22 maybe around the corner onto Broad Street. I
23 think it's a serious problem there and has
24 been. For whatever reason, I never did any
25 legislation, but it just came to mind. If you

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2 wouldn't mind looking at that.

3 MS. JONES: I will do that.

4 COUNCILMAN DICICCO: As well as the
5 newsstand at the southeast corner of Broad and
6 Tasker. But Broad and Snyder causes me most
7 of the problems in terms of public safety and
8 circulation for your customers. Take a look
9 at it. If you think it is an impediment, I
10 certainly would do legislation to adjust that
11 or correct that.

12 MS. JONES: I'll have operations
13 people look into that.

14 COUNCILMAN DICICCO: Thank you.

15 Any other questions for witnesses?

16 (No response.)

17 COUNCILMAN DICICCO: Anyone else
18 here who wishes to testify for or against the
19 bill?

20 (No response.)

21 COUNCILMAN DICICCO: Seeing none,
22 the Clerk will read the title of the next
23 bill.

24 THE CLERK: Bill No. 040151, an
25 ordinance amending Section 9-204 of The

1 04/06/04 - STREETS - BILL 040151
2 Philadelphia Code entitled "Sidewalk Vendors
3 in Center City" by exempting sidewalk sales by
4 owners and tenants of 1523 and 1529 Spruce
5 Street, and permitting such activity under
6 certain terms and conditions.

7 COUNCILMAN DICICCO: Good morning,
8 Mr. Haigler. Please identify yourself for the
9 record and proceed with your testimony.

10 MR. HAIGLER: Good day, Councilman
11 DiCicco and Members of the Committee. I am
12 Otis Haigler, Jr., Legislative and Regulatory
13 Affairs Manager for the Department of Licenses
14 and Inspections. Today I'm here to provide
15 testimony on Bill 040151, which if enacted
16 will permit the vending of goods and
17 merchandise by the owners or tenants of 1523
18 and 1529 Spruce Street on the sidewalk
19 abutting their business establishments under
20 certain terms and conditions.

21 The Department offers no objections
22 to the enactment of Bill 040151, as this is
23 within the sponsor's prerogative.

24 Thank you. I'll be happy to answer
25 any questions at this time.

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2 COUNCILMAN DICICCO: Any questions
3 for this witness from the Committee?

4 (No response.)

5 COUNCILMAN DICICCO: There is no one
6 else here to testify.

7 The Clerk will read the title of the
8 next bill.

9 THE CLERK: Bill No. 040271, an
10 ordinance amending Sections 9-205 and 9-206 of
11 The Philadelphia Code relating to sidewalk
12 sales and sidewalk vendors in neighborhood
13 business districts, by adding designated
14 neighborhood business district on Germantown
15 Avenue between York Street and Butler Street,
16 and making technical changes, all under
17 certain terms and conditions.

18 COUNCILMAN DICICCO: Good morning,
19 Mr. Haigler.

20 MR. HAIGLER: Good day, Councilman
21 DiCicco and Members of the Committee. I am
22 Otis Haigler, Jr., legislative and Regulatory
23 Affairs Manager for the Department of Licenses
24 and Inspections. Today I'm here to provide
25 testimony on Bill 040271, which if enacted

1 04/06/04 - STREETS - BILL 040271

2 will create a new neighborhood business
3 district for vending on Germantown Avenue
4 between York and Butler Streets.

5 Bill 040271 was drafted with the
6 assistance of the Law Department as a
7 replacement for Bill 030683 which was passed
8 by Council on December 4, 2003. The purpose
9 of bill 040271 is to assign specific locations
10 within the designated area for vending and to
11 give authority to the Department to promulgate
12 regulations setting forth guideline for
13 vending operations in the designated area.

14 The bill establishes 22 vending
15 locations which were based on a survey
16 conducted by the Department between February
17 23, 2004 and February 27, 2004. The survey
18 was to determine which vendors were currently
19 licensed and located within the affected area
20 and whether the operation of the vendor was
21 compatible with the business operation of the
22 store that abutted the vendor location. Based
23 on the survey, it was found that there is no
24 conflict between the goods sold by the 22
25 vendors currently located in the affected area

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2 and the stores abutting their operation.

3 Also, during this survey vendors in
4 the designated area were given written notice
5 of the passage of Bill 030683 and advised that
6 vending locations within the designated will
7 be assigned in the future.

8 Further, Deputy Commissioner
9 Dominick Verdi, Gerald Richards, Jr., Chief of
10 L&I Business Compliance Unit and myself met
11 with William Carter and Melvin Smith of
12 Councilman Clark's staff on March 31, 2004, to
13 discuss the provisions of Bill 040271 and
14 possible language to be included in the
15 regulation that will be promulgated by the
16 department.

17 Once this regulation has been
18 drafted and circulated for review to
19 Councilman Clarke and those mentioned earlier,
20 the Deputy Commissioner has agreed to host a
21 meeting with the Councilman and/or his
22 designee, the affected vendors, and business
23 operators to review the proposed requirements
24 of the regulation and receive input.

25 We have and will continue to

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2 cooperate and maintain an open dialog with
3 Councilman Clarke's office to effectuate a
4 smooth transition implementation of Bill
5 040271.

6 Thank you for the opportunity to
7 provide the Department's testimony. I'll be
8 happy to answer any questions at this time.

9 COUNCILMAN DICICCO: Any questions
10 for this witness from the Committee?

11 Councilman Clarke, do you have any
12 comments on this?

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

15 Good morning, Mr. Haigler.

16 MR. HAIGLER: Good morning.

17 COUNCILMAN CLARKE: Mr. Haigler,
18 with respect to this particular bill, do you
19 know at this point how many vendors will be
20 allowed based on the available slots?

21 MR. HAIGLER: At the current time,
22 based on the survey that was conducted, 22
23 vendors are mentioned in the ordinance itself
24 for the locations, 22 vendors that the
25 Department went out and reviewed their

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2 operation, determined whether or not they were
3 in compliance with the provisions of the
4 previous bill, making sure that the goods that
5 were sold by the vendors were substantially
6 different from the goods sold by the business
7 operators. They were fine. So at the present
8 time, the 22 operators are currently good for
9 their locations.

10 Now, based on discussions that we've
11 had with your staff last week, there was
12 indication that that could be expanded a
13 little bit further, but we don't have a
14 definite number at this present time.

15 COUNCILMAN CLARKE: Was that at
16 both, Germantown and Lehigh and Germantown and
17 Erie?

18 MR. HAIGLER: Yes, sir, between York
19 and Butler. That's the affected area on
20 Germantown Avenue so it could even further, I
21 guess further down towards Lehigh Avenue or in
22 that area as well.

23 COUNCILMAN CLARKE: Okay.

24 I actually had a question posed to
25 me by one of the members from the community

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2 organization, Mr. Chairman. I don't know if
3 you want him to come up and ask the question.

4 COUNCILMAN DICICCO: Sure. If you
5 want it on the record.

6 COUNCILMAN CLARKE: Mr. Delgado.

7 COUNCILMAN DICICCO: While the
8 witness is approaching the table, I do have a
9 question.

10 I understand the language of the
11 bill. I'm just curious as to how it's all
12 playing out. If you're a vendor, you are not
13 permitted to sell items that are being sold.

14 MR. HAIGLER: That are essentially
15 similar to the items that are sold by the
16 business.

17 COUNCILMAN DICICCO: On a property
18 that you're either on or abutting?

19 MR. HAIGLER: That's correct.

20 COUNCILMAN DICICCO: But if I'm
21 three stands, three vending locations down
22 from the shoe store, am I allowed to sell
23 shoes there?

24 MR. HAIGLER: You're not abutting
25 the store operation, right.

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2 COUNCILMAN DICICCO: And it's
3 working out okay?

4 MR. HAIGLER: As far as I know,
5 based on the survey and the information that
6 was provided to me, yes.

7 COUNCILMAN DICICCO: No complaints
8 from the store owners?

9 MR. HAIGLER: Based on the survey
10 and the information that was proved to me, and
11 I do have the information that indicated that
12 the inspector did go out, they did do a survey
13 of the area, they did check both store
14 operation as well as vending operation and
15 they did give out the written notice to the
16 vendors at the time that they were out there.
17 So as far as I know, yes.

18 COUNCILMAN DICICCO: Thank you.

19 Councilwoman Miller.

20 COUNCILWOMAN MILLER: Good morning.
21 What did you do regarding the potential of the
22 store owner that begins to sell the same goods
23 as the vendor?

24 MR. HAIGLER: That was written in
25 the ordinance, that was part of the ordinance

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2 indicating that a vendor has already been
3 vested for that location, then if a store
4 owner were to subsequently operate or a new
5 store owner were to take over that store at
6 that location, it would not disenfranchise the
7 vendor because the vendor was licensed and
8 legal for that location at the time that they
9 were initially given their license. And we
10 will license the vendors specifically for
11 their location.

12 COUNCILWOMAN MILLER: So you're
13 licensing the vendor to operate and you're
14 also monitoring what they're selling, correct?

15 MR. HAIGLER: That's correct.

16 COUNCILWOMAN MILLER: Well, suppose
17 they decide to sell something else?

18 MR. HAIGLER: Well, I think at the
19 time that they were approved, they're going to
20 be restricted. They're basically going to be
21 restricted to whatever we've approved them for
22 at the time that we licensed them because
23 that's the only way we can do this. We can't
24 be back and forth all the time checking to
25 make sure that they're selling something

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2 differently. But if they are found to have
3 sold something differently it's in conflict
4 with the business operator, then at that point
5 they're in violation of their license, and
6 their license at that point could be
7 suspended.

8 COUNCILWOMAN MILLER: But as long as
9 they're not in conflict with the business
10 operator?

11 MR. HAIGLER: As long as they're not
12 in conflict with the business operator and we
13 get no complaints to the contrary, then
14 they're going to be licensed to operate at the
15 location that we're going to designate for
16 them.

17 COUNCILWOMAN MILLER: And they can
18 still sell whatever? Suppose your merchandise
19 is just selling good right now. Like vendors
20 that sell hats and scarves and gloves, as an
21 example. I'm sure they do very good in the
22 winter, but in the spring and summer and fall
23 they may not do as well. So if they want to
24 sell something else --

25 MR. HAIGLER: We're going to write

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2 in our regulation that they'll have to notify
3 the department. We're going to put that
4 language in our regulation. Those are certain
5 areas that we're going to tighten up in the
6 specifics of the regulation as to what they
7 will have to specifically do as far as
8 notification to the Department. If they
9 decide they want to do something substantially
10 different that might bring them into a
11 conflict with the business operation and also
12 might jeopardize their license.

13 COUNCILWOMAN MILLER: But as long as
14 it doesn't bring them in conflict with the
15 business operator, they should be okay?

16 MR. HAIGLER: They should be okay.
17 There's also another provision that's in the
18 ordinance that says they can't sell anything
19 counterfeit. We're going to be definitely
20 checking in on that issue as well.

21 COUNCILMAN DICICCO: Is that the
22 only location in the City where you're not
23 allowed to sell counterfeit goods? Are you
24 suggesting at other locations it's permitted?

25 MR. HAIGLER: No, not in other

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2 locations, but we're going to make sure we
3 check on that as well.

4 COUNCILWOMAN MILLER: I was in New
5 York, and I guess New York is comparable, and
6 an L&I person was coming around, and I
7 couldn't believe how everybody was pulling
8 down their grates and people running with
9 their carts because they didn't want their
10 materials and goods confiscated.

11 Okay, thank you.

12 COUNCILMAN DICICCO: I just want to
13 follow up on that, not to beat a dead horse,
14 but if I am a vendor and I am selling hats,
15 gloves, scarves today. And come June,
16 obviously people aren't buying those products,
17 I can sell different types of goods?

18 MR. HAIGLER: As long as it's not in
19 conflict with the --

20 COUNCILMAN DICICCO: Because I
21 thought I heard you say earlier that when they
22 were given the license, they agreed to sell
23 certain products. Did I misunderstand that.

24 MR. HAIGLER: No, you didn't. What
25 we did was when we did our survey, we

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2 inspected both operations and made sure that
3 there weren't in conflict. The only way to
4 really enforce this is that we would have to
5 some responsibility on the vendors to notify
6 us of a change in what they're going to sell
7 as far as merchandize to make sure that still
8 remain not in conflict with the business
9 operator because if we get a complaint about,
10 we're going to inspect to determine what the
11 problems are. And if it is found that there
12 is a conflict now based on the fact that the
13 only thing that's changed is the vendor
14 selling their goods now comes into conflict
15 with the business operations, then we're going
16 to have to address that issue maybe in the way
17 of a violation, maybe in the way explaining to
18 vendor again that your license for the
19 location based on the fact that you were in
20 compliance at the time that you were issued a
21 license.

22 COUNCILMAN DICICCO: So that same
23 vendor sells the scarves, gloves and hats and
24 whatever who is maybe Vendor No. 12 -- I don't
25 know if you do it by number or letter -- it's

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2 my responsibility as the vendor to notify L&I
3 that in June I'm going to be selling different
4 products?

5 MR. HAIGLER: I would say yes,
6 because that's the only way I believe we're
7 going to be able to deal with this issue.
8 We're not going to be able to go back and
9 forth to --

10 COUNCILMAN DICICCO: I know. I'm
11 certainly not being critical. I'm just trying
12 to --

13 COUNCILWOMAN MILLER: Just trying to
14 figure it out.

15 COUNCILMAN DICICCO: It can be some
16 sort of a little bit of a nightmare out there
17 for everybody.

18 COUNCILWOMAN MILLER: Because hats
19 gloves and scarves are seasonal items. So
20 when you go and apply for your vending
21 license, is there a question that says or is
22 there a space you could write that I'm a
23 vendor that sells seasonal goods. In the
24 winter I sell hats; in the summer I sell
25 T-shirts as an example? Otherwise, they would

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2 have to keep coming to you each time they
3 decide to change, right?

4 COUNCILMAN DICICCO: Councilman
5 Clarke

6 COUNCILMAN CLARKE: If you have a
7 broader list of potential items that you will
8 sell, although in the wintertime you'll the
9 hats, gloves, and scarves, knowing full well
10 come summer you want to sell T-shirts and
11 other things that are seasonal, you would have
12 a broader list of things, understanding
13 throughout the 12-month process you will sell
14 these items throughout that time, not
15 necessarily all concurrent but at a particular
16 time in a season. That would seem to me to
17 cover everything.

18 MR. HAIGLER: That would cover
19 everything.

20 COUNCILMAN CLARKE: As long as
21 nothing on that list was in conflict with the
22 abutting business owner. As opposed to you
23 every time there's a change of season he has
24 to come and you have to amend your
25 regulations. Most of these vendors tend to

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2 know what they're going to be selling
3 throughout the course of the year. So if they
4 could just have a broader context of what it
5 is they'll be selling throughout the year's
6 period, therefore not requiring them coming
7 back.

8 MR. HAIGLER: That's a good point,
9 and I agree with that. And at the time that
10 they submit for their license along with their
11 application they can submit that list along
12 with their application. Now, they're going to
13 be pretty much held to whatever's on that list
14 at the time that they submit their
15 application.

16 COUNCILMAN CLARKE: Right. So it
17 would be a lot easier, I think, for everybody.

18 MR. HAIGLER: It would be, and I can
19 put that in regulation.

20 COUNCILMAN CLARKE: The question
21 was, if they're not in conflict with the
22 abutting property, why are they held to the
23 items on the particular list?

24 What I thought I heard you say
25 earlier would better enable you to enforce

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2 what they were authorized to sell at the time
3 of the license.

4 MR. HAIGLER: Exactly. Because at
5 the time they were licensed they were approved
6 based on an inspection that was done of both
7 the vending operation as well as the business
8 operation. That was only way to give them
9 that approval. So we would have no way of
10 knowing when conflicts would arise so we have
11 to hold them to some sort of standard that we
12 have to indicate that you provided us with
13 information and this is the information that
14 you provided us to get your license approved,
15 and that's the only way we can hold them to
16 something that says that this what we approved
17 your license based on. We have would have no
18 way of knowing when something might change
19 other than somebody letting us know that.

20 COUNCILMAN CLARKE: So if you did a
21 broader, more comprehensive list, therefore,
22 not requiring they come back. Because most of
23 these guys -- I'm assuming because I've never
24 been a vendor, but I'm assuming most of them
25 know what's going to go sell and when it's

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2 going to sell, so if you just incorporate that
3 into the list, there would be need to come
4 back.

5 COUNCILMAN DICICCO: Councilman
6 Rizzo.

7 COUNCILMAN RIZZO: Mr. Haigler, I'm
8 going to take advantage of the record and ask
9 you to give me an update on where we are with
10 dumpster legislation, at least L&I's
11 participation in that.

12 MR. HAIGLER: Last I recall, this is
13 something that the Streets Department
14 Commissioner had the -- let me make sure I'm
15 correct because you're kind of throwing me off
16 now because this has been a while. But the
17 Streets Department's been reviewing, I
18 believe, the regulation or something that the
19 Streets Department is reviewing on this issue.
20 I don't want to be precise. My memory is kind
21 of fuzzy right now on that.

22 COUNCILMAN RIZZO: Could you get
23 back to me on L&I piece of it that you're
24 prepared to roll this out? Because I was told
25 this would be done by last year, and it's now

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2 the's the fourth month of this year and we
3 still don't have that ordinance in effect. So
4 I'd appreciate --

5 MR. HAIGLER: You have an ordinance.
6 I think it's the regulation or something --
7 but I will definitely check on your issue and
8 I definitely will get back to you on that.

9 COUNCILMAN RIZZO: Thanks.

10 Thank you, Mr. Chairman.

11 COUNCILMAN DICICCO: Thank you, sir,
12 for being patient. Please identify yourself
13 for the record and proceed with your
14 testimony.

15 MR. DELGADO: Good morning. My name
16 is Manuel Delgado. I'm the Assistant Director
17 of Housing and Development for APM. Forgive
18 me for not having an opportunity to fully read
19 the amendment or the change in the ordinance.
20 But I saw it this morning and just thought, is
21 now an appropriate time? I saw the boundaries
22 being up to York Street, and APM has a
23 development plan has developed a commercial
24 corridor with the Gateway Plaza, the Cousin
25 Supermarket there. And it is an appropriate

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2 time now to come forward and ask that the
3 district extend not only to York Street but
4 down to Berks Street.

5 COUNCILMAN DICICCO: Councilman
6 Clarke.

7 COUNCILMAN CLARKE: Is your request
8 to authorize extension to accommodate the
9 shopping center? You would like to have
10 vending throughout that corridor?

11 MR. DELGADO: It would be the
12 shopping center, but also the gap that exists
13 currently between the shopping center and York
14 Street. We are planning a commercial
15 development along that corridor, so is now an
16 appropriate time to introduce this legislation
17 or should we come back later?

18 COUNCILMAN CLARKE: I'm actually not
19 sure that there is a prohibition on vending in
20 that particular portion of the avenue.
21 Because this particular ordinance was amending
22 a prior ordinance that was done some 15, 20
23 years ago where there was a prohibition placed
24 on vending from York to Butler. So it could
25 very well be that from York south that there

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2 could be authorized vending locations.

3 Mr. Haigler.

4 This particular ordinance changes an
5 ordinance that was done some time ago that
6 prohibited vending on that particular
7 corridor. Now we're authorizing it but
8 regulating the location and the types of
9 operations. So I'm not sure that if there is
10 prohibition on vending south of York.

11 MR. HAIGLER: As far as I know,
12 there isn't unless there's something under
13 Section 9-205 that prohibits a specific street
14 locates or street area. As you are aware,
15 Council from time to time does amend 9-205 of
16 the Philadelphia Code, and they're
17 approximately close to 400 locations that are
18 prohibited under 9-205 of the Philadelphia
19 Code. So I am not aware of any specific area
20 within that area that might be prohibited now.

21 COUNCILMAN CLARKE: When you get
22 chance, can you just check? In the event that
23 there is the need to extend it, we can do it
24 on a final reading on this particular bill.

25 MR. HAIGLER: I don't know if you

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2 could do it on this one because the title.

3 COUNCILMAN CLARKE: If in fact you
4 are going encourage vending, you may want to
5 look at doing something like this so you can
6 regulate it. Because what we don't want to do
7 is open up a can of worms and encourage
8 vending, and a year later come to me and ask
9 me, "Please, Councilman, put in a bill to get
10 these guys off the street. They're not
11 properly regulated are the operating on the
12 streets." So I may want to look at that.

13 MR. DELGADO: Thank you.

14 COUNCILMAN DICICCO: Any other
15 questions for these witnesses from the
16 Committee?

17 (No response.)

18 COUNCILMAN DICICCO: Anyone else
19 here who wishes to testify for or against the
20 bill?

21 (No response.)

22 COUNCILMAN DICICCO: Seeing none,
23 this concludes the public hearing on the
24 Committee on Streets and services.

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COUNCIL OF THE CITY OF PHILADELPHIA

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PUBLIC MEETING

4

COMMITTEE ON STREETS AND SERVICES

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Tuesday, April 6, 2004

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Public meeting conducted by the
Committee on Streets and Services, held in
Room 400, City Hall, Philadelphia,
Pennsylvania, on the above date, to consider
action on the following:

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BILLS 040028, 040112, 040135,
040150, 040151, 040158,
040185, 040186, 040188,
040208, 040209, 040264,
040266, 040271.

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PRESENT:

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COUNCILMAN FRANK DICICCO, Chair

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COUNCILMAN JUAN RAMOS

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COUNCILMAN FRANK RIZZO

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COUNCILWOMAN DONNA REED MILLER

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COUNCILMAN MICHAEL NUTTER

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COUNCILMAN DARRELL CLARKE

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

4 The Chair recognizes Ramos for
5 reporting those bills out of this Committee.

6 COUNCILMAN RAMOS: Mr. Chairman, is
7 there a request for a suspension of the rules?

8 COUNCILMAN DICICCO: On all bills.

9 COUNCILMAN RAMOS: I move that Bill
10 No. 040185 be reported from Committee with a
11 favorable recommendation with a request that
12 rules of Council be suspended to allow the
13 first reading of this bill at our next meeting
14 of council.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It's been
17 properly moved and seconded that Bill No.
18 040185 be reported out of this Committee with
19 a favorable recommendation, and a further
20 recommendation that the Rules of Council be
21 suspended.

22 All those in favor, signify by
23 saying aye.

24 (Aye.)

25 COUNCILMAN DICICCO: Those opposed?

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2 (No response.)

3 COUNCILMAN DICICCO: The bill is
4 approved.

5 Councilman Ramos.

6 COUNCILMAN RAMOS: I move that Bill
7 No. 040186 be reported from Committee with a
8 favorable recommendation with a request that
9 Rules of Council be suspended to allow the
10 first reading of this bill at our next meeting
11 of Council.

12 (Duly seconded.)

13 COUNCILMAN DICICCO: It's been
14 properly moved and seconded that Bill No.
15 040186 be reported out of this Committee with
16 a favorable recommendation, and a further
17 recommendation that the Rules of Council be
18 suspended.

19 All those in favor, signify by
20 saying aye.

21 (Aye.)

22 COUNCILMAN DICICCO: Those opposed?

23 (No response.)

24 COUNCILMAN DICICCO: The bill is
25 approved.

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2 Councilman Ramos.

3 COUNCILMAN RAMOS: I move that Bill
4 No. 040209 be reported from Committee with a
5 favorable recommendation with a request that
6 Rules of Council be suspended to allow the
7 first reading of this bill at our next meeting
8 of Council.

9 (Duly seconded.)

10 COUNCILMAN DICICCO: It's been
11 properly moved and seconded that Bill No.
12 040209 be reported out of this Committee with
13 a favorable recommendation, and a further
14 recommendation that the Rules of Council be
15 suspended.

16 All those in favor, signify by
17 saying aye.

18 (Aye.)

19 COUNCILMAN DICICCO: Those opposed?

20 (No response.)

21 COUNCILMAN DICICCO: The bill is
22 approved.

23 Councilman Ramos.

24 COUNCILMAN RAMOS: I move that Bill
25 No. 040028 be reported from Committee with a

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2 favorable recommendation with a request that
3 Rules of Council be suspended to allow the
4 first reading of this bill at our next meeting
5 of Council.

6 (Duly seconded.)

7 COUNCILMAN DICICCO: It's been
8 properly moved and seconded that Bill No.
9 040028 be reported out of this Committee with
10 a favorable recommendation, and a further
11 recommendation that the Rules of Council be
12 suspended.

13 All those in favor, signify by
14 saying aye.

15 (Aye.)

16 COUNCILMAN DICICCO: Those opposed?

17 (No response.)

18 COUNCILMAN DICICCO: The bill is
19 approved.

20 Councilman Ramos.

21 COUNCILMAN RAMOS: I move that Bill
22 No. 040150 be reported from Committee with a
23 favorable recommendation with a request that
24 Rules of Council be suspended to allow the
25 first reading of this bill at our next meeting

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2 of Council.

3 (Duly seconded.)

4 COUNCILMAN DICICCO: It's been
5 properly moved and seconded that Bill No.
6 040150 be reported out of this Committee with
7 a favorable recommendation, and a further
8 recommendation that the Rules of Council be
9 suspended.

10 All those in favor, signify by
11 saying aye.

12 (Aye.)

13 COUNCILMAN DICICCO: Those opposed?

14 (No response.)

15 COUNCILMAN DICICCO: The bill is
16 approved.

17 Councilman Ramos.

18 COUNCILMAN RAMOS: I move that Bill
19 No. 040188 be reported from Committee with a
20 favorable recommendation with a request that
21 Rules of Council be suspended to allow the
22 first reading of this bill at our next meeting
23 of Council.

24 (Duly seconded.)

25 COUNCILMAN DICICCO: It's been

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2 properly moved and seconded that Bill No.
3 040188 be reported out of this Committee with
4 a favorable recommendation, and a further
5 recommendation that the Rules of Council be
6 suspended.

7 All those in favor, signify by
8 saying aye.

9 (Aye.)

10 COUNCILMAN DICICCO: Those opposed?

11 (No response.)

12 COUNCILMAN DICICCO: The bill is
13 approved.

14 Councilman Ramos.

15 COUNCILMAN RAMOS: I move that Bill
16 No. 040208 be reported from Committee with a
17 favorable recommendation with a request that
18 Rules of Council be suspended to allow the
19 first reading of this bill at our next meeting
20 of Council.

21 (Duly seconded.)

22 COUNCILMAN DICICCO: It's been
23 properly moved and seconded that Bill No.
24 040208 be reported out of this Committee with
25 a favorable recommendation, and a further

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2 recommendation that the Rules of Council be
3 suspended.

4 All those in favor, signify by
5 saying aye.

6 (Aye.)

7 COUNCILMAN DICICCO: Those opposed?

8 (No response.)

9 COUNCILMAN DICICCO: The bill is
10 approved.

11 Councilman Ramos.

12 COUNCILMAN RAMOS: I move that Bill
13 No. 040135 be reported from Committee with a
14 favorable recommendation with a request that
15 Rules of Council be suspended to allow the
16 first reading of this bill at our next meeting
17 of Council.

18 (Duly seconded.)

19 COUNCILMAN DICICCO: It's been
20 properly moved and seconded that Bill No.
21 040135 be reported out of this Committee with
22 a favorable recommendation, and a further
23 recommendation that the Rules of Council be
24 suspended.

25 All those in favor, signify by

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2 saying aye.

3 (Aye.)

4 COUNCILMAN DICICCO: Those opposed?

5 (No response.)

6 COUNCILMAN DICICCO: The bill is
7 approved.

8 Councilman Ramos.

9 COUNCILMAN RAMOS: I move that Bill
10 No. 040158 be reported from Committee with a
11 favorable recommendation with a request that
12 Rules of Council be suspended to allow the
13 first reading of this bill at our next meeting
14 of Council.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It's been
17 properly moved and seconded that Bill No.
18 040158 be reported out of this Committee with
19 a favorable recommendation, and a further
20 recommendation that the Rules of Council be
21 suspended.

22 All those in favor, signify by
23 saying aye.

24 (Aye.)

25 COUNCILMAN DICICCO: Those opposed?

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2 (No response.)

3 COUNCILMAN DICICCO: The bill is
4 approved.

5 Councilman Ramos.

6 COUNCILMAN RAMOS: I move that Bill
7 No. 040264 be reported from Committee with a
8 favorable recommendation with a request that
9 Rules of Council be suspended to allow the
10 first reading of this bill at our next meeting
11 of Council.

12 (Duly seconded.)

13 COUNCILMAN DICICCO: It's been
14 properly moved and seconded that Bill No.
15 040264 be reported out of this Committee with
16 a favorable recommendation, and a further
17 recommendation that the Rules of Council be
18 suspended.

19 All those in favor, signify by
20 saying aye.

21 (Aye.)

22 COUNCILMAN DICICCO: Those opposed?

23 (No response.)

24 COUNCILMAN DICICCO: The bill is
25 approved.

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2 Councilman Ramos.

3 COUNCILMAN RAMOS: I move that Bill
4 No. 040266 be reported from Committee with a
5 favorable recommendation with a request that
6 Rules of Council be suspended to allow the
7 first reading of this bill at our next meeting
8 of Council.

9 (Duly seconded.)

10 COUNCILMAN DICICCO: It's been
11 properly moved and seconded that Bill No.
12 040266 be reported out of this Committee with
13 a favorable recommendation, and a further
14 recommendation that the Rules of Council be
15 suspended.

16 All those in favor, signify by
17 saying aye.

18 (Aye.)

19 COUNCILMAN DICICCO: Those opposed?

20 (No response.)

21 COUNCILMAN DICICCO: The bill is
22 approved.

23 Councilman Ramos.

24 COUNCILMAN RAMOS: I move that Bill
25 No. 040112 be reported from Committee with a

1 04/06/04 - STREETS - PUBLIC MEETING

2 favorable recommendation with a request that
3 Rules of Council be suspended to allow the
4 first reading of this bill at our next meeting
5 of Council.

6 (Duly seconded.)

7 COUNCILMAN DICICCO: It's been
8 properly moved and seconded that Bill No.
9 040112 be reported out of this Committee with
10 a favorable recommendation, and a further
11 recommendation that the Rules of Council be
12 suspended.

13 All those in favor, signify by
14 saying aye.

15 (Aye.)

16 COUNCILMAN DICICCO: Those opposed?

17 (No response.)

18 COUNCILMAN DICICCO: The bill is
19 approved.

20 Councilman Ramos.

21 COUNCILMAN RAMOS: I move that Bill
22 No. 040151 be reported from Committee with a
23 favorable recommendation with a request that
24 Rules of Council be suspended to allow the
25 first reading of this bill at our next meeting

1 04/06/04 - STREETS - PUBLIC MEETING

2 of Council.

3 (Duly seconded.)

4 COUNCILMAN DICICCO: It's been
5 properly moved and seconded that Bill No.
6 040151 be reported out of this Committee with
7 a favorable recommendation, and a further
8 recommendation that the Rules of Council be
9 suspended.

10 All those in favor, signify by
11 saying aye.

12 (Aye.)

13 COUNCILMAN DICICCO: Those opposed?

14 (No response.)

15 COUNCILMAN DICICCO: The bill is
16 approved.

17 Councilman Ramos.

18 COUNCILMAN RAMOS: I move that Bill
19 No. 040271 be reported from Committee with a
20 favorable recommendation with a request that
21 Rules of Council be suspended to allow the
22 first reading of this bill at our next meeting
23 of Council.

24 (Duly seconded.)

25 COUNCILMAN DICICCO: It's been

1 04/06/04 - STREETS - PUBLIC MEETING

2 properly moved and seconded that Bill No.
3 040271 be reported out of this Committee with
4 a favorable recommendation, and a further
5 recommendation that the Rules of Council be
6 suspended.

7 All those in favor, signify by
8 saying aye.

9 (Aye.)

10 COUNCILMAN DICICCO: Those opposed?

11 (No response.)

12 COUNCILMAN DICICCO: The bill is
13 approved.

14 This concludes the public meeting on
15 the Committee on Streets and Services, and I
16 thank all Committee Members, including our
17 newest member, Councilman Nutter, for
18 attending this meeting today. Thank you.

19 (Council adjourned at 11:30 a.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of April 6, 2004, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON STREETS AND SERVICES

Lisa C. Bradley, RPR