

1

2

COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE THE COMMITTEE OF THE WHOLE

3

4

- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 30, 1998
- - -

5

6

BILL NO. 970403 - Amending Section 9-601 of The Philadelphia Code entitled "Garages, Parking Lots, Sales Lots, and Sales Show Rooms" by delineating existing provisions and enacting new provisions regulating valet parking; in particular, acquiring a valet parking operator's license for persons who provide valet parking service requiring a valet parking permit for the provision of valet parking services through a business at a particular location, and regulating conduct in connection with the provision of valet parking services; and amending Title 12 of The Philadelphia Code entitled "Traffic Code" by providing for the designation of valet parking zones, and prohibiting certain conduct related to valet parking zones; all under certain terms and conditions.

10

11

12

13

14

15

16

17

18

RESOLUTION NO. 970843, which requests the City Commissioners, in their capacity as the Philadelphia County Board of Elections, to submit to qualified registered voters, electors of Philadelphia, the question of whether an electronic voting system shall be used at polling places in Philadelphia.

19

20

21

22

PRESENT: PRESIDENT JOHN F. STREET, Chairman
COUNCILWOMAN ANNA C. VERNA
COUNCILMAN JAMES KENNEY
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN FRANK DICICCO
COUNCILMAN W. THACHER LONGSTRETH
COUNCILMAN FRANK RIZZO

23

24

25

- - -
VINCENT VARALLO ASSOCIATES, INC.
Registered Professional Reporters
Eleven Penn Center, Suite 600
Philadelphia, PA 19103
(215) 561-2220

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 P R O C E E D I N G S

3 PRESIDENT STREET: Good morning, ladies
4 and gentlemen. This is a recessed hearing of
5 Council's Committee of the Whole. This morning,
6 we will have continued public hearings on Bill No.
7 970403 and Resolution No. 970843.

8 Bill No. 970403 is an ordinance
9 amending Section 9-601 of The Philadelphia Code
10 entitled "Garages, Parking Lots, Sales Lots, and
11 Sales Show Rooms" by delineating the existing
12 provisions and enacting new provisions regulating
13 valet parking; in particular, acquiring a valet
14 parking operator's license for persons who provide
15 valet parking service requiring a valet parking
16 permit for the provision of valet parking services
17 through a business at a particular location, and
18 regulating conduct in connection with provision of
19 valet parking service and amending Title 12 of The
20 Philadelphia Code entitled "Traffic Code" by
21 providing for the designation of valet parking
22 zones, and prohibiting certain conduct related to
23 valet parking zones; all under certain terms and
24 conditions.

25 We will also take testimony and,

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 hopefully, consider at a public meeting Resolution
3 No. 970843, which requests the City Commissioners,
4 in their capacity as the Philadelphia County Board
5 of Elections, to submit to qualified registered
6 voters, electors of Philadelphia, the question of
7 whether an electronic voting system shall be used
8 at polling places in Philadelphia.

9 At this time, the Chair wishes to ask
10 as many members of the City Council as possible to
11 come to the chambers. We cannot conduct a public
12 meeting without having additional Councilmembers.
13 As most of you know, we have a continuing quorum
14 provision in our rules which allows us to proceed
15 with the public hearing because we had a quorum at
16 our last meeting.

17 At this time, the Chair requests
18 Councilmembers Nutter and DiCicco to approach the
19 Chair.

20 (Councilmembers Nutter and DiCicco
21 approach the Chair and confer with President
22 Street off the record.)

23 PRESIDENT STREET: We would appreciate
24 it very much if all Councilmembers would come to
25 the chamber. We need Councilmembers to please

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 come to the chamber. We'd appreciate it very much
3 if Councilmembers would come to the chamber. We
4 would appreciate it if we could get all
5 Councilmembers to come to the chamber. We need
6 Councilmembers in the chamber.

7 (Rina Cutler, of the Parking Authority,
8 comes forward.)

9 PRESIDENT STREET: Good morning.
10 Please identify yourself for the record.

11 MS. CUTLER: Good morning, President
12 Street, Members of Council. My name is Rina
13 Cutler, the Executive Director of the Philadelphia
14 Parking Authority.

15 PRESIDENT STREET: Thank you very much.
16 It's my understanding that you and members of your
17 staff met with representatives of the City Council
18 of Philadelphia, including Councilman Nutter,
19 Councilman DiCicco, and other members of the
20 Council technical staff, for several hours
21 yesterday, working on a set of amendments to these
22 bills.

23 MS. CUTLER: That is correct.

24 PRESIDENT STREET: And am I correct
25 that the amendments -- the proposed amendments to

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 the bill are marked on photographic copies of the
3 pinks of the bill that have been distributed to
4 the Members of Council?

5 MS. CUTLER: That is correct, President
6 Street.

7 PRESIDENT STREET: And is it further
8 correct that these amendments are -- or these
9 proposed amendments are agreed to by the
10 Administration on behalf of the Mayor, and that
11 these amendments constitute improvements to the
12 bill?

13 MS. CUTLER: That's correct, President
14 Street. There are one or two technical changes, a
15 word change, that Councilman Nutter has requested
16 in this.

17 But yes, on behalf of the
18 Administration, this is a fine bill.

19 PRESIDENT STREET: At this time, the
20 Chair recognizes Councilman Nutter.

21 COUNCILMAN NUTTER: Thank you, Mr.
22 President.

23 I'd seek the President's suggestion.
24 We have the copy with the Law Department's method
25 of the amendments. Do we want to try to move the

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 entire document?

3 There are only a couple of additional
4 words that need to be added, which, even with the
5 new copies, most Members won't have.

6 PRESIDENT STREET: What I would like to
7 do is have the -- have the amendments -- does
8 every Member of Council have a copy of the
9 amendments? The amendments should be on every
10 Member's desk.

11 COUNCILMAN NUTTER: Yes.

12 PRESIDENT STREET: What I would like to
13 do is -- are there any additional amendments to
14 those that are on the copies of the pink as marked
15 up?

16 COUNCILMAN NUTTER: Yes.

17 PRESIDENT STREET: All right. Maybe
18 what you could do is give us those by page.

19 COUNCILMAN NUTTER: Okay. On page 4,
20 Mr. President, under 9.2, where it now reads the
21 name and address of the business --

22 PRESIDENT STREET: Mm-hmm.

23 COUNCILMAN NUTTER: -- or businesses,
24 or entity.

25 And then on page 6 --

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 PRESIDENT STREET: Well, wait a minute,
3 Councilman, I didn't follow that. The name and
4 address of the business, do you want to insert
5 after the word "business" --

6 COUNCILMAN NUTTER: There is already an
7 amendment that goes to the staggered line that
8 says --

9 PRESIDENT STREET: Or business.

10 COUNCILMAN NUTTER: -- or businesses.

11 PRESIDENT STREET: Or businesses,
12 right.

13 COUNCILMAN NUTTER: Right. And after
14 it, it should say "or entity."

15 PRESIDENT STREET: Or -- okay, gotcha.

16 COUNCILMAN NUTTER: On page 6, first
17 where it says "Insert A, see next page," on the
18 Insert A, the first line reads, "In deciding
19 whether to approve a plan, the Authority shall
20 consider. . ." should be added the words
21 "including but not limited to the following
22 criteria," and then the colon.

23 PRESIDENT STREET: Okay.

24 COUNCILMAN NUTTER: And then in Roman
25 numeral iv --

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 PRESIDENT STREET: In deciding whether
3 to approve the plan, the Authority shall consider,
4 including, but not limited to. . . "

5 COUNCILMAN NUTTER: " . . . the
6 following criteria:"

7 PRESIDENT STREET: "Included, but not
8 limited to, the following. . ."

9 COUNCILMAN NUTTER: "Shall consider,
10 including, but not limited to, the following
11 criteria:"

12 PRESIDENT STREET: Okay.

13 COUNCILMAN NUTTER: And just further
14 down in Roman numeral iv, in that same section, is
15 just a space error. That should read, "the number
16 of parking spaces in the. . . "

17 PRESIDENT STREET: All right. Now,
18 you're back on page 6?

19 COUNCILMAN NUTTER: No, I'm still on
20 Insert A. I'm sorry.

21 PRESIDENT STREET: Okay, I see.

22 COUNCILMAN NUTTER: It's just a simple
23 typo on --

24 PRESIDENT STREET: The number of
25 parking spaces "in the," is that where you want to

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 separate the T from the --

3 COUNCILMAN NUTTER: The I-N, yes. It's
4 just a typo.

5 PRESIDENT STREET: Okay.

6 COUNCILMAN NUTTER: Back to page 6, in
7 letter C --

8 PRESIDENT STREET: Okay.

9 COUNCILMAN NUTTER: Upon approval of
10 the plan by the Authority, the Department shall
11 issue a valet parking permit.

12 The amendment reads, "If the
13 application is denied, the Authority shall state
14 the reasons for denial the added languages in
15 writing, comma. . . "

16 In new letter D, first sentence: "If a
17 valet fails to provide with any provision of this
18 chapter or regulations pursuant thereto, the
19 Authority shall send a written warning to the
20 valet parking operator and add a written notice."

21 PRESIDENT STREET: Mm-hmm.

22 COUNCILMAN NUTTER: And those are the
23 -- that's the end of the additional --

24 PRESIDENT STREET: Okay.

25 COUNCILMAN NUTTER: -- amendment.

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 PRESIDENT STREET: We still -- the

3 Chair recognizes Councilman DiCicco.

4 We still need another member in order
5 to have a quorum to go into a public meeting. We
6 need -- if there are Members of City Council in
7 your offices, we need another Member of City
8 Council.

9 Is there any question on these -- on
10 the proposed amendments? The Chair recognizes
11 Councilwoman Fernandez.

12 COUNCILWOMAN FERNANDEZ: I can't tell
13 whether it's a new or an old amendment, but on
14 page 8 --

15 COUNCILMAN STREET: Councilwoman, I
16 need you to -- is your microphone on?

17 COUNCILWOMAN FERNANDEZ: Hello?

18 PRESIDENT STREET: Okay, sounds good.

19 COUNCILWOMAN FERNANDEZ: On page 8, it
20 appears as if the Manyunk Business District is
21 deleted from the specific areas listed for permit
22 fees or renewal fees. Was there a reason for
23 that?

24 PRESIDENT STREET: The Chair recognizes
25 Miss Cutler.

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 MS. CUTLER: Yes, thank you, President
3 Street.

4 Currently, Councilwoman, there are two
5 different fee structures in place. Center City
6 and University City have one fee structure;
7 everyone else has a different fee structure.

8 Councilman Nutter requested that the
9 Manyunk District stay where it currently is in the
10 everywhere-else fee structure, and that was
11 acceptable to us.

12 COUNCILWOMAN FERNANDEZ: Could I ask
13 the Councilman the reason? I mean, I think
14 Manyunk sort of is congested -- or more congested
15 than the others. I just wondered what the
16 rationale was.

17 PRESIDENT STREET: I can tell you the
18 rationale.

19 COUNCILWOMAN FERNANDEZ: Okay.

20 PRESIDENT STREET: I wasn't even there,
21 and I can tell you the rationale.

22 The rationale is that in certain areas
23 of the City, given the amount of traffic involved
24 and the complexity of enforcing regulations in
25 those areas, it will cost the City of

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 Philadelphia, the Streets Department, the Parking
3 Authority, the Police Department, it will cost us
4 more money to administer the program in those
5 areas than it will cost us to administer it in
6 other areas.

7 And the only basis upon which we can
8 impose a fee is on the projected cost of providing
9 the supervision of a service in a particular
10 area.

11 And, Councilman Nutter would argue, if
12 we wanted to burden this record with it, that it
13 is -- that the -- that it is unfair to compare
14 what is a thriving, but still a neighborhood,
15 business area that will have Center City parking
16 -- I mean valet parking in costs to the costs of
17 supervising valet parking in Center City and in
18 the other areas. It all relates to the costs of
19 administering the program in a particular area.

20 And if the Parking Authority and the
21 Administration say to us that it believes that it
22 can administer that program at no additional costs
23 to the taxpayers with these fees, in some
24 respects, we typically honor that judgment. We
25 can always come back if we find that that's not

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 the case, and change the fee structure.

3 But we are not authorized to impose any
4 fees that are greater than the amount of costs
5 that we estimate we will incur in administering
6 any program of the City, or else it's not a fee;
7 it becomes a tax.

8 COUNCILWOMAN FERNANDEZ: But part of
9 this relates to the removal of meters, and I would
10 think that's connected to the income that you've
11 been receiving.

12 Isn't it 250 for the more congested
13 areas, and it was -- was it 100 or 150 for the
14 others?

15 MS. CUTLER: The issue is not actually
16 the most congestion. And, in fact, it is
17 anticipated to remove no meters in Manyunk because
18 there will be no full-time valet parking zones.

19 All of those zones will remain dual
20 regulations: regular parking meters during the
21 daytime and valet operations in the evening.

22 So, actually, we anticipate removing no
23 meters from the Manyunk corridor.

24 PRESIDENT STREET: And we now know that
25 it's really not the cost of the meters because

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 less than two weeks ago, when we were here with
3 the Penn vending bill, we found out that they're
4 being charged \$750 a year, roughly, which
5 constituted, according to the testimony, the costs
6 of lost revenue in removing the meter.

7 I mean, it is my understanding that all
8 of this has to relate to the cost of administering
9 the program in a particular area.

10 For example, if there were valet
11 parking in and about, hypothetically, the Apollo,
12 it would be a lot less costly and less
13 administratively cumbersome in order to administer
14 small valet parking there, and we would probably
15 make an adjustment in the fee.

16 COUNCILWOMAN FERNANDEZ: Are meters
17 being removed in these other three districts?

18 MS. CUTLER: It will be individually --
19 the only place I expect that that may happen would
20 be in the valet zones for hotels, which generally
21 need them full-time; versus other types of
22 businesses, which generally only need them for
23 specific hours a day.

24 COUNCILWOMAN FERNANDEZ: So is that
25 true on Walnut Street?

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 MS. CUTLER: Walnut Street already has
3 dual regulations because it is both a rush-hour
4 zone and loading zones.

5 So, no, it is not my sense that the
6 meters will be taken out of Walnut Street, no.

7 COUNCILWOMAN FERNANDEZ: Mm-hmm. Thank
8 you.

9 PRESIDENT STREET: Thank you very much.
10 The Chair recognizes Councilman Rizzo.

11 COUNCILMAN RIZZO: Thank you, Mr.
12 President.

13 Two questions. In reference to the
14 physical size -- it may be here and I just missed
15 it. It says each -- there's 20 feet. Is there in
16 the legislation a maximum? In other words, if a
17 person wants to take up a whole block, they can't
18 say, I'll take 20 feet, 20 feet, 20 feet?

19 Do we have a maximum amount of space
20 that can be utilized for a valet parking area? We
21 should 'cause I don't want to see the whole block
22 gobbled up by valet parking.

23 MS. CUTLER: Councilman Rizzo, we
24 actually don't have a maximum. It's certainly
25 been the policy that -- and one of the reasons we

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 believe the bill is so crucial is that we do not,
3 in fact, wish to eliminate our public parking in
4 those areas.

5 But the number of feet and the number
6 of spaces will be determined by the Authority, not
7 by the business requesting the spaces. I mean,
8 they could request what they want, but once we do
9 the analysis of the block and the adjoining blocks
10 in the engineering study, we will then determine
11 which portion of that roadway should be used
12 specifically for this use.

13 COUNCILMAN RIZZO: If a large
14 restaurant wanted, say, 40 feet, would that be a
15 request that would be considered two zones at one
16 location, or just basically taking up a
17 considerable amount of on-street parking?

18 MS. CUTLER: We would consider that,
19 Councilman, as actually, in fact, only two parking
20 spaces, 40 feet.

21 COUNCILMAN RIZZO: Okay, 40 feet.

22 My next question is: Last week, we
23 discussed -- or earlier this week, we discussed
24 the towing part of -- and I suggested to you that
25 possibly making these tow zones.

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 And I see something, so could you
3 please explain to me what you've added so that I
4 understand what you've added in reference to
5 towing from these zones?

6 MS. CUTLER: Yes, Councilman. We took
7 your suggestion, and this bill will allow us to
8 post and tow from any valet parking zone in the
9 City.

10 COUNCILMAN RIZZO: During the
11 operations of the valet time?

12 MS. CUTLER: That's correct.

13 COUNCILMAN RIZZO: And after? If the
14 valet operation would start at 5 p.m. And there
15 would be a car left -- inadvertently left in that
16 spot, it would be towed?

17 MS. CUTLER: After the valet parking
18 regulation time kicks in, that's correct.

19 COUNCILMAN RIZZO: Thank you very much.
20 Thank you, Mr. President.

21 PRESIDENT STREET: Thank you very much,
22 Councilman.

23 The Chair recognizes Councilman Nutter.

24 COUNCILMAN NUTTER: (No verbal
25 response.)

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 PRESIDENT STREET: Your light was on.

3 COUNCILMAN NUTTER: No, it was from the
4 earlier discussion, Mr. President.

5 PRESIDENT STREET: The Chair recognizes
6 Councilwoman Miller, whose light is not on.

7 COUNCILWOMAN MILLER: Councilman Rizzo
8 asked some of the same questions I had.

9 But I was just wondering, if a block
10 has on-street parking, what percentage of that
11 would be used or be reserved for valet parking?

12 MS. CUTLER: It varies, Councilwoman
13 Miller, in every situation. There is no set rule.

14 Part of it is determined by whether or
15 not it's a strictly commercial area versus
16 residential. Part of it depends on what the dual
17 regulations are. Part of it depends on how much
18 public parking is available, x-number of blocks in
19 either direction.

20 And so there is no set percentage. We
21 analyze each of the zone requests individually.

22 COUNCILWOMAN MILLER: Okay. 'Cause I
23 was concerned about the everyday parker, the
24 non-valet parker. And they're not being -- spaces
25 are unavailable to them.

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 MS. CUTLER: We are concerned about
3 them as well.

4 COUNCILWOMAN MILLER: All right, thank
5 you.

6 Thank you, Mr. President.

7 PRESIDENT STREET: Thank you very much.

8 The Chair recognizes DiCicco.

9 COUNCILMAN DICICCO: Thank you, Mr.
10 President.

11 At this time, if there are no other
12 questions, I would move for the adoption of the
13 amendments.

14 (Duly seconded.)

15 PRESIDENT STREET: Gentlemen, we're not
16 quite ready for that. Respectfully, we are still
17 in a public hearing.

18 COUNCILMAN DICICCO: It's been a long
19 time.

20 PRESIDENT STREET: It is the
21 responsibility of the Chair to make sure that no
22 other Councilmember has any other questions about
23 the bill or any of the proposed amendments.

24 Seeing none, we now must determine
25 whether or not there are any members of the

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 general public or anyone else in the chamber who
3 wishes to testify on this bill.

4 We could have all these wonderful
5 people here who are all interested in valet
6 parking, which might be the reason they're here.

7 Everybody interested in valet parking,
8 let it be known raising your hand.

9 (Laughter.)

10 PRESIDENT STREET: The record shall
11 reflect that only the consultants have their hands
12 up, right?

13 (Laughter.)

14 PRESIDENT STREET: If there's no other
15 testimony on these bills, we will now go into our
16 public meeting.

17 - - -

18 PRESIDENT STREET: The Chair recognizes
19 Councilwoman Verna for a motion that there be
20 amendments that have been circulated to Bill No.

21 --

22 COUNCILWOMAN VERNA: Thank you, Mr.
23 President.

24 I move that the amendments circulated
25 on Bill 970403 be adopted.

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 PRESIDENT STREET: And that includes
3 the amendments that were placed into the record by
4 Councilman Nutter?

5 COUNCILWOMAN VERNA: Yes, sir.

6 PRESIDENT STREET: Is there a second?
7 (Duly seconded.)

8 PRESIDENT STREET: All those in favor,
9 let it be known by saying aye.

10 Those opposed, say nay.

11 The ayes have it. The amendments are
12 adopted.

13 The Chair recognizes Councilwoman Verna
14 for a motion on Bill No. 970403, as amended.

15 COUNCILWOMAN VERNA: I move that Bill
16 No. 970403 be reported out of committee, with a
17 favorable recommendation, as amended.

18 PRESIDENT STREET: And suspension?

19 COUNCILWOMAN VERNA: And I also request
20 that the rules of Council be suspended so as to
21 permit first reading at our next session of
22 Council?

23 PRESIDENT STREET: Is there a second?
24 (Duly seconded.)

25 PRESIDENT STREET: All those in favor,

1 COMMITTEE OF THE WHOLE - BILL 970403, RESOLUTION 970843

2 let it be known by saying aye.

3 Those opposed, say nay.

4 The ayes have it.

5 Bill No. 970403 will be reported from
6 this committee with a favorable recommendation.

7 The Chair recognizes Councilwoman Verna
8 for a motion on Resolution No. 970843.

9 COUNCILWOMAN VERNA: Mr. President, I
10 move Resolution No. That 970843 be reported out of
11 committee, with a favorable recommendation.

12 PRESIDENT STREET: Is there a second?
13 (Duly seconded.)

14 PRESIDENT STREET: All those in favor,
15 let it be known by saying aye.

16 Those opposed, say nay.

17 The ayes have it.

18 Resolution No. 970843 will be reported
19 from this committee with a favorable
20 recommendation.

21 Thank you very much.

22 (Adjourned at 10:10 a.m.)

23 - - -

24

25

1

2

C E R T I F I C A T E

3

4

5

6

7

8

9

10

11

12

13

RE: COUNCIL COMMITTEE OF THE WHOLE

14

BILL NO. 970403 and RESOLUTION NO. 970843

15

16

17

18

19

20

21

22

23

24

25

JOSEPHINE CARDILLO, RPR.