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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 2, 2010
1:25 p.m.

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PRESENT:

10

COUNCILMAN FRANK DiCICCO, CHAIR

COUNCILWOMAN JANNIE BLACKWELL

11

COUNCILMAN BILL GREEN

COUNCILMAN WILLIAM K. GREENLEE

12

COUNCILMAN CURTIS JONES, JR.

COUNCILMAN JAMES KENNEY

13

COUNCILWOMAN DONNA REED MILLER

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

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BILLS 090466, 090839, 090840, 090880, 090906,

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090907, 100015, 100213, 100266, 100285,

100306, 100310, 100312, 100358, 100359,

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100364, 100366, 100370, 100371 and 100376

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COUNCILMAN DiCICCO: Good

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afternoon, ladies and gentlemen. The

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Committee on Streets and Services is now

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in session. We have a quorum. To my

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extreme left is Councilman Green. To my

7

immediate left is Councilman Greenlee.

8

To my far right is Councilman Jones, and

9

I'm Councilman DiCicco, the Chair of this

10

Committee.

11

I will ask Mr. McMonagle to

12

read the title of the first bill so we

13

can proceed with this Committee hearing.

14

Thank you.

15

THE CLERK: Bill No. 100213, an

16

ordinance amending Section 9-605 of The

17

Philadelphia Code, entitled "Towing," by

18

revising the provisions governing the

19

licensing and regulation of towers, under

20

certain terms and conditions.

21

COUNCILMAN DiCICCO: Anyone

22

testifying on this bill, please come

23

forward. Mr. Haigler.

24

And let the record also reflect

25

that Councilwoman Donna Reed Miller, who

1 6/2/10 - STREETS - BILL 090466, etc.

2 is a member of this Committee, is also

3 present.

4 (Witness approached witness
5 table.)

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

10 MR. HAIGLER: Good afternoon,
11 Chairman DiCicco and members of the
12 Committee. I am Otis Haigler, Jr.,
13 Director of Legislative Affairs for the
14 Department of Licenses and Inspections.
15 Today I'm here to provide further
16 testimony on Bill 100213, which amends
17 Section 9-605 of The Philadelphia Code
18 related to the towing of motor vehicles.

19 As stipulated in the testimony
20 given on May 5th, 2010, the Department
21 supports enactment of this bill and
22 believes the amendments will further
23 clarify requirements related to the
24 towing of vehicles from private property,
25 as well as enhance its enforcement

1 6/2/10 - STREETS - BILL 090466, etc.
2 capabilities through the receipt of a
3 list from each towing operator of legal
4 locations where they have contracts to
5 tow vehicles. In addition, the
6 requirement to indicate on signs posted
7 at locations that complaints about towing
8 may be made to 3-1-1 will provide for a
9 systematic recording of complaints,
10 accountability for the Department
11 regarding its response to the complaint
12 and a mechanism for public and
13 interagency follow-up with regard to the
14 disposition and/or resolution of the
15 complaint.

16 Thank you for the opportunity
17 to provide the testimony, and I will be
18 happy to answer any questions.

19 COUNCILMAN DiCICCO: Any
20 questions for this witness?

21 Councilman Green.

22 COUNCILMAN GREEN: Is
23 Mr. Fenerty testifying or is he here to
24 answer questions?

25 You're testifying also?

1 6/2/10 - STREETS - BILL 090466, etc.

2 MR. FENERTY: Yes.

3 COUNCILMAN GREEN: Maybe

4 Mr. Fenerty could testify with

5 Mr. Haigler there.

6 COUNCILMAN DiCICCO: Please

7 approach the witness table, please.

8 (Witness approached witness

9 table.)

10 MR. FENERTY: Good afternoon.

11 COUNCILMAN DiCICCO: Good

12 afternoon, Mr. Fenerty. Please identify

13 yourself for the record.

14 MR. FENERTY: Vince Fenerty,

15 Executive Director of Philadelphia

16 Parking Authority.

17 COUNCILMAN DiCICCO: Do you

18 have prepared testimony?

19 MR. FENERTY: No, Councilman

20 DiCicco. I was asked to testify on this

21 one at the last minute. I'm here on

22 another bill primarily.

23 COUNCILMAN DiCICCO: Oh, okay.

24 MR. FENERTY: Which I do have

25 written testimony for. I did enter

1 6/2/10 - STREETS - BILL 090466, etc.
2 testimony on this matter previously and
3 stated the Parking Authority was able to
4 assist the Police Department in this
5 endeavor during the hours of which we
6 have patrols out.

7 COUNCILMAN DiCICCO: Thank you.
8 Councilman Green.

9 COUNCILMAN GREEN: Thank you.

10 Mr. Haigler, during testimony
11 on this bill in the last session on this
12 bill, it was -- or Committee hearing,
13 there was testimony that there were
14 56,000 tows a quarter in the City of
15 Philadelphia. Do you have any idea how
16 many of those tows are during the day and
17 how many of those tows are during the
18 evening hours?

19 MR. HAIGLER: No, I don't.

20 COUNCILMAN GREEN: Mr. Fenerty,
21 do you have any idea?

22 MR. FENERTY: No.

23 COUNCILMAN GREEN: Mr. Fenerty,
24 your staff, can you tell me the hours
25 that they typically work?

1 6/2/10 - STREETS - BILL 090466, etc.

2 MR. FENERTY: During the week,
3 Councilman, we have patrols from 6:30
4 a.m. until midnight and --

5 COUNCILMAN GREEN: I'm sorry.
6 When you say "patrols," what does that
7 mean?

8 MR. FENERTY: Officers on the
9 street, parking enforcement officers.

10 COUNCILMAN GREEN: The full
11 complement? How many do you have on the
12 street at any one time?

13 MR. FENERTY: During the
14 midday, about 150.

15 COUNCILMAN GREEN: One hundred
16 fifty people midday. Mostly on foot?

17 MR. FENERTY: Majority on foot
18 in Center City. And there are --

19 COUNCILMAN GREEN: In Center
20 City and in the neighborhoods?

21 MR. FENERTY: In the
22 neighborhoods they're in patrol cars. In
23 Center City we have the supervisors are
24 in the very well-marked vans that you see
25 going around.

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN GREEN: And all 150
3 people are on duty from 6:30 a.m. until
4 midnight?

5 MR. FENERTY: They're staggered
6 shifts. The earliest shift starts at
7 6:30 a.m. with a complement of about a
8 dozen. About a dozen start at 6:30 a.m.
9 and we go up until midnight. We go on
10 Friday and Saturday nights until 2:00
11 a.m.

12 COUNCILMAN GREEN: Okay. But,
13 I mean, until -- so how many people are
14 working, say, from 6:00 p.m. to midnight?

15 MR. FENERTY: 6:00 p.m. to
16 midnight, I got to get some assistance.
17 Thirty-five.

18 COUNCILMAN GREEN: Thirty-five
19 people. And how many supervisors?

20 MR. FENERTY: Four.

21 COUNCILMAN GREEN: Four
22 supervisors from 6:00 p.m. to midnight?

23 MS. O'CONNOR: Yes.

24 MR. FENERTY: Councilman, can I
25 bring Corinne up here?

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN GREEN: Sure.

3 COUNCILMAN DiCICCO:

4 Absolutely.

5 MR. FENERTY: I'm deaf in my
6 left ear, so I can't hear what she says
7 on that side.

8 COUNCILMAN DiCICCO: Have her
9 sit on the other side. See how we figure
10 things out around here.

11 MR. FENERTY: For the record,
12 Corinne O'Connor is the Director of
13 On-Street Parking. Her duties include
14 towing, booting, radio room and parking
15 enforcement officers.

16 (Witness approached witness
17 table.)

18 COUNCILMAN GREEN: Okay. So
19 there are four people on duty, four
20 supervisors on duty, citywide from 6:00
21 p.m. to midnight?

22 MS. O'CONNOR: Correct.

23 COUNCILMAN GREEN: And they're
24 the only people with cars?

25 MS. O'CONNOR: No. On 4:00 to

1 6/2/10 - STREETS - BILL 090466, etc.

2 midnight --

3 COUNCILMAN DiCICCO: Excuse me.

4 Just identify yourself for the record.

5 MS. O'CONNOR: Corinne

6 O'Connor. I am the Director of

7 On-Street.

8 On 4:00 p.m. to midnight, the
9 shift, out of the 35 parking enforcement
10 officers, mostly about half have
11 vehicles. So in addition to the
12 supervisors, there's also other vehicles
13 out in the street that do all parts of
14 the City, Manayunk, your main corridors.

15 COUNCILMAN GREEN: Okay. But
16 they're geographically dispersed?

17 MS. O'CONNOR: Correct.

18 COUNCILMAN GREEN: From
19 midnight to 6:00 a.m., how many people do
20 you have on duty?

21 MS. O'CONNOR: We'll keep about
22 seven on duty, seven parking enforcement
23 officers, and two supervisors.

24 COUNCILMAN GREEN: So citywide
25 from midnight to 6:00 a.m., as a

1 6/2/10 - STREETS - BILL 090466, etc.
2 practical matter, the Parking Authority
3 is not going to be in a position to issue
4 most tickets; that will have to be done
5 by the Police Department?

6 MR. FENERTY: That would be
7 correct.

8 MS. O'CONNOR: That's correct.

9 COUNCILMAN GREEN: And so what
10 we're talking about is potentially either
11 hours of waiting time for the tow to
12 occur because we're waiting for
13 policemen, who have this as a much lower
14 priority than the other people, or we're
15 having citizens waiting for police
16 response during the times they're most
17 needed in the City from 12:00 a.m. to
18 6:00 a.m.?

19 MR. FENERTY: For the most
20 part, Councilman, you're correct.

21 COUNCILMAN GREEN: So is there
22 any estimate of how many tickets the
23 Police are going to have to write
24 between, say, 6:00 p.m. and 6:30 a.m.,
25 Mr. Haigler or anybody?

1 6/2/10 - STREETS - BILL 090466, etc.

2 MR. HAIGLER: I have no idea.

3 COUNCILMAN GREEN: You have no
4 idea?

5 MR. HAIGLER: No.

6 COUNCILMAN GREEN: Is anybody
7 here from the Police to testify?

8 (No response.)

9 COUNCILMAN GREEN: I think
10 Lieutenant Healy last week was going to
11 get us specific information to some
12 specific questions that we asked on the
13 record.

14 COUNCILMAN DiCICCO: Point of
15 information.

16 COUNCILMAN KENNEY: I don't
17 recall that, but I do know that
18 Commissioner Ramsey has provided us with
19 a letter saying that they are capable of
20 handling the job and will not enforce it
21 at all because of the issue of confusion
22 in the event that there are carve-outs or
23 exceptions in the bill.

24 I think that the consumer
25 protection is more important than the

1 6/2/10 - STREETS - BILL 090466, etc.
2 seven or eight private tows that I think
3 Mr. Zuritsky testified to last time that
4 happen in the course of a year. I do
5 think that we should fall on the side of
6 consumer protection, because there's been
7 these issues that have been going on and
8 on and on forever, and I think that the
9 Police Commissioner's a competent
10 individual, who thinks that his folks can
11 handle this, and the Parking Authority
12 will assist. So most likely we will have
13 enough coverage to deal with this.

14 By the way, a lot of private
15 tow lots are not open after midnight
16 anyway. They tell you to come back the
17 next day. That gives them the
18 opportunity to pick up another day in
19 storage fees.

20 So I think all in all,
21 considering the vetting of this entire
22 situation and issue, we're at a point now
23 where I think we need to maybe try it,
24 and if we need to make adjustments down
25 the road, we'd be happy to take a look at

1 6/2/10 - STREETS - BILL 090466, etc.

2 that.

3 COUNCILMAN GREEN: Well,

4 frankly --

5 COUNCILMAN DiCICCO: Point of

6 information. There is a letter, if you

7 had not seen it.

8 COUNCILMAN GREEN: Frankly, I

9 am extremely offended that the

10 Commissioner of Police of the City of

11 Philadelphia would say that they are not

12 going to enforce an ordinance validly

13 passed by City Council because of some

14 kind of sense that we can't, through

15 regulation or otherwise, avoid confusion.

16 If we pass an ordinance, I

17 fully expect the Police Department of the

18 City of Philadelphia to pass it, and I

19 will not be threatened by a Police

20 Commissioner that says we are not going

21 to enforce a law that is validly passed

22 by City Council. I think it's -- the

23 letter is not worth the paper it's

24 written on. Of course they'll enforce

25 the law. That's the law, and if they

1 6/2/10 - STREETS - BILL 090466, etc.

2 don't, we as a body can hold them

3 accountable.

4 So, I mean, that letter is

5 offensive to me personally as a City

6 Councilman and should be to this body.

7 With respect to protecting

8 consumers, I agree, but I prefer to

9 protect citizens and make sure that

10 police are out there able to quickly

11 respond to burglaries, robberies, other

12 things that are happening between 12:00

13 a.m. and 6:30 p.m., and since we do not

14 know, have no idea how many tickets will

15 be required to be written then and we

16 know police force is at its lowest level

17 during that period, I just think it's

18 irresponsible for us to pass this bill at

19 this time without information about how

20 many diversions will be required of the

21 police.

22 I don't really have any other

23 questions, and it's for these reasons

24 that I'll be opposing this bill today.

25 COUNCILMAN DiCICCO: Thank you.

1 6/2/10 - STREETS - BILL 090466, etc.

2 Councilman Greenlee.

3 COUNCILMAN GREENLEE: Just for
4 the record, in fairness to the Police
5 Commissioner's letter, I think he was
6 responding to some questions that were
7 brought up. He does talk about how he
8 doesn't feel there should be carve-outs
9 in this bill, and he basically just went
10 on record saying that he agrees with the
11 premise of this bill, that it's trying to
12 deal with a legitimate problem. And just
13 for the record, I agree with that. I
14 think we've all heard about some of the
15 problems that improperly towed cars have
16 resulted in.

17 So obviously everybody has
18 their opinion on what the letter said,
19 but I think there's a lot in the letter
20 that addresses the concerns that were
21 raised at the last hearing.

22 Thank you.

23 COUNCILMAN DiCICCO: Thank you.

24 Just let the record also
25 reflect that Councilwoman Sanchez, who is

1 6/2/10 - STREETS - BILL 090466, etc.
2 a member of this Committee, is also
3 present.

4 Any other questions for these
5 witnesses?

6 COUNCILMAN GREEN: Actually,
7 just -- for the record, to remind my
8 colleagues, we are creating a rule for
9 the exception, not for the problem. Yes,
10 people have been mistreated, but to
11 require 56,000 tickets to be written
12 every quarter as opposed to addressing
13 this problem differently seems to me to
14 be a huge diversion and waste of
15 resources. That is less than half a
16 percent, 44 complaints, 56,000 tickets,
17 and it's an awful big diversion of
18 Parking Authority and Police resources.

19 COUNCILMAN DiCICCO: The only
20 thing I would say, not to get into a
21 debate, that the 44 I think is obviously
22 just scratching the surface, because I
23 think there are just many, many people
24 out there who never make the complaint to
25 begin with, because they just figure

1 6/2/10 - STREETS - BILL 090466, etc.

2 that's it, I'm out of here, I'm never
3 coming back.

4 Councilman Greenlee.

5 COUNCILMAN GREENLEE: Thank
6 you. Again, not to get into a debate
7 back and forth, but I think oftentimes
8 the arguments used against regulation,
9 while it's not the majority, but if it's
10 enough of a minority to be a problem, and
11 I'll just -- obviously every case is
12 different, but I think the argument that
13 we're going after a minority of the
14 problem was used in the bill regulating
15 dumpsters, the same argument was used,
16 and I defended that as a needed
17 regulation, and I think this is at least
18 in the same realm of things, that we're
19 dealing with a legitimate problem and
20 we're trying to put reasonable
21 regulations on.

22 Thank you.

23 COUNCILMAN DiCICCO: Gentlemen,
24 I'm really not going to entertain a
25 debate among us at this panel. We're all

1 6/2/10 - STREETS - BILL 090466, etc.
2 entitled to our opinion. If you have
3 something to ask the -- questions of the
4 panel of witnesses or comments, please do
5 so, but let's not get into a personal
6 debate here.

7 COUNCILMAN GREEN: Thank you.

8 If you could please provide the
9 Chair the information that I requested
10 from the Police Department last time. We
11 will send you a specific list of those
12 questions in a letter that you'll receive
13 tomorrow, and also the questions that I
14 asked today about how many tows happen
15 during different eight-hour periods of
16 the day, I would appreciate it.

17 COUNCILMAN DiCICCO: Thank you.

18 Any other questions for these
19 witnesses from the Committee?

20 (No response.)

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

24 (No response.)

25 COUNCILMAN DiCICCO: Seeing

1 6/2/10 - STREETS - BILL 090466, etc.

2 none, Mr. McMonagle, please read the
3 title of the second bill.

4 THE CLERK: Bill No. 100310, an
5 ordinance amending Section 9-205 of The
6 Philadelphia Code, entitled "Sidewalk
7 Sales," by prohibiting sidewalk vending
8 on both sides of North Second Street,
9 between Spring Garden Street and Girard
10 Avenue with the exception of certain
11 owners and tenants of properties; all
12 under certain terms and conditions.

13 MR. HAIGLER: Good afternoon,
14 Chairman DiCicco and members of the
15 Committee. I am Otis Haigler, Jr.,
16 Director of Legislative Affairs for the
17 Department of Licenses and Inspections.
18 Today I am here to provide testimony on
19 Bill 100310, which, if enacted, will
20 prohibit sidewalk sales on both sides of
21 Second Street, between Spring Garden
22 Street and Girard Avenue except for
23 owners or tenants of businesses within
24 the designated area that are in
25 compliance with the provisions of Section

1 6/2/10 - STREETS - BILL 090466, etc.

2 9-205(2)(d) of The Philadelphia Code.

3 The Department of Licenses and
4 Inspections offers no objections to the
5 enactment of this bill.

6 Thank you for the opportunity
7 to provide testimony, and I'll be happy
8 to answer any questions.

9 COUNCILMAN DiCICCO: Thank you,
10 Mr. Haigler.

11 Any questions for this witness
12 from the Committee?

13 (No response.)

14 COUNCILMAN DiCICCO: Anyone
15 else here to testify for or against this
16 bill?

17 (No response.)

18 COUNCILMAN DiCICCO: Seeing
19 none, Mr. McMonagle, the title of the
20 next bill.

21 THE CLERK: Bill No. 100285, an
22 ordinance amending Title 12 of The
23 Philadelphia Code, entitled "Traffic
24 Code," to provide for proper display of
25 valid parking meter kiosk receipts;

1 6/2/10 - STREETS - BILL 090466, etc.
2 proper display of valid residential
3 parking permits; proper display of valid
4 contractor parking permits; to establish
5 penalties and provide for immobilization
6 and impoundment of vehicles for certain
7 parking violations; all under certain
8 terms and conditions.

9 COUNCILMAN DiCICCO: Good
10 afternoon. Please identify yourself for
11 the record and proceed with your
12 testimony.

13 MR. FENERTY: Good afternoon,
14 Chairman DiCicco and members of Council.
15 My name is Vince Fenerty and I'm the
16 Executive Director of the Parking
17 Authority. Also with me here this
18 afternoon is Corinne O'Connor, who is the
19 Director of On-Street Parking for the
20 Authority.

21 I would like to thank Chairman
22 DiCicco and the members of the Committee
23 for allowing me to testify today. I am
24 here to testify in favor of Bill 100285,
25 which would set penalties for the

1 6/2/10 - STREETS - BILL 090466, etc.
2 fraudulent duplication of parking kiosk
3 receipts, residential parking permits or
4 contractor parking placards.

5 Since last July, the Parking
6 Authority has been installing hundreds of
7 parking kiosks throughout the City to
8 replace the standard parking meters,
9 where possible. This program has had
10 many benefits to the City, its residents
11 and visitors, not the least of which
12 allow citizens more options to pay for
13 parking and the aesthetic improvement of
14 the landscape where the conversion has
15 taken place. To date, the Parking
16 Authority has installed 850 kiosks, and
17 we expect to install a total of 1,025
18 kiosks in total.

19 When a citizen uses a kiosk to
20 purchase time, a receipt is provided for
21 that citizen to place in their car which
22 shows the amount of time purchased. Also
23 the receipt needs to be placed on the
24 curb portion of the vehicle's windshield
25 so a police officer or parking officer

1 6/2/10 - STREETS - BILL 090466, etc.

2 can review it safely.

3 As the number of kiosks have
4 grown, unfortunately attempts to use
5 forged kiosk receipts to avoid paying
6 have also increased. The Parking
7 Authority has a number of security
8 safeguards in place to limit this
9 problem. I have included a copy of a
10 forged parking receipt with my testimony
11 so you can see an example of the problem.
12 This practice is outright theft,
13 deception and fraud. Currently, if a
14 citizen is caught with a forged receipt,
15 the only ticket that can be written on
16 the vehicle is for an expired meter or
17 kiosk, which is a \$36 fine. This Bill
18 No. 100285 would amend Title 12 of The
19 Philadelphia Code to allow a \$300 ticket
20 to be written on the vehicle.
21 Additionally, the bill would allow for a
22 \$300 ticket to be written if a vehicle is
23 found to display a forged residential
24 parking permit or a contractor parking
25 placard, and all three of these offenses

1 6/2/10 - STREETS - BILL 090466, etc.
2 would make the vehicle to be eligible to
3 be towed and impounded immediately.

4 I believe that we show that a
5 willful, premeditated unlawful behavior
6 will not be tolerated, and I ask the
7 Committee to give Bill 100285 a favorable
8 recommendation and request that the rules
9 be suspended to allow the first reading
10 at the next Council session.

11 I thank you for the opportunity
12 to testify before the Committee this
13 afternoon, and I'd be happy to answer any
14 questions which the members have.

15 COUNCILMAN DiCICCO: Thank you,
16 Mr. Fenerty, for your testimony.

17 I may have missed it. I was
18 having some sidebars here. Will you be
19 placing anything on the kiosk as a
20 warning or anything like that? Not that
21 we should be warning criminals, but is
22 there going to be anything out there --

23 MR. FENERTY: The front of the
24 kiosk can be changed very easily. If
25 there is --

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN DiCICCO: It's a
3 little confusing, though, those kiosks.
4 They kind of vary from location to
5 location.

6 MR. FENERTY: We've changed the
7 face of them twice. We've had a focus
8 group look at it. We think we now have
9 it much easier. To use a kiosk the first
10 time, the second time and the third time
11 was a little difficult from the change
12 from just sticking a Smart Card in or
13 putting change in. The complaints really
14 went down and it is much easier. Credit
15 card use is going up, Smart Card use is
16 going down, change use is going down
17 also. People using the credit cards is
18 traveling up every day.

19 COUNCILMAN DiCICCO: Are you
20 finding that these counterfeit receipts
21 are being used by -- is somebody out
22 there, somebody start a cottage industry
23 out there? Are they selling them?

24 MR. FENERTY: We don't believe
25 that yet, but as soon as it came up, we

1 6/2/10 - STREETS - BILL 090466, etc.
2 had a few instances and I looked at it
3 and I said rather than wait until it
4 becomes an epidemic, if it did become an
5 epidemic, why don't we get an ordinance
6 on Council to have a fine and impound the
7 vehicle as a deterrent to people doing
8 it. You know, did we think this would
9 happen? We always knew that this was a
10 possibility. It's happened several
11 times. Some of the photos we couldn't
12 get. Our PO's don't have cameras. They
13 call the supervisor. The supervisor
14 looks at it. We were able to get to this
15 car. And attached also you will see a
16 copy of a fraudulent contractor placard,
17 which we had on hand to bring today so we
18 can show Council. It's being done.

19 This is not something to
20 generate revenue. This is totally as a
21 deterrent, Mr. DiCicco and members. We
22 just want it out there that if you do
23 this, you will lose your car, you'll be
24 impounded, and by the time you get it
25 out, you'll pay the fine, you're going to

1 6/2/10 - STREETS - BILL 090466, etc.
2 pay towing, you're going to pay storage
3 and you'll be vetted for whatever parking
4 tickets are due the City on your car's
5 history.

6 COUNCILMAN DiCICCO: Thank you.
7 Councilman Green.

8 COUNCILMAN GREEN: Thank you.
9 I'm just taking a look at this
10 bill. Councilman DiCicco, the italicized
11 sections are what's being added to this
12 ordinance? And what's not italicized is
13 currently what's in the law?

14 COUNCILMAN DiCICCO: Yes. To
15 the best of my knowledge, yes.

16 COUNCILMAN GREEN: So I have a
17 couple of issues with -- one, the first
18 is requiring that it be clearly visible.
19 I understand -- requiring that it be
20 clearly visible on curb side, and the
21 issuance of tickets if it's not on the
22 curb side of the car seems to me to be
23 unnecessary. It's either clearly visible
24 or it's not clearly visible. For
25 example, in my car there's a place to put

1 6/2/10 - STREETS - BILL 090466, etc.
2 a ticket like on the drive's side
3 above -- it's a foot up, it's a little
4 plastic thing, you can slip it right in
5 there. You can see it from the other
6 side. Until I saw the thing on the box,
7 I typically always put my parking receipt
8 there, right there, it was visible. I
9 paid my thing.

10 I think a lot of people are
11 going to come into the City and not have
12 noticed that it has to be curb side, and
13 if we start issuing tickets for something
14 this clearly visible when people have
15 paid, I just don't think that's the way
16 we want to be treating people who are
17 coming downtown to spend their money.

18 MR. FENERTY: Councilman, I
19 don't have my copy of the ordinance with
20 me. Did we put --

21 COUNCILMAN GREEN: It says,
22 When a vehicle is parked in a parking
23 meter dispensed by the kiosk payment,
24 that space shall be displayed in such a
25 manner as to be clearly visible through

1 6/2/10 - STREETS - BILL 090466, etc.
2 the curb side portion of the vehicle's
3 windshield.

4 MR. FENERTY: We have not
5 issued any tickets if it was on the other
6 side, if it was on the passenger side. I
7 was aware that was in there, and that was
8 put in there primarily for the safety of
9 the issuing officer, that we would rather
10 have them on the curb side. You pay the
11 kiosk on the curb side, you put it on the
12 curb side. We have no directive that if
13 it's not on a specific side of a car, to
14 ticket the vehicle. Our officers do in
15 fact walk around the car.

16 At this point, I have not had a
17 parking enforcement officer hit by a car
18 yet. I've had a few tow drivers hit. We
19 did that -- we were asking that
20 specifically to encourage people to do
21 it. I'm not going to issue any tickets
22 for someone putting a valid receipt on
23 the wrong side of the car. If Council
24 were to have a problem with that
25 particular language, I would not object

1 6/2/10 - STREETS - BILL 090466, etc.

2 to striking it.

3 COUNCILMAN GREEN: No. I mean,
4 if you're not enforcing it --

5 MR. FENERTY: I assure you
6 we're not doing that. We put that in
7 primarily for the safety of the issuing
8 officer.

9 And, Councilman, I'll tell you
10 the truth, I'm as guilty as the next
11 person of doing it. I'm just sitting
12 thinking, I parked on South Broad Street
13 facing south and I put it on the driver's
14 side myself when I paid the meter down in
15 South Philadelphia. I'm as guilty as the
16 next person of not opening -- not even
17 thinking and opening the passenger door
18 and putting it on there. In fact, I can
19 never remember doing that. I've always
20 placed it on the passenger side. It's
21 according to which side of the street.

22 COUNCILMAN GREEN: Okay. With
23 respect to there's a penalty for -- it's
24 called invalid receipt parking meter
25 kiosk. What you gave us a picture of is

1 6/2/10 - STREETS - BILL 090466, etc.

2 a counterfeit receipt?

3 MR. FENERTY: Yes.

4 COUNCILMAN GREEN: I'm not sure
5 this is clear enough to prevent a \$300
6 fine for a receipt someone accidentally
7 left in from the day -- I have left a
8 receipt sort of from the day before on my
9 thing.

10 MR. FENERTY: We're not looking
11 for someone who left a good receipt from
12 the day before. All we're looking for
13 here is the -- and I'll phrase it -- the
14 individual who has become clever and has
15 made phony copies. That's all we're
16 looking for here.

17 COUNCILMAN GREEN: So it's your
18 testimony this is with respect to only
19 counterfeit receipts?

20 MR. FENERTY: Only counterfeit
21 receipts, nothing else.

22 COUNCILMAN GREEN: Not expired
23 receipts, day-old receipts?

24 MR. FENERTY: Not at all. If
25 you have an expired receipt, you get an

1 6/2/10 - STREETS - BILL 090466, etc.

2 expired meter. If it's a day old, you
3 get an expired meter, that's all.

4 Councilman, I didn't write the
5 exact language. The lawyers did it, and
6 that's how they termed it.

7 COUNCILMAN GREEN: So with
8 respect to display of invalid residential
9 parking permit, I assume your testimony
10 would be the same?

11 MR. FENERTY: That would be
12 counterfeit.

13 COUNCILMAN GREEN: That is
14 counterfeit only, not an expired
15 residential --

16 MR. FENERTY: Yes, or not an
17 expired contractor placard, to answer the
18 next paragraph. It's for counterfeit and
19 we use the word "fraudulent."

20 COUNCILMAN GREEN: Okay.

21 MR. FENERTY: The lawyers wrote
22 it.

23 COUNCILMAN GREEN: And with
24 respect to contractor parking display of
25 invalid permit --

1 6/2/10 - STREETS - BILL 090466, etc.

2 MR. FENERTY: Same thing.

3 You'll see there's two copies of the
4 permit. The first copy is blue. That is
5 not -- that's a counterfeit permit.
6 You'll see the easiest way -- they're in
7 color, so the easiest way to see is on
8 the blue one, it doesn't have the
9 distinct lines. So that made it very
10 suspicious. The green one, you'll see
11 how the printing is on ours much
12 different than the counterfeit one. You
13 also look at the City seal.

14 We have people out there that
15 are very good at arts and crafts.

16 COUNCILMAN GREEN: I just
17 wanted this on the record for the
18 legislative history.

19 MR. FENERTY: It's just for
20 counterfeit and, Councilman, it's only
21 for a deterrent. We want it out there
22 that if you do it, your car is going to
23 be impounded, so it doesn't become a
24 problem. That's all it is.

25 COUNCILMAN GREEN: Thank you,

1 6/2/10 - STREETS - BILL 090466, etc.

2 Mr. Fenerty.

3 MR. FENERTY: Thank you,
4 Councilman.

5 COUNCILMAN DiCICCO: Any other
6 questions for these witnesses from the
7 Committee?

8 (No response.)

9 COUNCILMAN DiCICCO: Anyone
10 else who wishes to testify for or against
11 this bill?

12 (No response.)

13 COUNCILMAN DiCICCO: Seeing
14 none, Mr. McMonagle, please read the
15 title of the next bill. Thank you.

16 THE CLERK: Bill No. 090466, an
17 ordinance amending Chapter 9-400 of The
18 Philadelphia Code, entitled "Carriers,"
19 by adding a new Section 9-408, entitled
20 "Multi-Seat Pedalcycles," to provide for
21 the licensing and regulation of
22 businesses operating Multi-Seat
23 Pedalcycles for hire, all under certain
24 terms and conditions.

25 (Witness approached witness

1 6/2/10 - STREETS - BILL 090466, etc.
2 table.)

3 MR. PERRI: Good afternoon,
4 Councilman DiCicco and members of the
5 Committee on Streets and Services. My
6 name is David Perri. I'm the Chief of
7 Surveys and Design for the Streets
8 Department. I'm here today to present
9 testimony on Bill No. 090466, which
10 amends Section 9-400 of The Philadelphia
11 Code pertaining to transportation
12 carriers.

13 Bill No. 090466, introduced by
14 Councilwoman Blackwell and Councilman
15 Jones on June 4th, 2009, adds a new
16 section to the Code, 9-408, entitled
17 "Multi-Seat Pedalcycles." These vehicles
18 are a tourist amenity that allows groups
19 of four or more people to jointly pedal
20 one bicycle at the same time. This bill
21 was first introduced and scheduled for a
22 hearing this time last year. At that
23 time, the Streets Department and Mayor's
24 Office of Transportation and Utilities
25 expressed concerns about the safe

1 6/2/10 - STREETS - BILL 090466, etc.
2 commercial operation of such vehicles on
3 Philadelphia's busy streets. As you
4 know, as of June 11th, 2009, this bill
5 was held in committee.

6 Since then, no potential
7 operators of these vehicles or any
8 proponents of their operation have
9 approached the Administration. It is
10 unclear as to what the level of interest
11 by the private sector is in operating
12 these vehicles, the size of vehicles or
13 the proposed routes. Without the ability
14 to assess the safety hazards and traffic
15 impacts of multi-seat pedalcycle
16 operations, the Administration cannot
17 support this legislation.

18 In the past year, the
19 Administration worked with Councilwoman
20 Reynolds Brown and the bicycle-taxi
21 (pedicab) industry to develop and pass an
22 ordinance permitting the operation of
23 bicycle-taxis. Working together, we were
24 able to address safety concerns and
25 traffic impacts through regulation. Last

1 6/2/10 - STREETS - BILL 090466, etc.

2 week, bicycle-taxis commenced legal
3 operations in Philadelphia.

4 The Administration cannot
5 support Bill No. 090466 and respectfully
6 requests that this bill be held in
7 committee pending further discussions
8 with potential operators that would allow
9 us to more fully evaluate this potential
10 program.

11 Thank you for allowing me to
12 testify before you today. I'd be happy
13 to answer any questions you may have.

14 COUNCILMAN DiCICCO: Thank you,
15 Mr. Perri. One minute, please.

16 Any questions for this witness
17 from the Committee?

18 (No response.)

19 COUNCILMAN DiCICCO: Anyone
20 else who wishes to testify for or
21 against?

22 Please approach the witness
23 table, identify yourself for the record
24 and proceed with your testimony. Thank
25 you.

1 6/2/10 - STREETS - BILL 090466, etc.

2 (Witness approached witness
3 table.)

4 MS. STUART: My name is Sarah
5 Clark Stuart. I'm Campaign Director for
6 the Bicycle Coalition of Greater
7 Philadelphia. Thank you for allowing me
8 to testify here this afternoon on Bill
9 090466.

10 This bill lays out a permitting
11 process for multi-seat pedalcycles, or
12 also known as conference bikes. Our
13 concern about this bill is that we have
14 several outstanding questions about the
15 safety, operation and location of
16 operation of multi-seat pedalcycles. We
17 have not met with or been invited to meet
18 with the operators or the Streets
19 Department about how the operation of
20 these vehicles will work. This industry
21 was not part of the long planning process
22 that the pedicab industry went through
23 with the Streets Department and Mayor's
24 Office of Transportation.

25 It's not clear where these

1 6/2/10 - STREETS - BILL 090466, etc.
2 vehicles will be operating, and given the
3 stringent regulation of pedicabs and
4 tight limits on where pedicabs can
5 operate, such as not on Fairmount Park
6 trails, we have concerns if these
7 multi-seat pedalcycles may be allowed
8 where pedicabs are not. So we would like
9 more information about how this bill will
10 work before we can support the bill.

11 Thank you very much.

12 COUNCILMAN DiCICCO: Thank you.

13 (Pause.)

14 COUNCILMAN DiCICCO: Thank you.

15 Thank you both for your testimony. A
16 little conversation here. We will vote
17 the bill out today without a suspension,
18 which will give at least two weeks, three
19 weeks before the end of Council session
20 for any of those questions and concerns
21 to be thought through and discussed with
22 the sponsors of the bill and the industry
23 folks as well. So no final vote today;
24 just voting it out of Committee. You
25 know how it goes, Mr. Perri. And then

1 6/2/10 - STREETS - BILL 090466, etc.
2 hopefully over the next few weeks, you
3 can iron out any differences or concerns
4 you may have.

5 Thank you.

6 Any questions for these
7 witnesses?

8 (No response.)

9 COUNCILMAN DiCICCO: Seeing
10 none, anyone else that wishes to testify?

11 (No response.)

12 COUNCILMAN DiCICCO: Seeing
13 none, Mr. McMonagle, please read the
14 title of the next bill.

15 MR. BLUM: Excuse me.

16 COUNCILMAN DiCICCO: Yes, sir.

17 MR. BLUM: My name is Lewis
18 Blum of Lew Blum Towing Company and I
19 misheard the request of anyone here to
20 testify. Can I please testify?

21 COUNCILMAN DiCICCO: And I said
22 it twice.

23 MR. BLUM: I didn't hear you.
24 Please.

25 COUNCILMAN DiCICCO: Would you

1 6/2/10 - STREETS - BILL 090466, etc.

2 mind waiting until the end?

3 MR. BLUM: I don't mind at all.

4 COUNCILMAN DiCICCO: Thank you.

5 We have 20 bills to get through. Thank

6 you.

7 Mr. McMonagle.

8 THE CLERK: Bill No. 090906, an

9 ordinance establishing a one-way

10 regulation on Greene Street, from Roberts

11 Avenue to Windrim Avenue, northbound.

12 (Witness approached witness

13 table.)

14 COUNCILMAN DiCICCO: Good

15 afternoon. Please identify yourself for

16 the record.

17 MR. DLUGOSZ: Good afternoon,

18 members of the Committee. Thank you for

19 the opportunity to appear before you. My

20 name is David Dlugosz, District Traffic

21 Engineer for the Department of Streets.

22 I am here to offer testimony on Bill

23 090906.

24 The Streets Department has no

25 objections to the passage of this bill.

1 6/2/10 - STREETS - BILL 090466, etc.

2 The 4400 block of Greene Street was
3 changed to one-way operation on May 18th,
4 2009 pending the passage of this City
5 Council ordinance.

6 Thank you for the opportunity
7 to appear before you today. I would be
8 happy to take any questions.

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

12 (No response.)

13 COUNCILMAN DiCICCO: Anyone
14 else here who wishes to testify?

15 (No response.)

16 COUNCILMAN DiCICCO: Seeing
17 none, Mr. McMonagle, please read the
18 title of the next bill.

19 THE CLERK: Bill No. 090907, an
20 ordinance establishing a one-way
21 regulation on Armstrong Street, from
22 Magnolia Street to East Wister Street,
23 eastbound.

24 COUNCILMAN DiCICCO: Please
25 proceed.

1 6/2/10 - STREETS - BILL 090466, etc.

2 MR. DLUGOSZ: Good afternoon,
3 Mr. Chairman and members of the
4 Committee. Thank you for the opportunity
5 to appear before you today. My name is
6 David Dlugosz, District Traffic Engineer
7 for the Department of Streets. I'm here
8 today to offer testimony on Bill No.
9 090907.

10 The Streets Department has no
11 objections to the bill. The 500 block of
12 Armstrong Street has been converted to a
13 one-way operation pending the passage of
14 this City Council ordinance.

15 Thank you for the opportunity
16 to appear before you today. I'd be happy
17 to take any questions.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions for this witness
20 from the Committee?

21 (No response.)

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

25 (No response.)

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN DiCICCO: Seeing
3 none, Mr. McMonagle, please read the
4 title of the next bill.

5 THE CLERK: Bill No. 100266, an
6 ordinance granting permission to Roxanne
7 Maddrey, owner and operator of the
8 newsstand located on the southwest corner
9 of 55th Street and Pine Street, to
10 construct, use and maintain conduits for
11 fiber optic facilities in, under and
12 across the southwest corner of 55th
13 Street and Pine Street, for the purpose
14 of supplying electrical service and
15 telephone service to said newsstand.

16 (Witness approached witness
17 table.)

18 MS. BRISBON: Good afternoon,
19 Chairman DiCicco and members of the
20 Committee. My name is Michelle Brisbon
21 and I'm a Staff Engineer with the
22 Department of Streets. I am here to
23 offer the following testimony for Bill
24 No. 100266.

25 This bill grants permission to

1 6/2/10 - STREETS - BILL 090466, etc.
2 Roxanne Maddrey, owner and operator of
3 the newsstand located on the southwest
4 corner of 55th Street and Pine Street, to
5 construct, use and maintain conduits for
6 fiber optic facilities in, under and
7 across the southwest corner of 55th
8 Street and Pine Street, for the purpose
9 of supplying electrical and telephone
10 services to said newsstand, all under
11 certain terms and conditions.

12 The Streets Department has
13 reviewed the proposal for this project
14 and has no objection to the passage of
15 the bill.

16 COUNCILMAN DiCICCO: Thank you.

17 Any questions for this witness?

18 (No response.)

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

22 (No response.)

23 COUNCILMAN DiCICCO: Seeing
24 none, please read the title of the next
25 bill.

1 6/2/10 - STREETS - BILL 090466, etc.

2 Thank you, ma'am.

3 THE CLERK: Bill No. 100312, an
4 ordinance amending Chapter 11-600 of The
5 Philadelphia Code, entitled
6 "Construction, Encroachments, and
7 Projections Over, On, and Under Streets,"
8 by adding a new definition and new
9 subsection providing for the granting of
10 permits for the installation of bicycle
11 racks on sidewalks, under certain terms
12 and conditions.

13 COUNCILMAN DiCICCO: I believe
14 we're going to hear all the bills that
15 you'll be testifying on in the interest
16 of time, so you can just stick around.
17 Thank you.

18 Please proceed with your
19 testimony.

20 MS. BRISBON: Okay. Good
21 afternoon again. My name is Michelle
22 Brisbon and I'm a Staff Engineer with the
23 Department of Streets. I'm here to offer
24 the following testimony for Bill No.
25 100312.

1 6/2/10 - STREETS - BILL 090466, etc.

2 This bill, which is an
3 administrative ordinance requested by the
4 Mayor's Office of Transportation and
5 Utilities, amends Section 11-600 of The
6 Philadelphia Code to allow for the
7 private installation of bicycle racks in
8 the public right-of-way through a simple
9 permit process.

10 The goal, which is to increase
11 bicycle ridership in the City of
12 Philadelphia, is consistent with the
13 objectives of the recently published
14 Greenworks Philadelphia plan and the City
15 of Philadelphia's Complete Streets
16 policy. This ordinance provides business
17 owners with the opportunity to promote
18 bicycle ridership to their locations
19 through the installation of secure and
20 easily accessible bicycle parking spaces.
21 Studies have shown that more people will
22 use bicycles to travel to work and for
23 shopping and other purposes if there is
24 secure parking available at the end of
25 their journey.

1 6/2/10 - STREETS - BILL 090466, etc.

2 Currently, private
3 installations of bicycle racks on the
4 sidewalk require individual site-specific
5 encroachment ordinances, which are
6 time-consuming and costly to promulgate.
7 This ordinance will reduce the regulatory
8 burden and encourage more installations.

9 Finally, this ordinance,
10 together with its companion regulations,
11 will establish a permit process for the
12 installation of custom-designed art racks
13 which some business owners and business
14 associations desire for their locations.
15 Streetscapes in business districts, in
16 turn, will benefit from the increase in
17 public art that also has a functional
18 purpose.

19 COUNCILMAN DiCICCO: Thank you.
20 Councilman Green.

21 COUNCILMAN GREEN: Thank you.

22 Your testimony indicated that
23 this was consistent with the Philadelphia
24 plan. However, the bill fails to state
25 minimum standards of clear width for

1 6/2/10 - STREETS - BILL 090466, etc.
2 pedestrian traffic or advanced by the
3 Philadelphia Planning Commission's
4 Philadelphia Pedestrian and Bicycle plan
5 released April 15th, 2010 or the
6 Americans with Disabilities Act federal
7 accessibility guidelines.

8 As the City endeavors to
9 increase walkability, sidewalk
10 encroachments should be minimized. Thus,
11 the bill should be read with the recently
12 released street furniture RFP in mind and
13 should be amended to clarify minimum
14 pedestrian widths to reduce sidewalk
15 clutter. Section 11-604(2)(a) states
16 that the sidewalk encroachments do not
17 impede upon the usable sidewalk width.
18 It is ambiguous and subjective and should
19 be amended to state, Does not impede upon
20 a minimum clear width of five feet or
21 greater for pedestrian clearance, as
22 regulated by the Department of Streets.
23 This would incorporate the standards
24 articulated in the Philadelphia plan.

25 Would you have any objection to

1 6/2/10 - STREETS - BILL 090466, etc.
2 changing that language?

3 MS. BRISBON: Well, there is a
4 regulation that's going to accompany the
5 ordinance, and the Department will be
6 reviewing those applications for the
7 bicycle racks to ensure that they don't
8 impede the walkable sidewalk for
9 pedestrians.

10 COUNCILMAN GREEN: So what is
11 your testimony then, that the regulations
12 issued by the Department will require at
13 least five feet of width be free,
14 including protruding bicycles?

15 MS. BRISBON: That's the
16 Department's policy.

17 COUNCILMAN GREEN: And is that
18 the regulations that you'll promulgate if
19 we pass this ordinance?

20 MS. BRISBON: Wait a minute.
21 Let me look at the regulation.

22 COUNCILMAN DiCICCO: Mr. Perri?

23 MS. BRISBON: The regulation
24 states, The minimum acceptable paved
25 sidewalk width on which a bicycle rack

1 6/2/10 - STREETS - BILL 090466, etc.

2 may be installed shall be 12 feet.

3 COUNCILMAN GREEN: Shall be 12
4 feet?

5 MS. BRISBON: That's the
6 minimum paved sidewalk width.

7 COUNCILMAN GREEN: Yeah, but it
8 doesn't say how many feet the bicycle
9 rack can protrude into the sidewalk. It
10 doesn't say how much space has to be left
11 clear.

12 COUNCILMAN DiCICCO: Mr. Perri,
13 could you shed some light?

14 MR. PERRI: Yes. Good
15 afternoon, members of Council. My name
16 is David Perri. I am Chief Engineer for
17 Surveys and Design.

18 We are currently working on
19 regulations for bicycle parking, and the
20 regulations would require minimum widths
21 off of the face of a building and minimum
22 widths off of the curb line. We feel
23 that if we establish a minimum clear
24 sidewalk width by ordinance of five feet,
25 that there's going to be circumstances

1 6/2/10 - STREETS - BILL 090466, etc.
2 where we would want more of a clear
3 width. For instance, the Parkway or for
4 heavily traveled commercial areas, we
5 would want to do a lot more.

6 What we're proposing to do with
7 this ordinance is to set up a permit
8 process, and through the review of the
9 permit application, we would be able to
10 make those judgment calls as to which
11 location should have a wider clear width
12 and which ones it would be acceptable at
13 five feet. In no case would we allow a
14 bicycle rack with the attached bicycle to
15 reduce the sidewalk width under five
16 feet.

17 COUNCILMAN GREEN: Thank you.

18 COUNCILMAN DiCICCO: Don't we
19 do that with outdoor seating similarly?
20 Sometimes we -- is that not the case with
21 outdoor seating?

22 MR. PERRI: For sidewalk cafes?

23 COUNCILMAN DiCICCO: Cafes,
24 yeah.

25 MS. BRISBON: Yeah. We review

1 6/2/10 - STREETS - BILL 090466, etc.

2 the sidewalk cafes just to make sure
3 there's a minimum sidewalk width for
4 pedestrians.

5 COUNCILMAN DiCICCO: Okay.

6 Thank you.

7 COUNCILMAN GREEN: Sorry. Just
8 for the record, not just for pedestrians;
9 the Americans with Disability Act
10 requires five feet.

11 MS. BRISBON: Yes. That's
12 correct.

13 COUNCILMAN GREEN: So that's
14 people in wheelchairs, et cetera.

15 MS. BRISBON: That's correct.

16 COUNCILMAN GREEN: Thank you.

17 COUNCILMAN DiCICCO: Thank you.

18 Any other questions for these
19 witnesses?

20 (No response.)

21 COUNCILMAN DiCICCO: Anyone
22 else here who wishes to testify?

23 Yes, ma'am.

24 We still got to figure out a
25 way of getting me to have scooter parking

1 6/2/10 - STREETS - BILL 090466, etc.

2 in this town.

3 (Witness approached witness
4 table.)

5 MS. STUART: Good afternoon.

6 My name is Sarah Clark Stuart, Campaign
7 Director of the Bicycle Coalition of
8 Greater Philadelphia. Thank you for
9 allowing me the opportunity to testify
10 today.

11 We are in support of Bill No.
12 100312 to amend Chapter 11-600 of the
13 Code. The Philadelphia City Planning
14 Commission is in the process of
15 finalizing the policy recommendations of
16 the pedestrian bicycle plan for the next
17 ten years, and one of the strategies
18 presented in that plan is to manage
19 sidewalk encroachments and recommends
20 that the Code should be changed to
21 clarify laws governing sidewalk
22 encroachments -- I'm sorry; and allow for
23 administrative approval, where
24 appropriate.

25 Currently, as mentioned before,

1 6/2/10 - STREETS - BILL 090466, etc.
2 a private property owner who wants to
3 install a bike rack at their own expense
4 must seek City Council approval and
5 secure an ordinance permitting them to
6 place a rack on the sidewalk, and we
7 believe it would be in the interest of
8 the public that the bike racks be
9 administratively permitted by the Streets
10 Department.

11 Philadelphia is currently
12 experiencing a bike parking shortage.
13 There are not enough bike racks to
14 accommodate the number of bikes in
15 certain high-use areas. Anyone walking
16 around downtown Center City has seen
17 multiple bikes locked to individual racks
18 or bikes that are locked to trees,
19 fences, railings and lampposts. The lack
20 of bike parking discourages people from
21 using their bicycle for commuting or
22 short errands. It encourages poor
23 parking techniques that make bikes
24 vulnerable to theft and creates a
25 cluttered landscape or streetscape.

1 6/2/10 - STREETS - BILL 090466, etc.

2 Additionally, improperly parked bikes
3 harm public property and private property
4 and trees.

5 Bike parking should be
6 attractive and organized. By making the
7 installation of bike racks easier, this
8 change to the Code will encourage
9 property owners to install racks in front
10 of their property and attract those
11 customers or clients who prefer to shop
12 or commute by bicycle. We've been
13 contacted by numerous business owners who
14 want bike parking installed in front of
15 their business, and this demonstrates to
16 us that there is a demand for a
17 streamlined, easy-to-use process for
18 obtaining permission to install racks.

19 So this change to the Code,
20 complemented by the forthcoming
21 promulgation of regulations that
22 Mr. Perri spoke about that addresses
23 street classifications and appropriate
24 sidewalk clear widths, will help keep
25 sidewalks free of encroachments and

1 6/2/10 - STREETS - BILL 090466, etc.

2 provide a rational way to fit bicycle
3 parking into the sidewalk.

4 This bill is one of many
5 important changes to the Code and the
6 City's policies that are needed to create
7 conditions that encourage more people to
8 use their bicycle for short trips,
9 commuting and recreating, and I encourage
10 this Committee to pass the bill as
11 proposed.

12 COUNCILMAN DiCICCO: Thank you.

13 Any questions for this witness
14 from the Committee?

15 (No response.)

16 COUNCILMAN DiCICCO: Is there
17 anyone else who wishes to testify for or
18 against the bill?

19 (No response.)

20 COUNCILMAN DiCICCO: Thank you
21 both.

22 Seeing none, Mr. McMonagle,
23 please read the title of the next bill.

24 THE CLERK: Bill No. 100370, an
25 ordinance authorizing Ilker Ugur, owner

1 6/2/10 - STREETS - BILL 090466, etc.
2 of Cafe Fulya, to construct, own and
3 maintain two tables, four chairs and two
4 benches on the sidewalks located at 727
5 South Second Street, under certain terms
6 and conditions.

7 MS. BRISBON: Good afternoon,
8 Chairman DiCicco, members of the
9 Committee. My name is Michelle Brisbon
10 and I'm a Staff Engineer with the
11 Department of Streets and I'm here to
12 offer the following testimony on Bill No.
13 100370.

14 This bill authorizes Ilker Ugur
15 to construct, own and maintain an
16 encroachment in the form of an open-air
17 sidewalk cafe located at 727 South Second
18 Street.

19 The sidewalk cafe consists of
20 two tables, four chairs and two benches
21 encroaching on the sidewalks located at
22 727 South Second Street. This
23 encroachment leaves approximately six
24 feet of clear, unobstructed footway for
25 pedestrian traffic.

1 6/2/10 - STREETS - BILL 090466, etc.

2 The Streets Department has
3 reviewed the plans and has no objection
4 to the passage of the bill.

5 COUNCILMAN DiCICCO: Thank you.

6 Any questions for this witness
7 from the Committee?

8 (No response.)

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

12 (No response.)

13 COUNCILMAN DiCICCO: Seeing
14 none, Mr. McMonagle, please read the
15 title of the next bill.

16 THE CLERK: Bill No. 100371, an
17 ordinance authorizing the National Museum
18 of American Jewish History, located at
19 101 South Independence Mall East, to
20 construct, own and maintain various
21 encroachments in rights-of-way adjacent
22 to the Museum building on 5th Street,
23 Market Street, and Ludlow Street, and to
24 improve a portion of the right-of-way
25 adjacent to the Museum building on 5th

1 6/2/10 - STREETS - BILL 090466, etc.

2 Street, all under certain terms and
3 conditions.

4 MS. BRISBON: Good afternoon,
5 Chairman DiCicco and members of the
6 Streets and Services Committee. My name
7 is Michelle Brisbon and I'm a Staff
8 Engineer with the Department of Streets.
9 I'm here to offer testimony on Bill No.
10 100371.

11 This bill authorizes the
12 National Museum of American Jewish
13 History to construct, own and maintain
14 various encroachments in the public
15 right-of-way adjacent to the Museum
16 building on 5th Street, Market Street,
17 and Ludlow Street and permission to
18 improve a portion of the right-of-way
19 adjacent to the Museum building on 5th
20 Street.

21 The encroachments include one
22 sculpture, 14 security bollards and two
23 information kiosks, all within the
24 rights-of-way around the Museum building
25 located at 101 South Independence Mall

1 6/2/10 - STREETS - BILL 090466, etc.
2 East. The portion of the right-of-way
3 that this bill grants permission to
4 improve also serves as the roof to the
5 egress stairs from the SEPTA Station near
6 the southeast corner of 5th and Market
7 Streets.

8 The Streets Department has
9 reviewed the plans for this project and
10 supports the passage of the bill.

11 COUNCILMAN DiCICCO: Do you
12 happen to know, ma'am, what the size of
13 those kiosks will be?

14 MS. BRISBON: I don't have the
15 plans with me, but I can get that
16 information to you.

17 COUNCILMAN DiCICCO: Are those
18 kiosks informational kiosks as it relates
19 to the Museum or are they --

20 MS. BRISBON: Yes. I'm sorry.
21 Yes, they relate to information for the
22 Museum.

23 COUNCILMAN DiCICCO: Thank you.

24 Any questions for this witness
25 from the Committee?

1 6/2/10 - STREETS - BILL 090466, etc.

2 (No response.)

3 COUNCILMAN DiCICCO: Anyone
4 else here who wishes to testify for or
5 against this bill?

6 (No response.)

7 COUNCILMAN DiCICCO: Seeing
8 none, Mr. McMonagle, the title of the
9 next bill.

10 THE CLERK: Bill No. 100015, an
11 ordinance authorizing Charles Weiner to
12 construct, own and maintain a building
13 encroachment at 3653 Germantown Avenue
14 under certain terms and conditions.

15 (Witness approached witness
16 table.)

17 MS. BRISBON: Good afternoon,
18 Chairman DiCicco and members of the
19 Streets and Services Committee. My name
20 is Michelle Brisbon and I'm a Staff
21 Engineer with the Department of Streets.
22 I'm here to offer testimony on Bill No.
23 100015.

24 This bill authorizes Charles
25 Weiner, owner of 3653 Germantown Avenue,

1 6/2/10 - STREETS - BILL 090466, etc.
2 to construct, own and maintain a building
3 encroachment at 3653 Germantown Avenue
4 that will encroach upon the south
5 sidewalk of Erie Avenue. The proposed
6 encroachment is an addition to the
7 existing building located on the
8 southerly side of Erie Avenue. The
9 proposed addition encroaches
10 approximately 12 feet onto the south
11 public sidewalk of Erie Avenue, leaving a
12 distance of approximately 16 feet for
13 clear pedestrian traffic.

14 As previously indicated in
15 testimony for this bill at the Streets
16 and Services Committee on March 11th,
17 2010, the Streets Department does not
18 support the passage of Bill No. 100015.
19 It is the policy of the Department of
20 Streets not to approve permanent
21 commercial intrusion into the public
22 right-of-way solely for the purpose of
23 expanding a business use. As suggested
24 at the March 11th, 2010 Streets and
25 Services Committee, a separate bill, Bill

1 6/2/10 - STREETS - BILL 090466, etc.
2 No. 100359, was introduced in City
3 Council on May 20th, 2010 to allow for
4 the striking and vacating from City Plan
5 the 12-foot-wide portion of the south
6 sidewalk of Erie Avenue. This will allow
7 the owner to incorporate the 12 feet into
8 their deed; therefore, no longer needing
9 an encroachment. The Department of
10 Streets will support passage of Bill No.
11 100359.

12 COUNCILMAN DiCICCO: Good
13 afternoon. Please identify yourself for
14 the record.

15 MS. WEBB: Good afternoon,
16 Chairman DiCicco and members of the
17 Streets and Services Committee. I am
18 Michelle Webb, City Planner with the
19 Development Planning Division of the
20 Philadelphia City Planning Commission.
21 I'm here to testify on Bill No. 100015,
22 which Councilmember Clarke introduced
23 into City Council on January 28th, 2010.

24 This bill will allow the owners
25 of the Eagle Bar, located at 3653

1 6/2/10 - STREETS - BILL 090466, etc.
2 Germantown Avenue, to build and maintain
3 a 12-foot-by-75-foot encroachment on the
4 south side of Erie Avenue. The sidewalk
5 is 28 feet wide at this location and the
6 addition would reduce the unencumbered
7 sidewalk to 16 feet wide. The City
8 Planning Commission does not believe that
9 a permanent building encroachment should
10 be allowed in the street right-of-way.
11 The street is for public transportation
12 and utility purposes, and a private
13 interest should not encroach on those
14 interests, except when a street
15 right-of-way can be reduced and still
16 allow safe pedestrian travel and
17 vehicular movement and utilities
18 functions, then the City Plan change be
19 requested.

20 The City Planning Commission at
21 its meeting of February 16th, 2010
22 recommended that Bill No. 100015 be
23 disapproved.

24 This concludes my testimony. I
25 appreciate the opportunity to appear

1 6/2/10 - STREETS - BILL 090466, etc.

2 before you today and will be pleased to
3 answer any questions you may have.

4 COUNCILMAN DiCICCO: Thank you.

5 I just want to get clear, because with
6 all due respect, I find the testimony to
7 be somewhat confusing inasmuch as we say
8 we do not want to do an encroachment
9 which would take up a portion of the
10 sidewalk unless we believe it's for part
11 of the public right-of-way, but yet if we
12 did a striking -- I think that's the
13 appropriate terminology -- using up the
14 same amount of space, for some reason
15 that would be okay.

16 MS. BRISBON: The way that the
17 encroachment, though, language, it
18 doesn't -- the language is not in
19 accordance with how we generally write up
20 the encroachment ordinances. There's
21 some language that's missing from that
22 bill.

23 COUNCILMAN DiCICCO: What is it
24 that's missing?

25 MS. BRISBON: There's a

1 6/2/10 - STREETS - BILL 090466, etc.
2 paragraph in there that requires them to
3 remove or relocate any or all of the
4 encroachments described in the ordinance
5 from the public right-of-way within 60
6 days after lawful service of notice by
7 the City. And then there's also language
8 that's required in encroachment
9 ordinances which states they shall
10 furnish the City with either a bond, with
11 corporate surety, in an amount required
12 by the Department of Streets and in a
13 form satisfactory to the Law Department
14 to ensure the compliance with all the
15 terms and conditions of the ordinance and
16 the agreement, and to protect and
17 indemnify the City from and against all
18 damages or claims for damages which may
19 arise directly or indirectly as a result
20 of the construction, maintenance or use
21 of the encroachment or their removal, or
22 submit documentation acceptable to the
23 City that Charles Weiner self-assumes the
24 liabilities and obligations normally
25 covered by the surety bond.

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN DiCICCO: So I
3 guess, not being a lawyer, if we did the
4 striking, then that would all be covered,
5 because it then becomes part of the deed
6 to the property?

7 MS. BRISBON: That's correct.

8 COUNCILMAN DiCICCO: And it has
9 been suggested -- and I'm familiar with
10 Mr. Weiner, and I've said this publicly
11 before -- that he go out and get an
12 appraisal based on five
13 recommendations -- appraisers that were
14 recommended by the Planning Commission or
15 the City. I forgot. He did do that,
16 paid a fee, and it came back that they
17 wanted -- it was recommended that that
18 portion of the sidewalk should be a cost
19 to Mr. Weiner of \$22,000.

20 MS. BRISBON: Okay.

21 COUNCILMAN DiCICCO: If he do
22 it by way of striking.

23 MS. BRISBON: Yes.

24 COUNCILMAN DiCICCO: So if he
25 paid the 22,000 and we did the striking,

1 6/2/10 - STREETS - BILL 090466, etc.
2 all of the issues about pedestrian
3 right-of-way and all that stuff would go
4 away?

5 MS. BRISBON: Because it would
6 become his property, so it wouldn't be
7 the City's liability any longer. It's
8 not an encroachment.

9 COUNCILMAN DiCICCO: Councilman
10 Green.

11 COUNCILMAN GREEN: Thank you.

12 I also was a bit confused by
13 the testimony. So your testimony is you
14 are against the bill because it does not
15 indemnify the City, essentially?

16 MS. BRISBON: Yes.

17 COUNCILMAN GREEN: But you
18 would be for it if it had the language
19 you read?

20 MS. BRISBON: Well, we would
21 prefer that they do the striking. That's
22 our preference.

23 COUNCILMAN GREEN: And is that
24 the Planning -- what is the Planning
25 Commission --

1 6/2/10 - STREETS - BILL 090466, etc.

2 MS. WEBB: Yes. The Commission
3 voted at the February meeting either to
4 disapprove this bill or have language
5 within the encroachment bill that
6 essentially holds Mr. Weiner responsible
7 if any -- if the needs to come down for
8 access to utility right-of-way, that he
9 would be held responsible.

10 COUNCILMAN GREEN: Are there
11 utilities under this 12 feet?

12 MS. WEBB: I'm not sure.

13 COUNCILMAN DiCICCO: Maybe I
14 can -- it's my understanding -- please
15 come up. I could be wrong -- that
16 there's surveyors and other individuals
17 were out there and there are no active
18 utilities. Is that a correct statement?

19 (Witness approached witness
20 table.)

21 MR. MORELLI: Councilman
22 DiCicco, I'm Frank Morelli, Survey Bureau
23 Manager.

24 You're correct, there are no
25 utilities in the 12-foot section. The

1 6/2/10 - STREETS - BILL 090466, etc.
2 striking of the street would give title
3 to the abutting property owner. An
4 encroachment, the title would still
5 maintain in the City. So that's the
6 distinction between an encroachment
7 ordinance and the striking.

8 The footway is wide enough to
9 accommodate that striking. It is a
10 28-foot-wide footway. So striking the
11 12-foot-wide will still accommodate the
12 pedestrians, but the Streets Department
13 prefers to see a street striking to
14 operate a private business instead of
15 doing it as an encroachment.

16 COUNCILMAN GREEN: So the
17 reason this bill was introduced was to
18 avoid having to pay fair market value for
19 the 12 feet?

20 COUNCILMAN DiCICCO: Maybe I
21 can answer that. The bill was originally
22 introduced because the owner, Mr. Weiner,
23 is looking to expand his current
24 business, to add additional seating.
25 He's going to build like an atrium. I

1 6/2/10 - STREETS - BILL 090466, etc.

2 can't think of the restaurant across from
3 the building.

4 COUNCILMAN GREEN: Italian
5 Bistro.

6 COUNCILMAN DiCICCO: Thank you.
7 Italian Bistro. Something of that
8 nature. And originally I think it was
9 refused because they thought it might be
10 utilities. They went through that whole
11 process, found there were no utilities,
12 and then the issue came up that we'd
13 rather do a striking for those reasons
14 that have been stated here today, but the
15 22,000 came into play when the Planning
16 Commission said we'd rather do a
17 striking, but we just don't want to give
18 it away, we want a fee to be paid.

19 COUNCILMAN GREEN: Well, I
20 mean, just -- I'm fully supportive of the
21 Streets Department and the Planning
22 Commission. I'd be fine with this bill
23 if it had the language indemnifying the
24 City that they request and I'd be fine
25 with the striking, but I do think that we

1 6/2/10 - STREETS - BILL 090466, etc.
2 ought to protect the City from future
3 liability before turning over our
4 property to a private citizen.

5 COUNCILMAN DiCICCO: How have
6 we done this in the past with other
7 encroachments? And using the Italian
8 Bistro as an example, I think that was a
9 controversial one, if I'm not mistaken,
10 many years ago. I think it was done
11 without any permits. I think one of my
12 predecessors --

13 MR. MORELLI: Councilman, I'm
14 not familiar with that.

15 MS. BRISBON: I'm not familiar
16 with it either.

17 COUNCILMAN DiCICCO: But there
18 are encroachments in other areas.

19 MR. MORELLI: The Streets
20 Department policy is to strike a portion
21 of the street instead of allowing a
22 private business to operate within the
23 bed of the street if the footway --

24 COUNCILMAN DiCICCO: Because
25 it's a permanent structure as opposed to

1 6/2/10 - STREETS - BILL 090466, etc.
2 sidewalk cafe.

3 MR. MORELLI: Correct.

4 COUNCILMAN DiCICCO: Which we
5 allow people to use.

6 Are we indemnifying on that
7 sidewalk stuff? I don't remember.

8 MR. MORELLI: Yes. There's
9 indemnity language.

10 MS. BRISBON: Same language,
11 right.

12 COUNCILMAN DiCICCO: They post
13 a bond, right?

14 MR. MORELLI: Correct.

15 MS. BRISBON: Yes.

16 COUNCILMAN DiCICCO: Any other
17 questions from this Committee?

18 (No response.)

19 COUNCILMAN DiCICCO: Anyone
20 else here who wishes to testify?

21 (No response.)

22 COUNCILMAN DiCICCO: Seeing
23 none, Mr. McMonagle, the title of the
24 next bill.

25 THE CLERK: Bill No. 100359, an

1 6/2/10 - STREETS - BILL 090466, etc.
2 ordinance authorizing the revision of
3 lines and grades on a portion of City
4 Plan No. 154 by striking from the City
5 Plan and vacating the southerly 12 feet
6 wide portion of Erie Avenue from
7 Germantown Avenue to Elder Street, under
8 certain terms and conditions.

9 MR. MORELLI: Good afternoon,
10 Mr. Chairman and members of the
11 Committee. My name is Frank Morelli,
12 Survey Bureau Manager of the Department
13 of Streets, and the Department of Streets
14 would like to offer the following
15 testimony on Bill No. 100359.

16 This is not an administrative
17 ordinance, but an ordinance requested by
18 Ms. Dawn Tancredi, Esquire of Mattioni,
19 Limited, 399 Market Street, Philadelphia,
20 PA.

21 The purpose of this ordinance
22 is to reduce the sidewalk width of Erie
23 Avenue at this location from 28 feet to
24 16 feet. This action will facilitate
25 plans by the owner of the abutting

1 6/2/10 - STREETS - BILL 090466, etc.
2 property to construct a building addition
3 and expand the existing business.

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

8 COUNCILMAN DiCICCO: Good
9 afternoon.

10 MS. WEBB: Good afternoon,
11 Chairman DiCicco and members of the
12 Streets and Services Committee. I am
13 Michelle Webb, City Planner with the
14 Development Planning Division of the
15 Philadelphia City Planning Commission. I
16 am here to testify on Bill No. 100359,
17 which was introduced by Councilmember
18 Krajewski for Councilmember Clarke on May
19 20th, 2010.

20 This ordinance will authorize
21 the revision of lines and grades on a
22 portion of City Plan No. 154 by striking
23 from the City Plan and vacating the
24 southerly 12-foot-wide portion of Erie
25 Avenue from Germantown Avenue to Elder

1 6/2/10 - STREETS - BILL 090466, etc.

2 Street, under certain terms and

3 conditions.

4 This bill will revise the south

5 sidewalk of Erie Avenue from Germantown

6 Avenue to Elder Street to allow for a

7 12-foot-by-75-foot expansion to an

8 existing restaurant on the southerly

9 sidewalk of Erie Avenue, which is 28 feet

10 wide, while maintaining a 16-foot clear

11 sidewalk.

12 Staff recommendation will be

13 for approval when the City Planning

14 Commission hears Bill No. 100359 at its

15 meeting scheduled for June 8th, 2010.

16 This concludes my testimony. I

17 appreciate the opportunity to appear

18 before you today and would be pleased to

19 answer any questions you may have.

20 COUNCILMAN DiCICCO: Any

21 questions for these witnesses from the

22 Committee?

23 (No response.)

24 COUNCILMAN DiCICCO: Seeing

25 none -- Councilman Green.

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN GREEN: I have one
3 clarifying question. You support this
4 striking bill and you would charge --
5 basically if we strike it, the owner
6 would be required to pay \$22,000?

7 MR. MORELLI: Correct.
8 Correct. Wherever the City of
9 Philadelphia had to purchase the street
10 to open the street initially, then we
11 require fair market value at the time of
12 street striking, and this street was --
13 the City did pay damages initially when
14 it was opened.

15 COUNCILMAN GREEN: I see. So
16 if the City had the street and always had
17 it, we don't require the citizen to pay
18 to strike a portion of it. It is City
19 policy and it is consistent with
20 everything we've done in the past,
21 including sidewalk striking for the
22 benefit of a business owner, to charge
23 them if we had to pay for the street?

24 MR. MORELLI: Correct.

25 COUNCILMAN GREEN: Thank you.

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN DiCICCO: Any other
3 questions for these witnesses from the
4 Committee?

5 (No response.)

6 COUNCILMAN DiCICCO: Anyone
7 else who wishes to testify for or
8 against -- Ms. Tancredi, do you have any
9 comments?

10 MS. TANCREDI: No.

11 COUNCILMAN DiCICCO: Thank you.

12 Please read the title of the
13 next bill.

14 THE CLERK: Bill No. 090839, an
15 ordinance authorizing the revision of
16 lines and grades on a portion of City
17 Plan No. 242 by striking from the City
18 Plan and vacating portions of the beds of
19 Old York Road and a certain cut-back area
20 at the southerly side of Sixty-Sixth
21 Avenue between Old York Road and Broad
22 Street, thereby reducing the width of Old
23 York Road from Sixty-Sixth Avenue to a
24 point approximately one-hundred
25 sixty-three feet southwestwardly

1 6/2/10 - STREETS - BILL 090466, etc.
2 therefrom, by relocating the
3 southeasterly curbline of Old York Road
4 from Sixty-Sixth Avenue to a point
5 approximately one-hundred ninety-eight
6 feet southwestwardly therefrom, and by
7 placing on the City Plan a curb bumpout
8 at the northeasterly corner of Old York
9 Road and Sixty-Fifth Avenue, all under
10 certain terms and conditions; and

11 Bill No. 090840, an ordinance
12 granting permission to ABEER, LP, owner
13 of the property Oak Lane Diner, 6528
14 North Broad Street, to legalize a
15 one-story concrete masonry construction,
16 under certain terms and conditions; and

17 Bill No. 090880, an ordinance
18 establishing a one-way regulation on Old
19 York Road, from 66th Avenue to 65th
20 Avenue, southbound.

21 MR. MORELLI: Good afternoon,
22 Mr. Chairman and members of the
23 Committee. My name is Frank Morelli,
24 Survey Bureau Manager of the Department
25 of Streets. I am testifying on behalf of

1 6/2/10 - STREETS - BILL 090466, etc.
2 the Streets Commissioner Clarena Tolson.
3 She regrets that she is not available
4 today. I am here to read the following
5 statement from her regarding Bill Nos.
6 090839, 090840 and 090880.

7 It is our understanding that
8 Councilwoman Miller has amendments she is
9 prepared to offer in connection with Bill
10 No. 090839, which is the ordinance for
11 the Oak Lane Diner related to the
12 encroachment on Broad Street. The
13 amendments would require the owner of the
14 property to make certain additional
15 commitments in connection with obtaining
16 the encroachment. If the bill is amended
17 as set forth in those proposed
18 amendments, the Administration is no
19 longer opposed to Bill Nos. 090839,
20 090840 and 090880.

21 This concludes my testimony on
22 these three bills.

23 COUNCILMAN DiCICCO: Thank you.

24 Any questions from this
25 Committee?

1 6/2/10 - STREETS - BILL 090466, etc.

2 (No response.)

3 COUNCILMAN DiCICCO: No?

4 Anyone else who wishes to testify for or
5 against the bill?

6 (Witness approached witness
7 table.)

8 COUNCILMAN DiCICCO: Good
9 afternoon. Please identify yourself for
10 the record.

11 MR. ALI: Good afternoon. My
12 name is Jihad Ali. I'm a citizen in the
13 City of Philadelphia. I want to testify
14 on behalf of -- not on behalf, but
15 opposing Bill No. 090839.

16 I'm kind of confused, because I
17 know Section 1 of the bill talks about
18 what will happen if they strike it and
19 Section 2 talks about the conditions that
20 are necessary to be satisfied if this
21 striking occurs. The problem that I have
22 is, I went by -- I'm familiar with the
23 site because it went in front of the
24 Planning Commission. One of the things
25 that struck me as unusual was on Section

1 6/2/10 - STREETS - BILL 090466, etc.
2 No. 2, it talks about the fire hydrants.
3 I was wondering, does the Committee know
4 how many fire hydrants are on the corner
5 at this location?

6 COUNCILMAN DiCICCO: Excuse me
7 one second.

8 I apologize.

9 MR. ALI: My question was in
10 Section No. 2 of the bill, it talks about
11 relocating fire hydrants, sewer inlets,
12 manholes, et cetera. Now, I'm familiar
13 with this neighborhood and I know that
14 there was a fire hydrant behind this
15 place. My understanding is that this
16 fire hydrant, because of what this
17 applicant did -- this building is already
18 constructed, and my understanding is that
19 the applicant did not -- whatever
20 procedures and rules are in place now,
21 they were violated. There was no
22 planning -- there was no survey done.
23 There was no permit obtained, and as a
24 result, there's a City fire hydrant
25 that's covered with dirt.

1 6/2/10 - STREETS - BILL 090466, etc.

2 Now, the problem that I have
3 is, in my former career, I was a police
4 officer and I remember there's an order
5 of nuns that's located right on that
6 corner, and what struck me when I was a
7 rookie when I went to -- I had a reason
8 to go to this convent, these nuns don't
9 speak. They suffer and do their thing in
10 penance for the citizens of Philadelphia
11 and the world, and one of the things that
12 struck me about this bill is, this fire
13 hydrant is covered. It seems to me that
14 every section of this bill, Section (a),
15 (b), (c), talk about releasing the City,
16 but my question is, has there been an
17 immediate assessment of the danger that
18 citizens that visit that restaurant are
19 exposed to and the citizens that live in
20 that neighborhood might be exposed to?

21 COUNCILWOMAN MILLER: Can I
22 answer?

23 COUNCILMAN DiCICCO:
24 Councilwoman Miller.

25 COUNCILWOMAN MILLER: Yes. The

1 6/2/10 - STREETS - BILL 090466, etc.
2 Fire Department has been out. I
3 appreciate your concern, let me start
4 there. The Fire Department has been
5 actively involved and out and inspected
6 and assessed, and all that has happened
7 months ago, yes.

8 MR. ALI: And on Bill No.
9 090840, I'm opposing this bill because
10 this applicant, he erected a building --
11 some of the members of the Committee know
12 that I'm heavily involved in construction
13 in this city. There's no members that
14 I'm affiliated with have participated in
15 the construction of this building or even
16 knew about this building been existed.
17 What I'm here is to oppose anything that
18 was constructed in an illegal manner.
19 It's illegal in the fact that there was
20 no plan obtained, there was no permits
21 obtained. I don't even know if the
22 contractor was licensed. But as a result
23 of this building being in place now, it
24 seems to me that citizens are at risk,
25 because this building is constructed not

1 6/2/10 - STREETS - BILL 090466, etc.
2 according to any recognized building
3 standards.

4 So I just wanted to do my duty
5 as a citizen to bring this to your
6 attention. You're the elected officials
7 of the City. I just wanted to at least
8 have you think about if you legalize
9 this, it might be a problem.

10 That's all I have,
11 Councilwoman.

12 COUNCILWOMAN MILLER: We have a
13 letter here from the Fire Department that
14 we will submit to the stenographer as
15 part of the record, and this letter is
16 actually dated in December 2008, and the
17 Fire Department, as I said earlier, has
18 been out.

19 First of all, let me backtrack.
20 We've been actually meeting regarding
21 this construction for one and a half
22 years. Okay? So it's not something that
23 we've taken lightly, not something that
24 we've ignored. All the City departments,
25 the building owner, architects, engineer,

1 6/2/10 - STREETS - BILL 090466, etc.
2 et cetera, have been meeting to make this
3 right. This is a very popular
4 establishment. We would not -- and you
5 know -- I don't know whether you've been
6 there, but I've certainly been there a
7 couple of times over the years for many,
8 many years, and we would never want to
9 have a structure that's dangerous for the
10 citizens of Philadelphia. But we have
11 been meeting regarding this whole
12 development for one and a half years, and
13 I've been actively involved in those
14 meetings, so has my staff and City
15 departments and the Law Department and
16 the utility companies and PennDOT and the
17 owners and other folks. So I do
18 appreciate your comments.

19 MR. ALI: You're welcome.

20 COUNCILWOMAN MILLER: Thank
21 you.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Any other questions?

25 (No response.)

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN GREENLEE: Anybody
3 else to testify?

4 (No response.)

5 COUNCILMAN GREENLEE:

6 Mr. McMonagle, you want to read the next
7 bill.

8 THE CLERK: Bill No. 100306, an
9 ordinance authorizing and directing the
10 revision of lines and grades on a portion
11 of City Plan No. 308 by widening the
12 cartway of Van Pelt Street between
13 Chestnut Street and Sansom Street, by
14 changing the east and west sidewalk lines
15 of Van Pelt Street between Chestnut
16 Street and Sansom Street and the grade of
17 the westerly sidewalk of Van Pelt Street
18 between Chestnut Street and Sansom Street
19 and by creating a new public use private
20 sidewalk on the west side of Van Pelt
21 Street west of the west legal sidewalk
22 between Chestnut Street and Sansom Street
23 under certain terms and conditions.

24 MR. MORELLI: The Department of
25 Streets would like to offer the following

1 6/2/10 - STREETS - BILL 090466, etc.

2 testimony on Bill No. 100306.

3 This is not an administrative
4 ordinance, but an ordinance requested by
5 Jeffrey R. Rotwitt, Esquire for Obermayer
6 Rebmann Maxwell and Hippel, One Penn
7 Center, 1617 JFK Boulevard, Philadelphia,
8 PA.

9 The purpose of this ordinance
10 is to improve vehicular movement on Van
11 Pelt Street and facilitate construction
12 on the west side of Van Pelt Street,
13 between Chestnut and Sansom Street, of a
14 new high-rise mixed-use residential
15 building, with off-street loading and a
16 parking garage accessible from Van Pelt
17 Street.

18 The Streets Department has
19 requested an amendment to this ordinance
20 to revise the language in Section 2(d)
21 and add Section 4. The amendment was
22 prepared after consultation with the Law
23 Department in order to better protect the
24 interests of the City.

25 The amended ordinance is

1 6/2/10 - STREETS - BILL 090466, etc.
2 supported by the Department of Streets
3 and is recommended to your Committee for
4 favorable action.

5 MS. WEBB: Good afternoon,
6 Chairman DiCicco and members of the
7 Streets and Services Committee. I am
8 Michelle Webb, City Planner with the
9 Development Planning Division of the
10 Philadelphia City Planning Commission.
11 I'm here to testify on Bill No. 100306,
12 which was introduced by Councilmember
13 Tasco for Council President Verna on May
14 6th, 2010.

15 This ordinance will authorize
16 and direct the revision of lines and
17 grades of a portion of City Plan No. 308
18 by widening the cartway of Van Pelt
19 Street between Chestnut and Sansom
20 Street, by changing the east and west
21 sidewalk lines of Van Pelt Street between
22 Chestnut Street and Sansom Street and by
23 creating a new public use private
24 sidewalk on the west side of Van Pelt
25 Street west of the west legal sidewalk

1 6/2/10 - STREETS - BILL 090466, etc.
2 between Chestnut Street and Sansom Street
3 under certain terms and conditions.

4 The purpose of this bill is to
5 revise Van Pelt Street to allow for the
6 erection of a 32-story, 336-foot high
7 structure mixed-use development building.
8 The applicant proposes 322 residential
9 units with accessory office space, a
10 community room and a fitness area. The
11 applicant is also providing for 9,230
12 square feet of retail and 44,000 square
13 feet of commercial office space. The
14 building will also include 119
15 above-grade parking spaces.

16 The City Planning Commission
17 recommended approval of Bill No. 100306
18 at its meeting of May 18th, 2010.

19 This concludes my testimony. I
20 appreciate the opportunity to appear
21 before you today and would be pleased to
22 answer any questions you may have.

23 COUNCILMAN DiCICCO: Thank you.

24 Any questions for these
25 witnesses from the Committee?

1 6/2/10 - STREETS - BILL 090466, etc.

2 (No response.)

3 COUNCILMAN DiCICCO: Anyone
4 else here who wishes to testify?

5 Please approach the witness
6 table.

7 (Witness approached witness
8 table.)

9 MR. SCHWARTZ: I'd like to hand
10 up papers, if I can.

11 Good afternoon, members of the
12 Committee. My name is William Schwartz.
13 I'm an attorney with the law firm of
14 Obermayer Rebmann Maxwell and Hippel
15 representing both the owner and the
16 developer of 2216-32 Chestnut Street
17 through to Sansom and Van Pelt Streets.

18 My client's land is on the west
19 side of Van Pelt Street between Chestnut
20 and Sansom Streets. Currently, the City
21 Plan for Van Pelt Street calls for
22 sidewalks of six feet, nine inches wide
23 versus existing improved sidewalks of
24 only three feet, and a cartway or roadway
25 of six feet, six inches on the City Plan

1 6/2/10 - STREETS - BILL 090466, etc.
2 versus 13 feet existing. The existing
3 paving does not match the legal
4 parameters of the City Plan.

5 Further, a main use of 2116 is
6 the Sidney Hillman Medical Center with
7 wheelchair patients that now use Van Pelt
8 Street to traverse to the Hillman Center.
9 They can't use the narrow three-foot
10 sidewalks with their wheelchairs. I've
11 been there and watched them traversing
12 Van Pelt Street in the street with their
13 wheelchairs.

14 My client is proposing a
15 32-story apartment house on its property
16 that has already been through Historical
17 Commission and Zoning. The Van Pelt
18 Street driveways proposed, lay-by lane
19 and other improvements, have been agreed
20 to and approved by the Streets
21 Department. In fact, they have already
22 put forth this amendment.

23 Although the plan already given
24 to City Planning was not made a part of
25 the bill and this also is an amendment to

1 6/2/10 - STREETS - BILL 090466, etc.
2 link it up with the bill -- and that's
3 this big plan here, and we've submitted
4 it electronically so that it can be
5 attached to the bill as well.

6 My client is proposing to give
7 11 to 13 feet of its own property for a
8 private promenade sidewalk along the west
9 side of Van Pelt Street, which will
10 considerably widen the street from three
11 feet to 15 feet wide. The east side is
12 being increased from three feet to five
13 feet for wheelchair use.

14 My client will be improving Van
15 Pelt Street with new paving, new trees,
16 new planters, new benches, et cetera, as
17 part of its proposed apartment
18 development.

19 Thank you.

20 COUNCILMAN GREENLEE:

21 Councilman Green.

22 COUNCILMAN GREEN: Thank you.
23 I'm a little bit confused. I think the
24 City's testimony was that they're in
25 favor of the bill before us. Are you

1 6/2/10 - STREETS - BILL 090466, etc.
2 asking for additional amendments to the
3 bill before us that they have not
4 reviewed?

5 MR. SCHWARTZ: No; only for the
6 plan that was supposed to be attached but
7 somehow never got attached to the bill.
8 It says it in the bill there's a plan
9 attached, but there wasn't one. I was
10 advised of that this morning, so I sent
11 the plan over for attachment, and that is
12 an amendment.

13 COUNCILMAN GREEN: Has the City
14 had a chance to review the plan that he
15 sent over this morning and does it
16 conform with what the Planning Commission
17 approved?

18 MR. SCHWARTZ: It's the same
19 plan.

20 COUNCILMAN GREEN: I'm asking
21 for the purpose of the Planning
22 Commission.

23 MS. WEBB: I'm not sure. I
24 have not seen a copy of that.

25 MR. SCHWARTZ: It's the same

1 6/2/10 - STREETS - BILL 090466, etc.

2 one that was given to you originally.

3 It was the one that we gave to
4 the Streets originally over a month ago,
5 same plan.

6 MS. WEBB: This hasn't changed
7 since?

8 MR. SCHWARTZ: No, no change.
9 That's the survey. The reason they
10 wanted it --

11 COUNCILMAN GREEN: So let me
12 just -- that's fine.

13 MR. SCHWARTZ: There's a survey
14 at the upper left-hand corner.

15 COUNCILMAN GREEN: That's fine.
16 So let me just say to the Planning
17 Commission and the Streets Department,
18 I'm sure we'll pass this bill out today.
19 You'll have -- please confirm that it is
20 what passed out of the Planning
21 Commission, and then if not, we can amend
22 it prior to final passage.

23 MS. WEBB: Okay.

24 COUNCILMAN GREEN: Thanks.

25 COUNCILMAN DiCICCO: Any

1 6/2/10 - STREETS - BILL 090466, etc.

2 questions?

3 (No response.)

4 COUNCILMAN DiCICCO: Any other

5 questions from this Committee?

6 (No response.)

7 COUNCILMAN DiCICCO: Anyone

8 else who wishes to testify for or against

9 this bill?

10 (No response.)

11 COUNCILMAN DiCICCO: Seeing

12 none, please read the title of the next

13 bill.

14 Thank you all.

15 THE CLERK: Bill No. 100358, an

16 ordinance amending Section 2 of an

17 ordinance (Bill No. 080487) approved July

18 2nd, 2008, entitled "An ordinance

19 authorizing and directing the revision of

20 lines and grades on a portion of City

21 Plan No. 269 by placing on the City Plan

22 Health Sciences Drive from Civic Center

23 Boulevard to Convention Avenue, placing

24 on the City Plan East Service Drive and

25 West Service Drive each from Civic Center

1 6/2/10 - STREETS - BILL 090466, etc.
2 Boulevard to Health Sciences Drive,
3 placing on the City Plan a right-of-way
4 for various purposes adjacent to Health
5 Sciences Drive, placing on the City Plan
6 a right-of-way for drainage purposes at
7 the intersection of Civic Center
8 Boulevard and Convention Avenue, and
9 revising the curblines and grades of
10 Civic Center Boulevard, all under certain
11 terms and conditions, including the
12 dedication to the City, free and clear of
13 all encumbrances, of the beds of Health
14 Sciences Drive, East Service Drive, and
15 West Service Drive," by extending the
16 period for compliance with the terms and
17 conditions stated therein.

18 MR. MORELLI: The Department of
19 Streets would like to offer the following
20 testimony on Bill No. 100358.

21 This is not an Administration
22 ordinance, but an ordinance requested by
23 Mr. Ira Kauderwood, Esquire, University
24 of Pennsylvania, 3101 Walnut Street,
25 Philadelphia, PA.

1 6/2/10 - STREETS - BILL 090466, etc.

2 The purpose of this amendment
3 is to extend the time period for
4 compliance with the terms and conditions
5 of the ordinance for an additional two
6 years. The purpose of this authorization
7 is to establish a new street system to
8 serve a development being constructed by
9 the University of Pennsylvania and
10 Children's Hospital and consisting of six
11 million square feet of proposed hospital
12 and research facilities.

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

17 MS. WEBB: Good afternoon,
18 Chairman DiCicco and members of the
19 Streets and Services Committee. I am
20 Michelle Webb, City Planner with the
21 Development Planning Division of the
22 Philadelphia City Planning Commission. I
23 am here to testify on Bill No. 100358,
24 which was introduced by Councilmember
25 Blackwell on May 20th, 2010.

1 6/2/10 - STREETS - BILL 090466, etc.

2 This ordinance is to amend
3 Section 2 of an ordinance (Bill No.
4 080487) approved July 2nd, 2008 entitled
5 "An ordinance authorizing and directing
6 the revision of lines and grades on a
7 portion of City Plan No. 269 by placing
8 on the City Plan Health Sciences Drive
9 from Civic Center Boulevard to Convention
10 Avenue, placing on the City Plan East
11 Service Drive and West Service Drive each
12 from Civic Center Boulevard to Health
13 Sciences Drive, placing on the City Plan
14 a right-of-way for various purposes
15 adjacent to Health Sciences Drive,
16 placing on the City Plan a right-of-way
17 for drainage purposes at the intersection
18 of Civic Center Boulevard and Convention
19 Avenue, and revising the curblines and
20 grades of Civic Center Boulevard, all
21 under certain terms and conditions,
22 including the dedication to the City,
23 free and clear of all encumbrances, of
24 the beds of Health Sciences Drive, East
25 Service Drive, and West Service Drive,"

1 6/2/10 - STREETS - BILL 090466, etc.
2 by extending the period for compliance
3 with the terms and conditions stated
4 therein.

5 Bill No. 080487 was approved
6 July 2nd, 2008 and was conditional upon
7 certain requirements being complied with
8 within two years from the date of
9 approval. Bill No. 100358 will extend
10 the timeframe to certain requirements
11 being complied to within two years from
12 the date of this ordinance becoming law
13 or by July 2nd, 2010.

14 Staff recommendation will be
15 for approval when the City Planning
16 Commission hears Bill No. 100358 at its
17 next meeting scheduled for June 8th,
18 2010.

19 This concludes my testimony. I
20 appreciate the opportunity to appear
21 before you today and would be pleased to
22 answer any questions you may have.

23 COUNCILMAN DiCICCO: Thank you
24 for your testimony.

25 Any questions for these

1 6/2/10 - STREETS - BILL 090466, etc.

2 witnesses from the Committee?

3 (No response.)

4 COUNCILMAN DiCICCO: Ms. Webb,
5 I just want to go back on to the two
6 bills relating to 3653 Germantown Avenue.
7 Again, the owner went and did what was
8 advised, hired one of the five appraisers
9 that were recommended by -- I'm not sure
10 if it was the Planning Commission or the
11 Streets Department.

12 MR. MORELLI: The Streets
13 Department list.

14 COUNCILMAN DiCICCO: One
15 individual he contacted was not well, so
16 he narrowed it down to four. He chose
17 one.

18 That appraiser came back with
19 an appraised value for that portion. Is
20 that a negotiable number? Does the owner
21 of the property have the right to get an
22 independent appraiser? How do we handle
23 that?

24 MS. WEBB: I'm not sure.

25 COUNCILMAN DiCICCO: Is it a

1 6/2/10 - STREETS - BILL 090466, etc.
2 hard and fast number? I'm just curious.

3 MS. WEBB: As far as our
4 Commission goes, I don't know that we
5 really get involved in that number and
6 that process. Overall, we're okay with
7 the concept of the striking and vacating,
8 but the number is not really what
9 we're --

10 COUNCILMAN DiCICCO:
11 Mr. Morelli?

12 MR. MORELLI: The Streets
13 Department used to have a much lengthier
14 list of appraisers that were approved,
15 and recently we weeded through the list
16 and a lot of them are no longer in
17 business, so that list of five is the
18 remaining approved appraisers for Streets
19 bills.

20 You know, any of the appraisers
21 can give us -- have an appraisal done and
22 that would be acceptable to the Streets
23 Department.

24 COUNCILMAN DiCICCO: Again, I'm
25 just curious. I personally think that

1 6/2/10 - STREETS - BILL 090466, etc.
2 \$22,000 for a portion of a sidewalk seems
3 to be somewhat excessive, in my opinion.
4 You could probably buy a vacant lot in
5 that same neighborhood for probably that
6 amount of money or less.

7 I'm not here to negotiate on
8 behalf of the owner, but I'm just, for
9 matter of background, trying to figure
10 out, well, the appraiser goes out, comes
11 up with a number. Is that an -- I mean,
12 do I have, as an owner of a property, do
13 I have the ability to come back with a
14 counteroffer or have an independent
15 appraiser come? I mean, that happens a
16 lot when you do condemnation. One side,
17 the government comes out and condemns.
18 They come up with a number that your
19 property is worth. Another side comes
20 up, and then you hire a person in between
21 that figures it all out and you come up
22 to -- again, I'm not trying to make a
23 bargain out of it. I'm just curious. Is
24 it a hard and fast number or is it
25 something that is negotiable, and who

1 6/2/10 - STREETS - BILL 090466, etc.

2 would negotiate that?

3 MR. MORELLI: In the past when
4 a person objected to the value of an
5 appraisal, they've gone to the Law
6 Department and discussed it, worked it
7 out with the Law Department. There's no
8 one in the Streets Department that
9 negotiates the values for property.

10 COUNCILMAN DiCICCO: Again, I
11 can't speak on behalf of the owner, but
12 if you did a corporate surety bond and
13 someone is telling me it's ten percent of
14 the value of whatever the cost of
15 construction for the improvement is,
16 you're probably 50 percent already of the
17 22,000, or maybe more. At that point,
18 I'd say maybe it does pay to do the
19 striking and pay the money. But 22,000
20 seems to be a little excessive for a
21 12-foot piece of a sidewalk.

22 The point is, he's expanding an
23 existing business, which means he's
24 putting more tables in, which he's going
25 to hire more people, you know, employ

1 6/2/10 - STREETS - BILL 090466, etc.

2 more people. I just wonder if it's
3 counterproductive to do it that way.

4 Thank you.

5 You did mention something,
6 though, about a letter of credit?

7 MR. MORELLI: Yeah. The Law
8 Department sometimes will accept a letter
9 of credit in lieu of a bond to satisfy
10 those requirements.

11 COUNCILMAN DiCICCO: Thank you.

12 On the bill that we just heard,
13 are there any other questions? Anyone
14 else who wishes to testify?

15 (No response.)

16 COUNCILMAN DiCICCO: Seeing
17 none, please read the title of the next
18 bill.

19 THE CLERK: Bill No. 100366, an
20 ordinance authorizing the striking from
21 City Plan No. 169 and abandoning of a
22 portion of a right-of-way for
23 construction and maintenance of sewer
24 which extends southeastwardly and
25 southwardly from City Avenue, southwest

1 6/2/10 - STREETS - BILL 090466, etc.
2 of 54th Street, and the plotting on the
3 City Plan of a right-of-way for drainage
4 and sewer purposes in an alternate
5 location east of the said existing
6 right-of-way and authorizing acceptance
7 of the grant to the City of the said
8 proposed right-of-way, under certain
9 terms and conditions.

10 MR. MORELLI: The Department of
11 Streets would like to offer the following
12 testimony on Bill No. 100366.

13 This is not an Administration
14 ordinance, but an ordinance requested by
15 Eileen Quigley from Ballard and Spahr,
16 1735 Market Street, Philadelphia, PA.

17 The purpose of this ordinance
18 is to authorize the striking from City
19 Plan and abandoning of a portion of a
20 right-of-way for construction and
21 maintenance of a sewer and the plotting
22 on City Plan of a new right-of-way for
23 drainage and sewer purposes in an
24 alternate location east of the
25 right-of-way being stricken. The sewer

1 6/2/10 - STREETS - BILL 090466, etc.
2 pipe within the existing right-of-way was
3 relocated to the proposed new
4 right-of-way several years ago to
5 accommodate construction of a new
6 building on the St. Joseph's University
7 campus. The required legal agreements
8 necessary to revise the metes and bounds
9 of the right-of-way were not completed at
10 that time. Additional development now
11 proposed for the University campus
12 requires that the agreements now be
13 completed and the new right-of-way be
14 formally granted to the City.

15 The ordinance is supported by
16 the Department of Streets and is
17 recommended to your Committee for
18 favorable action.

19 MS. WEBB: Good afternoon,
20 Chairman DiCicco and members of the
21 Streets and Services Committee. I am
22 Michelle Webb, City Planner with the
23 Development Planning Division of the
24 Philadelphia City Planning Commission.
25 I'm here to testify on Bill No. 100366,

1 6/2/10 - STREETS - BILL 090466, etc.
2 which was introduced by Councilmember
3 Jones on May 20th, 2010.

4 This ordinance will authorize
5 the striking from City Plan No. 169 and
6 abandoning a portion of a right-of-way
7 for construction and maintenance of a
8 sewer which extends southeastwardly and
9 southwardly from City Avenue, southwest
10 of 54th Street, and the plotting on the
11 City Plan of a right-of-way for drainage
12 and sewer purposes in an alternate
13 location east of the said existing
14 right-of-way and authorize acceptance of
15 the grant to the City of the said
16 proposed right-of-way, under certain
17 terms and conditions.

18 The purpose of this bill is to
19 relocate the lines of a right-of-way for
20 sewer and drainage purposes on the St.
21 Joseph's University campus. A sewer pipe
22 was already located several years ago to
23 accommodate the construction of a new
24 building. This bill will legally move
25 the right-of-way to match the existing

1 6/2/10 - STREETS - BILL 090466, etc.
2 conditions.

3 Staff recommendation will be
4 approval when the City Planning
5 Commission hears Bill No. 100366 at its
6 next meeting scheduled for June 8th,
7 2010.

8 This concludes my testimony. I
9 appreciate the opportunity to appear
10 before you and would be pleased to answer
11 any questions you may have.

12 COUNCILMAN DiCICCO: Thank you.

13 Any questions for these
14 witnesses from the Committee?

15 (No response.)

16 COUNCILMAN DiCICCO: Anyone
17 else who wishes to testify for or against
18 this bill?

19 (No response.)

20 COUNCILMAN DiCICCO: Seeing
21 none, please read the title of the next
22 bill.

23 THE CLERK: Bill No. 100376, an
24 ordinance authorizing the revision of
25 lines and grades on a portion of City

1 6/2/10 - STREETS - BILL 090466, etc.
2 Plan Nos. 146 and 271 by closing
3 Manderson Street, from Delaware Avenue to
4 Frankford Avenue, to vehicular traffic,
5 placing on the City Plan a certain
6 triangularly-shaped area bounded by
7 Delaware Avenue, Frankford Avenue, and
8 Manderson Street, relocating a portion of
9 the westerly curblineline of Frankford
10 Avenue, north of Laurel Street, a
11 variable distance westwardly, and
12 relocating the southwesterly curblineline of
13 Laurel Street, from Delaware Avenue to
14 Canal Street, a variable distance
15 northeastwardly and authorizing the
16 opening of the heretofore unopened
17 portion of the intersection of Delaware
18 Avenue, Laurel Street, and Frankford
19 Avenue.

20 MR. MORELLI: The Department of
21 Streets would like to offer the following
22 testimony on Bill No. 100376.

23 This is an Administration
24 ordinance requested by Mr. Robert Wright,
25 PE of Urban Engineers, 530 Walnut Street,

1 6/2/10 - STREETS - BILL 090466, etc.

2 14th floor, Philadelphia, PA.

3 The purpose of this ordinance
4 is to revise the lines and grades of the
5 intersection of Frankford Avenue,
6 Delaware Avenue and Laurel Street and
7 along a portion of Frankford Avenue to
8 facilitate the installation of trolley
9 tracks along Frankford Avenue, including
10 a passing track and a terminal loop at
11 the said intersection, in order to extend
12 the Girard Avenue Route 15 trolley along
13 Frankford Avenue to Delaware Avenue.

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

18 COUNCILMAN DiCICCO: Thank you.

19 MS. WEBB: Good afternoon,
20 Chairman DiCicco and members of the
21 Streets and Services Committee. I'm
22 Michelle Webb, City Planner with the
23 Development Planning Division of the
24 Philadelphia City Planning Commission. I
25 am here to testify on Bill No. 100376,

1 6/2/10 - STREETS - BILL 090466, etc.

2 which was introduced by Councilmembers

3 Clarke and DiCicco on May 20th, 2010.

4 This ordinance will authorize

5 the revision of lines and grades on a

6 portion of City Plan Nos. 146 and 271 by

7 closing Manderson Street, from Delaware

8 Avenue to Frankford Avenue, to vehicular

9 traffic, placing on the City Plan a

10 certain triangularly-shaped area bounded

11 by Delaware Avenue, Frankford Avenue, and

12 Manderson Street, relocating a portion of

13 the westerly curbline of Frankford

14 Avenue, north of Laurel Street, a

15 variable distance westwardly, and

16 relocating the southwesterly curbline of

17 Laurel Street, from Delaware Avenue to

18 Canal Street, a variable distance

19 northeastwardly and authorizing the

20 opening of the heretofore unopened

21 portion of the intersection of Delaware

22 Avenue, Laurel Street, and Frankford

23 Avenue.

24 The purpose of this action is

25 to facilitate the installation of trolley

1 6/2/10 - STREETS - BILL 090466, etc.
2 tracks along Frankford Avenue, including
3 a passing track and a terminal loop at
4 the said intersection, in order to extend
5 the Girard Avenue Route 15 trolley along
6 Frankford Avenue to Delaware Avenue.

7 Staff recommendation will be
8 for approval of Bill No. 100376 when the
9 City Planning Commission hears this bill
10 at their meeting scheduled for June 8th,
11 2010.

12 This concludes my testimony. I
13 appreciate the opportunity to appear
14 before you today and would be pleased to
15 answer any questions you may have.

16 COUNCILMAN DiCICCO: Thank you
17 again for your testimony.

18 Any questions for these
19 witnesses from the Committee?

20 (No response.)

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

24 (No response.)

25 COUNCILMAN DiCICCO: Seeing

1 6/2/10 - STREETS - BILL 090466, etc.
2 none, please read the title of the next
3 bill.

4 THE CLERK: Bill No. 100364, an
5 ordinance authorizing the paving of
6 Fourth Street from Westmoreland Street to
7 Ontario Street and Westmoreland Street
8 from Lawrence Street to Fourth Street,
9 under certain terms and conditions.

10 MR. MORELLI: The Department of
11 Streets would like to offer the following
12 testimony on Bill No. 100364.

13 This is not an Administration
14 ordinance, but an ordinance requested by
15 Ms. Maria N. Gonzalez, Vice-President of
16 Hispanic Association of Contractors and
17 Enterprises, 167 West Allegheny Avenue,
18 Philadelphia, PA.

19 The purpose of this ordinance
20 is to authorize the paving of Fourth
21 Street from Westmoreland Street to
22 Ontario Street and Westmoreland Street
23 from Lawrence Street to Fourth Street.
24 This action is part of an affordable
25 housing development on the abutting land

1 6/2/10 - STREETS - BILL 090466, etc.
2 consisting of approximately 50 new
3 townhomes.

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

8 COUNCILMAN DiCICCO: Thank you.

9 Are there any questions for Mr.
10 Morelli from this Committee?

11 (No response.)

12 COUNCILMAN DiCICCO: Anyone
13 else who wishes to testify for or against
14 the bill?

15 (No response.)

16 COUNCILMAN DiCICCO: Seeing
17 none, I believe that concludes, but we
18 will stay in the public hearing.

19 Mr. Blum asked to testify, and
20 there was a young lady who was sitting in
21 the front row.

22 Mr. Blum, you can approach the
23 witness table.

24 (Witness approached witness
25 table.)

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN DiCICCO: You're
3 going to be testifying on Bill No.
4 100213?

5 MR. BLUM: Thank you,
6 Councilman DiCicco and members of the
7 Council.

8 COUNCILMAN DiCICCO: Is that
9 correct?

10 Please identify yourself and
11 proceed with your testimony.

12 MR. BLUM: First, I'd like to
13 introduce myself. My name is Lew Blum.
14 I'm the owner of Lew Blum Towing Company.
15 I've been in the towing business for 33
16 years. My family has been in the
17 business since 1930. My grandfather was
18 Lew Smith. My uncle is George Smith. I
19 have a lot of experience in the towing
20 business.

21 I'd like to start off by saying
22 these tickets that we have to put on
23 vehicles, we don't need tickets. I think
24 that all we have to do is take pictures
25 of vehicles. I'd like to show Council my

1 6/2/10 - STREETS - BILL 090466, etc.
2 pictures, if I may.

3 Now, the pictures that I'm
4 going to show you are going to show
5 vehicles in driveways, vehicles on a
6 parking lot. It will show vehicles
7 parked right in front of the tow signs.

8 What it will also do for us, it
9 will show damages on vehicles, because
10 some people say we do damage their car
11 even though we didn't.

12 I wasn't here at the last
13 hearing, but I did download at least 84
14 pages of that hearing. Things were said
15 about private tow that I didn't like, and
16 I'd like to talk about it.

17 There's four types of towing
18 that is done in Philadelphia. One type
19 of towing is repossession. That, we
20 don't do. The other type of towing is
21 vehicles that break down, vehicles that
22 need roadside assistance, vehicles that
23 need a battery jump, gas, they locked
24 their keys in their car. We don't do
25 that either.

1 6/2/10 - STREETS - BILL 090466, etc.

2 There's one more piece of
3 towing in Philadelphia, and that's the
4 rotation. Councilman Rizzo passed a law,
5 and I have that information.

6 COUNCILMAN DiCICCO: We're
7 familiar with the rotation.

8 MR. BLUM: Okay. He passed a
9 rotation that allowed tow trucks to be
10 available to go out to all accident
11 scenes. Wherever there's an accident,
12 these guys will respond.

13 Now, you might see tow trucks
14 sitting at 7th and Vine. You might see
15 tow trucks that are sitting at Red Lion
16 and Bustleton. These trucks are on
17 standby for the rotation. They have to
18 be available. When there's an accident,
19 they have to respond.

20 Private tow that tows cars off
21 of private property, the only way private
22 tow can tow cars off of private property
23 are a driveway. We must first get
24 permission from the property owner.

25 Could I show a couple of

1 6/2/10 - STREETS - BILL 090466, etc.

2 letters from the property owners?

3 Thank you. And what you'll see
4 there, you'll see at the top -- I know I
5 brought some blanks with me.

6 What you'll see at the top, it
7 says "I" with a blank line. That's the
8 property owner's name. And as it goes
9 on, if you read it, it will state that we
10 comply with all rules, regulations, state
11 and local laws. And now you go down to
12 the next line, you'll see three lines
13 there. Those are the designated callers.
14 Those are the people who are allowed to
15 call us only to get cars towed.

16 The only way we'll go out to a
17 private driveway and tow a car is from
18 the property owner or its authorized
19 callers. No one else can tow that car.
20 Tow trucks cannot patrol a driveway.
21 Reason why we can't patrol a driveway,
22 because we don't know who is in that
23 driveway. That could be somebody
24 visiting the house. That could be that
25 the property owner gave that person to

1 6/2/10 - STREETS - BILL 090466, etc.
2 park in his driveway. So we're not going
3 to tow that car. We're on standby.
4 Ninety-five percent of our business is
5 standby.

6 The pictures that you have
7 there is a picture from a Rite-Aid --
8 excuse me; from a 7-Eleven at 42nd and
9 Chestnut. The only way we can tow a car
10 from a 7-Eleven at 42nd and Chestnut or
11 any 7-Eleven in Philadelphia, the manager
12 or a representative of that property must
13 call us to tow that car. We can just not
14 go by a 7-Eleven because we see cars on
15 the property and tow it. We must get
16 permission.

17 There was something written in
18 the first hearing about an incident about
19 a Wawa problem with one of the towers
20 where they were sitting across the street
21 and they watched somebody park. There's
22 no way that that towing company would
23 still have the contract with that Wawa if
24 they just picked up that car and drove
25 off with it. And that person who got

1 6/2/10 - STREETS - BILL 090466, etc.
2 their car towed -- and let's just say if
3 he did do that, Wawa would call that
4 towing company and tell that towing
5 company, Bring that car back, and
6 there'll be no charge.

7 COUNCILMAN DiCICCO: If I could
8 interrupt.

9 MR. BLUM: You sure can,
10 Chairman.

11 COUNCILMAN DiCICCO: I
12 appreciate your testimony so far, but
13 could you tell us what your objection to
14 the bill is?

15 MR. BLUM: The objection of the
16 bill is, we don't need to put tickets on
17 vehicles that tow cars. If we take a
18 picture, it will show the car parked
19 illegally. It will show the car blocking
20 the driveway. It will allow the police
21 to still do their job, what they're hired
22 to do, fight crime.

23 COUNCILMAN DiCICCO: What is
24 your objection to the ticketing?

25 MR. BLUM: Because the ticket

1 6/2/10 - STREETS - BILL 090466, etc.
2 is not needed. You don't need a ticket
3 on a vehicle to tow a car. And plus a
4 ticket to me -- I also think that a
5 ticket can also be appealed. You can
6 appeal a ticket, but you're not going to
7 appeal a picture. A picture will speak
8 more words than what a ticket -- more
9 words than you can write on a ticket.

10 COUNCILMAN DiCICCO: Would you
11 be opposed to a ticket and a photograph?

12 MR. BLUM: I don't think
13 tickets should be put on cars. I oppose,
14 yes, Councilman.

15 COUNCILMAN DiCICCO: You'd be
16 opposed to the ticket and --

17 MR. BLUM: I oppose the ticket,
18 not to the picture.

19 COUNCILMAN DiCICCO: Well,
20 you're suggesting that the ticket -- or
21 the photograph shows proof that the
22 vehicle was --

23 MR. BLUM: Illegally parked.

24 COUNCILMAN DiCICCO: --
25 illegally parked. Why would you be

1 6/2/10 - STREETS - BILL 090466, etc.

2 opposed to also being ticketed at the
3 same time?

4 MR. BLUM: Well, let's say I
5 have a sign on your property and you call
6 me to tow the car out of your driveway,
7 and we got to sit there and wait because
8 now you want to get out of your driveway
9 or either you want to get into your
10 driveway. You can't get into your
11 driveway until you get a ticket. But if
12 I came out there and took a picture of
13 that vehicle when my tow truck arrived,
14 as quick as I take those pictures and
15 report that vehicle to the Police
16 Department, I can tow that car. So the
17 tow truck will sit, you'll sit, and we'll
18 wait for the police to come out and put a
19 ticket on the vehicle.

20 COUNCILMAN DiCICCO: Councilman
21 Greenlee.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Sir, I think in the amendment
25 that Councilman Kenney is putting forth

1 6/2/10 - STREETS - BILL 090466, etc.
2 at the -- well, I'll put forth for him at
3 the meeting, it allows, in circumstances
4 like you just said, for the car to be
5 temporarily relocated until it's
6 determined that the car should be towed.
7 So it would not stop a person from
8 getting out of their driveway, for
9 example.

10 MR. BLUM: Okay. Let's say
11 it's your car, Councilman, that I
12 relocate 50 feet away. When you come
13 back to your vehicle, you'll find some
14 kind of damage on that vehicle that I did
15 to your vehicle.

16 COUNCILMAN GREENLEE: You're
17 supposed to --

18 MR. BLUM: This is exactly what
19 happens. That's why we want to take
20 pictures.

21 COUNCILMAN DiCICCO: But if you
22 tow it to your impoundment lots, what's
23 to suggest that I won't find similar
24 damage there?

25 MR. BLUM: I have receipts here

1 6/2/10 - STREETS - BILL 090466, etc.
2 to show that, and on these receipts,
3 you'll see that we also take Visa
4 MasterCard, and there's times on these
5 receipts that will show that when the
6 vehicle was reported to the Police
7 Department --

8 COUNCILMAN DiCICCO: I'm
9 talking about the damages that you say --

10 MR. BLUM: We write that down,
11 Councilman. Damage all over the vehicle.
12 We didn't take pictures yet because this
13 gave me the idea, this hearing, gave me
14 the idea to start taking pictures on
15 vehicles. First, because we don't need a
16 ticket, and, second, it's going to show
17 the damage on the vehicle.

18 COUNCILMAN DiCICCO: Well, I
19 know -- my oldest boy lives in Manhattan
20 and I park in a garage across from his
21 condo, and they physically inspect the
22 car before they park it and would mark on
23 a sheet that has a diagram of a car
24 anywhere where there may be a dent or a
25 scratch, so that I don't put a claim in.

1 6/2/10 - STREETS - BILL 090466, etc.

2 So, again, I'm still not clear
3 as to why you oppose the ticketing.

4 MR. BLUM: Because of the time
5 involved. You got to wait, you got to
6 sit there and wait. And our customers --

7 COUNCILMAN DiCICCO: Even if
8 it's relocated?

9 MR. BLUM: Relocated to where?
10 We can't touch a vehicle -- in the police
11 directive, we can't -- what if that
12 vehicle is stolen? What if that vehicle
13 is involved in a crime, it's got to be
14 held for prints? Before we can take a
15 vehicle, before we can move a vehicle, we
16 have to call the Philadelphia Police
17 Department, give them the vin, the tag,
18 the color, the type, the address,
19 everything where we take this car from.

20 There's three situations where
21 we won't tow a car when we call it into
22 the police. First, the vehicle is
23 stolen. They'll tell us to leave the car
24 alone, don't take that car. Second, if
25 the car is involved in a crime, they'll

1 6/2/10 - STREETS - BILL 090466, etc.
2 tell us, Do not touch that car. They'll
3 send someone out to get that car. The
4 third thing what will happen is, if the
5 tag don't match or if the vin don't
6 match, Police Radio will tell us not to
7 take that car. The only way we will take
8 that car is if they give us an okay to
9 take it. Once that vehicle is on our
10 hook, we're responsible for that vehicle.

11 COUNCILMAN DiCICCO: Okay. Any
12 other questions?

13 Councilman Greenlee.

14 COUNCILMAN GREENLEE: Just
15 quickly, very quickly, Mr. Chairman.

16 Mr. Blum, I'm assuming from
17 what you say, you do things the right
18 way. I think unfortunately the reason
19 for this bill is that there are a lot of
20 tow companies that do not do things
21 properly. Do you acknowledge that there
22 are a lot of cases, do you know of a lot
23 of cases where, not your company but
24 other companies, do things?

25 MR. BLUM: No, I don't.

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN GREENLEE: Well,
3 that's the problem. We do. We have lots
4 and lots of examples of it. So I think
5 that's the reason I think this bill was
6 put in, because there are a lot of
7 instances where tow companies do not do
8 things properly, cars are taken for
9 invalid reasons. And there's enough of
10 those examples that I think a lot of us
11 feel that something has to be done about
12 it. And when those kind of laws are put
13 in, sometimes people that do things the
14 right way have to go through a little bit
15 more inconvenience, but if there's enough
16 evidence that there has been enough
17 violations, then we have to make that
18 judgment whether there's enough of them,
19 and certainly just speaking for myself,
20 I've seen that there is far than enough
21 to make this a valid bill.

22 MR. BLUM: Can you tell me what
23 you've seen, Councilman Greenlee? What
24 have you seen that has been wrong, and
25 I'll tell you whether private tow was at

1 6/2/10 - STREETS - BILL 090466, etc.

2 fault.

3 COUNCILMAN GREENLEE: I'm

4 sorry. Lots of cases from private lots,

5 from --

6 MR. BLUM: Give me an example

7 so I can defend that.

8 COUNCILMAN GREENLEE: Well,

9 first of all, you just gave an example.

10 You gave one that was in the last

11 hearing, and we hear that kind of case --

12 MR. BLUM: I wasn't here,

13 Councilman.

14 COUNCILMAN GREENLEE: Well, you

15 quoted from a hearing. It was quoted

16 from -- removed from a Wawa.

17 MR. BLUM: Oh, yes. Yes.

18 COUNCILMAN GREENLEE: We hear

19 those kind of cases all the time from

20 private -- from driveways, from private

21 lots, from areas that there should not

22 have been a tow, and all we're saying is

23 that the police -- that a neutral entity

24 should be able to validate that that car

25 should be towed. That's all.

1 6/2/10 - STREETS - BILL 090466, etc.

2 MR. BLUM: I think that most of
3 your complaints is not private tow out of
4 these driveways and these corners that
5 you're talking about.

6 COUNCILMAN GREENLEE: They are.

7 MR. BLUM: It's Parking
8 Authority.

9 COUNCILMAN GREENLEE: No, it's
10 not. No, it's not. Because, first of
11 all -- and, again, we've been here a long
12 time, but the City Controller in his
13 report cited a number of private tow
14 companies who continually violate the
15 law. Not the Parking Authority, the
16 private tow companies.

17 MR. BLUM: What is it that
18 they're doing? Tell me what wrong
19 they've done, because you might be -- you
20 might be talking about what they called
21 at one time wreck chasers. We're talking
22 about illegally parked towing only.
23 That's what this bill is all about. That
24 testimony that I read was also about a
25 125 fee, a \$250 wench, the use of a flat

1 6/2/10 - STREETS - BILL 090466, etc.
2 bed. That is rotation towing. That has
3 nothing to do with parking lot and
4 driveway enforcement.

5 The only way -- I don't know
6 how I can stress this to you. The only
7 way that we can tow a car from anybody's
8 property is that we have to get
9 permission to do it.

10 COUNCILMAN GREENLEE: If you do
11 it properly. That's the problem.
12 There's a lot of companies that are not
13 doing it properly.

14 MR. BLUM: You can't put a sign
15 on anyone's property unless they give you
16 permission to do it. What towers are
17 doing -- and then in the Directive 3 of
18 the Philadelphia Police Department, if a
19 police officer went to that location and
20 saw that there was no sign there and that
21 a towing company towed that car, that
22 towing company's driver would be
23 arrested, the tow truck would be
24 impounded, and the driver would be
25 charged with a third-degree felony of

1 6/2/10 - STREETS - BILL 090466, etc.
2 theft.

3 The police have a right to
4 investigate. They do investigate. When
5 we have cars on the hook and we're
6 driving down the street, they pull us
7 over.

8 COUNCILMAN GREENLEE: If they
9 catch them at that time.

10 MR. BLUM: No, Councilman.
11 This is just a routine stop. This is
12 just something that the police do. It's
13 in their directive. It gives them the
14 right. If they have suspicion or
15 probable cause, if they see a tow truck
16 going down a street with a vehicle on the
17 hook, they will pull that driver over,
18 they will check all information, and they
19 will make sure that that vehicle is in
20 the police computer and he did not steal
21 that vehicle and the vehicle is not
22 stolen from someplace else.

23 COUNCILMAN GREENLEE: But,
24 again, I think this bill is trying to
25 stop that before it even gets picked up,

1 6/2/10 - STREETS - BILL 090466, etc.
2 and that's the idea. I know we're not
3 going to agree on this.

4 COUNCILMAN DiCICCO: Let me
5 just -- I don't want to belabor this
6 point. There is one other witness and we
7 have to get into the meeting, because
8 there's another hearing coming up. It's
9 scheduled for 3 o'clock.

10 You refer to -- your testimony
11 has been that you can't tow a car unless
12 you have been authorized. Now, this
13 authorization agreement, correct me if
14 I'm wrong, simply states that the owner
15 of the property who signed this agreement
16 authorizes your company to tow cars that
17 may be either blocking their driveway or
18 illegally parked. They don't have to
19 call you.

20 MR. BLUM: Yes, they do.

21 COUNCILMAN DiCICCO: You mean
22 if I own a 7-Eleven, I have to call you
23 to tell you there's a car parked there?

24 MR. BLUM: That's right.

25 Council, I'll take a moment, call 4-1-1,

1 6/2/10 - STREETS - BILL 090466, etc.
2 get the phone number to the 42nd and
3 Walnut to the 7-Eleven, ask for Ali, and
4 ask Ali, how is it that we tow cars.
5 Same thing with Rite-Aid.

6 COUNCILMAN DiCICCO: You're
7 suggesting that a tow truck, whether it's
8 your company or another company, could
9 not just be sitting outside a convenience
10 store that has your sign or another
11 company's sign advising people that
12 you're not to be parked there for more
13 than an hour or whatever, that somebody
14 just couldn't wait there and tow that
15 car?

16 MR. BLUM: The only way that
17 car could be towed off of that parking
18 lot and any parking lot in this city are
19 in front of your driveway if my sign was
20 at your property, the only way, and
21 that's what all tows that do illegal
22 park --

23 COUNCILMAN DiCICCO: The owner
24 has to call you first?

25 MR. BLUM: You have to call.

1 6/2/10 - STREETS - BILL 090466, etc.
2 It's the only way. Ninety-five percent
3 and probably the five percent of the
4 businesses -- a property management
5 company that we tow for at 3300 Powelton,
6 they give us a list, names, tag numbers.
7 Now, this property we do patrol, but the
8 only way we'll tow a car from this
9 property is if the tag is not on this
10 list.

11 COUNCILMAN DiCICCO: Okay.
12 Thank you.

13 Any other questions for this
14 witness?

15 (No response.)

16 COUNCILMAN DiCICCO: I believe
17 there's one other person to testify.

18 Yes, ma'am.

19 MS. RANDOLPH: Can I come up?

20 COUNCILMAN DiCICCO: Yes,
21 ma'am.

22 (Witness approached witness
23 table.)

24 COUNCILMAN DiCICCO: Anyone
25 else to testify on this bill?

1 6/2/10 - STREETS - BILL 090466, etc.

2 (No response.)

3 COUNCILMAN DiCICCO: Thank you.

4 Good afternoon. Please state
5 your name for the record.

6 MS. RANDOLPH: Okay. Yvonne
7 Randolph.

8 COUNCILMAN DiCICCO: And then
9 proceed with your testimony. Thank you.

10 MS. RANDOLPH: Okay. The
11 testimony is, my car was picked up by a
12 towing service. I was in the post office
13 for about ten minutes, and come back out
14 and my car was gone. There was no sign
15 up there. I always park there. There's
16 no sign up there. And the garage that
17 was -- I was parked by the post office
18 and there's a little slant, and that
19 garage door was closed, nothing was going
20 on. And the guy that took my car charged
21 me \$189 for ten minutes, and when I got
22 ready to argue with him a little more, he
23 said if I keep arguing with him, he'll
24 keep my car for more towing service.
25 This is Manton Towing, and he's been

1 6/2/10 - STREETS - BILL 090466, etc.
2 getting a little reputation up there, you
3 know, where I live, Wadsworth Avenue,
4 66th and Wyncote there.

5 COUNCILMAN DiCICCO: So you
6 parked your car, you went into the post
7 office?

8 MS. RANDOLPH: Mm-hmm.

9 COUNCILMAN DiCICCO: And a
10 portion of your car was in front of that
11 garage?

12 MS. RANDOLPH: Yes.

13 COUNCILMAN DiCICCO: How long
14 were you in the post office?

15 MS. RANDOLPH: Ten minutes.

16 COUNCILMAN DiCICCO: And your
17 car was gone?

18 MS. RANDOLPH: Gone when I came
19 out.

20 COUNCILMAN DiCICCO: Thank you.

21 Any questions for this witness?

22 (No response.)

23 COUNCILMAN DiCICCO: Anyone
24 else to testify?

25 (No response.)

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN DiCICCO: Thank you,
3 ma'am.

4 MS. RANDOLPH: Thank you.

5 COUNCILMAN DiCICCO: I
6 appreciate you staying and sticking
7 around. That's it. Thank you.

8 This concludes the public
9 hearing on the Committee of Streets and
10 Services. We will now go into the public
11 meeting.

12 Councilman Greenlee.

13 COUNCILMAN GREENLEE: Thank
14 you, Mr. Chairman. I move the adoption
15 of the amendment to Bill No. 090840.

16 (Duly seconded.)

17 COUNCILMAN DiCICCO: It's been
18 properly moved and seconded that the
19 amendment to Bill No. 090840 be approved.

20 All in favor?

21 (Aye.)

22 COUNCILMAN DiCICCO: Those
23 opposed?

24 (No response.)

25 COUNCILMAN DiCICCO: Councilman

1 6/2/10 - STREETS - BILL 090466, etc.

2 Greenlee.

3 COUNCILMAN GREENLEE: Thank
4 you, Mr. Chairman. I move that Bill No.
5 090840, as amended, be reported out of
6 this Committee with a favorable
7 recommendation and the rules of Council
8 be suspended to allow for first reading
9 at our next session of Council.

10 (Duly seconded.)

11 COUNCILMAN DiCICCO: It's been
12 properly moved and seconded that Bill No.
13 090840, as amended, be reported out of
14 this Committee with a favorable
15 recommendation, that the rules of Council
16 be suspended.

17 All those in favor?

18 (Aye.)

19 COUNCILMAN DiCICCO: Those
20 approved -- those disapproved?

21 (No response.)

22 COUNCILMAN DiCICCO: The bill
23 has been approved.

24 Councilman Greenlee on Bill No.
25 100213.

1 6/2/10 - STREETS - BILL 090466, etc.

2 COUNCILMAN GREENLEE: Thank
3 you, Mr. Chairman. I move the adoption
4 of the amendment to Bill No. 100213.

5 (Duly seconded.)

6 COUNCILMAN DiCICCO: It's been
7 properly moved and seconded that Bill No.
8 100213 -- that the amendment be approved.

9 All in favor?

10 (Aye.)

11 COUNCILMAN DiCICCO: Those
12 opposed?

13 (No response.)

14 COUNCILMAN DiCICCO: Councilman
15 Greenlee.

16 COUNCILMAN GREENLEE:
17 Mr. Chairman, I move that Bill No.
18 100213, as amended, be reported out of
19 this Committee with a favorable
20 recommendation and the rules of Council
21 be suspended to allow for first reading
22 at our next session of Council.

23 (Duly seconded.)

24 COUNCILMAN DiCICCO: It has
25 been properly moved and seconded that

1 6/2/10 - STREETS - BILL 090466, etc.
2 Bill No. 100213, as amended, be reported
3 out of this Committee with a favorable
4 recommendation, that the rules of
5 Council --

6 COUNCILMAN GREEN:
7 Mr. Chairman, I'd like to speak on this
8 bill.

9 COUNCILMAN DiCICCO: Councilman
10 Green.

11 COUNCILMAN GREEN: Thank you.
12 I just want to, for the record, note that
13 this will be 56,000 times every quarter
14 that a policeman may have to be called to
15 issue a ticket, and I'll be interested to
16 see on a map in a couple quarters where
17 policemen were issuing tickets when major
18 crimes were occurring elsewhere in the
19 district. For this reason, I'll be
20 voting no on this bill.

21 COUNCILMAN DiCICCO: Thank you.

22 It's been properly moved and
23 seconded that Bill No. 100213, as
24 amended, be reported out of this
25 Committee with a favorable recommendation

1 6/2/10 - STREETS - BILL 090466, etc.

2 and that the rules of Council be

3 suspended.

4 All in favor?

5 (Aye.)

6 COUNCILMAN DiCICCO: Those

7 opposed?

8 COUNCILMAN GREEN: No.

9 COUNCILMAN DiCICCO: One nay.

10 Councilman Green is voting no.

11 Councilman Greenlee.

12 COUNCILMAN GREENLEE: Thank

13 you, Mr. Chairman. I move the amendment

14 to Bill No. 100306.

15 (Duly seconded.)

16 COUNCILMAN DiCICCO: It's been

17 properly moved and seconded that the

18 amendment to Bill No. 100306 be approved.

19 All in favor?

20 (Aye.)

21 COUNCILMAN DiCICCO: Those

22 opposed?

23 (No response.)

24 COUNCILMAN DiCICCO: The

25 amendment is approved.

1 6/2/10 - STREETS - BILL 090466, etc.

2 Councilman Greenlee.

3 COUNCILMAN GREENLEE: Mr.

4 Chairman, I move that Bill 100306, as

5 amended, be reported out of this

6 Committee with a favorable

7 recommendation.

8 (Duly seconded.)

9 COUNCILMAN DiCICCO: It's been
10 properly moved and seconded that Bill No.
11 100306 be reported out of this Committee
12 with a favorable recommendation.

13 All those in favor signify by
14 saying aye.

15 (Aye.)

16 COUNCILMAN DiCICCO: Those
17 opposed?

18 (No response.)

19 COUNCILMAN DiCICCO: The bill
20 is approved.

21 COUNCILMAN GREEN: I have an
22 objection.

23 COUNCILMAN DiCICCO: To?

24 COUNCILMAN GREEN: I'd like to
25 separately discuss 100015 and 100359, if

1 6/2/10 - STREETS - BILL 090466, etc.

2 you could leave those out.

3 COUNCILMAN DiCICCO: I could be
4 wrong, but the discussion is over, right?
5 We're in the meeting. You can vote up or
6 down.

7 COUNCILMAN GREEN: Right. But
8 are we not going to call these bills
9 separately?

10 COUNCILMAN DiCICCO: Well, we
11 could call them separately or we can call
12 them all and you can say "with the
13 exception of Bill No." whatever you're
14 voting no.

15 COUNCILMAN GREEN: With those
16 two bills, I'd like to call them
17 separately and then consolidate the rest.

18 COUNCILMAN DiCICCO: Okay.

19 COUNCILMAN GREENLEE:
20 Mr. Chairman, I move that the following
21 bills be reported out of this Committee
22 with a favorable recommendation and that
23 the rules of Council be suspended to
24 allow for first reading at our next
25 session of Council: Bill Nos. 090466,

1 6/2/10 - STREETS - BILL 090466, etc.
2 090839, 090880, 090906, 090907, 100015 --

3 COUNCILMAN GREEN: No.

4 COUNCILMAN GREENLEE: I'm
5 sorry. Amend that. That's out.

6 (Continued) -- 100266, 100285,
7 100310, 100312, 100358, 100364, 100366,
8 100370, 100371 and 100376.

9 (Duly seconded.)

10 COUNCILMAN DiCICCO: It's been
11 properly moved and seconded that all the
12 bills that have just been read into the
13 record be approved, with a recommendation
14 that the rules of Council be suspended.

15 All those in favor signify by
16 saying aye.

17 (Aye.)

18 COUNCILMAN DiCICCO: Those
19 opposed?

20 (No response.)

21 COUNCILMAN DiCICCO: All those
22 bills have been approved.

23 Councilman Greenlee.

24 COUNCILMAN GREENLEE:

25 Mr. Chairman, I move that Bill No. 100015

1 6/2/10 - STREETS - BILL 090466, etc.
2 be reported out of this Committee with a
3 favorable recommendation and that the
4 rules of Council be suspended to allow
5 for first reading at our next session of
6 Council.

7 COUNCILMAN GREEN:
8 Mr. Chairman, I'd like to speak on this
9 bill.

10 (Duly seconded.)

11 COUNCILMAN DiCICCO: Speak? I
12 don't know what the procedure is, to be
13 honest with you. I thought the hearing
14 was over.

15 COUNCILMAN GREEN: The hearing
16 is over, but I can speak before we vote
17 on a matter.

18 COUNCILMAN DiCICCO: You're the
19 lawyer, so I'll yield to you.

20 COUNCILMAN GREEN: The Streets
21 Department and the Planning Commission's
22 testimony on this bill was that they were
23 opposed to this bill. The major reason
24 they are opposed to this bill is because
25 unlike every other encroachment,

1 6/2/10 - STREETS - BILL 090466, etc.
2 including the encroachments that we
3 allowed for the Oak Lane Diner today,
4 this bill does not contain a surety
5 clause which indemnifies the City in the
6 event that somebody is injured, there are
7 utilities people have to get to, et
8 cetera. So I would ask my colleagues to
9 not report this bill out of Committee
10 unless we amend it to include those
11 clauses. I'm perfectly happy to take 30
12 seconds or five minutes, whatever it
13 takes, to put in the surety clauses that
14 were read to us by the Streets Department
15 that they would normally get under these
16 circumstances, but I do not think we
17 should pass a bill out of committee that
18 does not contain a surety for the City of
19 Philadelphia in the event something
20 happens on this property. And it is
21 their testimony that we do not ever allow
22 encroachments without a surety, including
23 for sidewalk cafes.

24 COUNCILMAN DiCICCO: It is also
25 their testimony that in lieu of a surety

1 6/2/10 - STREETS - BILL 090466, etc.

2 bond, a letter of credit has been

3 acceptable.

4 I'm not the author of the bill.

5 I would ask that the bill -- I'm going to

6 call the bill out for a vote. Any

7 amendments that the sponsor of the bill

8 would deem appropriate, I'm sure we can

9 take up between now and the time the bill
10 comes up for final vote.

11 COUNCILMAN GREEN: Councilman,
12 if we could have a colloquy, please.

13 COUNCILMAN DiCICCO: And it has
14 been properly moved and seconded that
15 Bill No. 100015 be reported out of this
16 Committee with a favorable
17 recommendation, that the rules of Council
18 be suspended.

19 All those in favor?

20 (Aye.)

21 COUNCILMAN DiCICCO: Those
22 opposed?

23 COUNCILMAN GREEN: No.

24 COUNCILMAN DiCICCO: Let the
25 record reflect that Councilman Green is

1 6/2/10 - STREETS - BILL 090466, etc.

2 voting no.

3 And Bill No. 100359 is being

4 held at the call of the Chair.

5 This concludes the public

6 meeting on the Committee of Streets and

7 Services.

8 Thank you all for attending.

9 (Committee on Streets and

10 Services concluded at 3:35 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on June 2, 2010, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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