

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING
4 BEFORE THE COMMITTEE ON STREETS AND SERVICES

5 - - -
6 Room 400 City Hall
7 Philadelphia, Pennsylvania
8 Tuesday, November 21, 2000
9 10:45 a.m.
10 - - -

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13 Res. 000041 - Hearings on the dangers and damage
14 caused by the deterioration of retaining walls
15 driveways, and alleys. . .

16 Bill 000660 - Amending Section 11-506 of the
17 Philadelphia Code, entitled "Alleys, Driveways and
18 Retaining Walls," by providing additional methods
19 by which the City may pay contractors

20
21 PRESENT: COUNCILMAN FRANK DICICCO, Chairman
22 COUNCILMAN DAVID COHEN, Vice Chair
23 COUNCIL PRESIDENT ANNA C. VERNA
24 COUNCILMAN DARRELL L. CLARKE
25 COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN FRANK RIZZO

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1 11/21/00 STREETS & SERVICES COMMITTEE

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

3 COUNCILMAN DICICCO: We will be hearing
4 one new bill today, and we'll also be taking
5 additional testimony on Resolution 000041 from a
6 prior hearing, which was recessed for the purpose
7 of conducting the continuation of the resolution.

8 With us this morning are my colleagues
9 Councilman Rizzo, Councilman Cohen, Councilman
10 Clarke, myself, who is the chair of the committee,
11 which establishes a quorum, and we also have in
12 attendance Councilman Michael Nutter.

13 The clerk will read the title of the
14 bill. We'll do the bill and then we'll go back to
15 the resolution, which is the retaining walls.

16 What do you think, Paul, does it
17 matter?

18 MR. LONIE: I think it would be better
19 to do the resolution first.

20 COUNCILMAN DICICCO: Resolution No.
21 000041? The clerk will read the title of the
22 resolution.

23 THE CLERK: Resolution No. 000041,
24 authorizing the Council's Committee on Streets and
25 Services to hold hearings on the dangers and

1 11/21/00 STREETS, SERVICES - RES. 000041
2 damage caused by the deterioration of retaining
3 walls, driveways, and alleys, and the
4 complications involved in coordinating necessary
5 repairs by abutting property owners, and to
6 determine the scope of these dangerous conditions
7 throughout the City and the cost to repair them;
8 and further authorizing the committee to formulate
9 a program to correct these hazardous and dangerous
10 conditions in neighborhoods through the City.

11 COUNCILMAN DICICCO: Please proceed and
12 state your name for the record.

13 MR. DALLAS: Ted Dallas. I work in the
14 Managing Director's Office.

15 COUNCILMAN DICICCO: Ted?

16 MR. DALLAS: Dallas, D-A-L-L-A-S.

17 Good morning, Mr. Chairman and members
18 of the committee. I'm here today to provide you
19 with an overview of the strategy that we have come
20 up with regarding the repair of retaining walls
21 and common driveways. With me is Paul Lonie of
22 the Streets Department, who can answer any
23 questions that you might have about the actual
24 repair process.

25 I would first like to emphasize that

1 11/21/00 STREETS, SERVICES - RES. 000041
2 the Administration believes that retaining walls
3 and common walls are private property and,
4 therefore, not the City's responsibility. As a
5 result, no funding has been made available at this
6 time for their repair. We are here today because
7 Council's asked to us come up with a plan to
8 repair retaining walls and common driveways with
9 the assumption that funding would be made
10 available.

11 Please note that the Administration
12 continues to believe that these matters are best
13 dealt with by private homeowners. That
14 notwithstanding, should the City choose to
15 proceed, our plan to repair these structures is as
16 follows:

17 As you may be aware, the previous
18 process for repairing retaining walls called for
19 private contractors to repair retaining walls and
20 then to seek payment from homeowners on either
21 side of the retaining wall. Since this process
22 required contractors to collect payments
23 themselves, it became virtually impossible to find
24 anyone who would be willing to complete the work.
25 Our proposal would be to reverse this process

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2 through the creation of a \$3 million revolving
3 loan fund. Through this loan fund --

4 COUNCILMAN DICICCO: Excuse me, could
5 you repeat that again.

6 MR. DALLAS: Would be to reverse the
7 process through the creation of a loan fund of
8 approximately \$3 million. Through this loan fund,
9 the City would contract with private contractors
10 to repair the retaining walls and common driveways
11 on blocks, where at least 75 percent of residents
12 on the street agree to participate in the program.

13 And Paul will outline the process for
14 how we would get that, you know --

15 COUNCILMAN DICICCO: Is that revolving
16 loan similar to what we do -- to what the Water
17 Department does, as an example, for --

18 MR. DALLAS: It would be in a similar
19 fashion to that.

20 COUNCILMAN DICICCO: Councilman Cohen
21 asked the question, what does that mean? In
22 certain instances, when the Streets Department and
23 the Water Department are making repairs or
24 reconstructing a particular street, and there is
25 damage to the lateral, as an example, that leads

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2 into the private property of an individual, the
3 property owner's notified that they're in
4 violation and that they have to make the necessary
5 improvements to the lateral. And many times,
6 folks are in a position where they're not able to
7 afford to get the work done immediately. And in
8 order to come -- be in compliance, the Water
9 Department offers a no-interest, I believe, and
10 correct me if I'm wrong --

11 MR. DALLAS: I think it's a
12 low-interest loan.

13 COUNCILMAN DICICCO: I thought it was
14 no-interest, but it could be a very low-interest
15 loan to the property owner, pay that over a period
16 of time, which makes it more affordable for the
17 individual or the family to be able to meet the
18 requirements of the code. And they do it in such
19 a way that it's, in most cases, I think, allows
20 for people to be able to buy into the program
21 without really affecting the cost of living on a
22 daily basis.

23 COUNCILMAN COHEN: Who is the lender?

24 COUNCILMAN DICICCO: I believe that the
25 -- the Water Department is the lender?

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2 MR. DALLAS: Yeah,, I believe so.

3 COUNCILMAN DICICCO: The question is,
4 are payments -- who is the lender and to whom are
5 payments made?

6 MR. DALLAS: Well, I believe it would
7 be to the City through the -- we would administer
8 it through the Streets Department or, you know, I
9 think we'd -- whatever the fashion the Water
10 Department used, we'd probably model it on
11 something very similar to that.

12 COUNCILMAN DICICCO: Yeah, the Water
13 Department and/or Streets Department, I'm not sure
14 of the actual mechanics of it, but the money is
15 lent through their department and is paid back to
16 them.

17 And, again, it's over -- yeah, I mean,
18 I've had several of those blocks where most of the
19 folks were senior citizens and living on fixed
20 income, and a \$1,000 or a \$1500 plumbing job would
21 really be beyond what they could afford to do
22 immediately, even when we, the City, would do the
23 work and then have like a five-, ten-year payout,
24 I'm not sure of the exact terms, but, it's spread
25 out over a long enough period of time where it's

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2 manageable for them to be able to afford it.

3 COUNCILMAN COHEN: Well, is there -- I
4 was wondering what -- I'm wondering whether there
5 are any regulations or anything in writing that
6 describes the program including, say, to whom is
7 the payment made. Say, if a person is sending a
8 check or a money order, who do they write is the
9 payee?

10 MR. DALLAS: Councilman, if you could
11 let me finish up my testimony, Paul, I think, can
12 address some of that stuff.

13 COUNCILMAN COHEN: Very good, very
14 good.

15 COUNCILMAN DICICCO: Thank you.

16 COUNCILMAN COHEN: It sounds like a
17 very fine program; I'm just interested in getting
18 the details.

19 MR. DALLAS: Okay. All right, under
20 this proposal, program participants would pay
21 their share of the repair costs through a
22 four-year low-interest loan or through an up-front
23 lump-sum payment equal to approximately 90 percent
24 of the total amount of the loan.

25 The table that I had submitted with my

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2 testimony shows that we estimate the City could
3 use this fund to make approximately \$9.5 million
4 worth of repairs over 10 years for an initial
5 investment of only \$3 million. Assuming that the
6 City would repair retaining walls and common
7 driveways in a ratio of approximately 1 to 2, this
8 means that we could repair approximately 30
9 retaining walls and 58 or 60 common driveways in
10 the first year of the program alone, and repair as
11 many as 190 retaining walls and 365 common
12 driveways over 10 years. Without the creation of
13 the loan fund, this investment of 3 million would
14 only provide for the repair of approximately 60
15 retaining walls and 115 driveways in total.

16 And that's just based on the assumption
17 that we would go in a 1-to-2 ratio. I think it
18 would mostly be driven by the what the actual
19 requests were and that kind of stuff. Just for
20 the purposes of trying to figure out what we could
21 do, I just made an assumption of 1-to-2.

22 Paul Lonie, from the Streets
23 Department, can describe in a little more detail
24 how we would envision this process to work.

25 COUNCILMAN DICICCO: Excuse me for

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2 interrupting.

3 MR. DALLAS: Sure.

4 COUNCILMAN DICICCO: I stand
5 corrected. I thought we needed four for a quorum;
6 I understand we need five. The Council President,
7 Anna Verna, is here now, and I believe she will be
8 making an appointment of Michael Nutter to this
9 committee so that we will, in fact, establish a
10 quorum.

11 Good morning, Madam President.

12 COUNCIL PRESIDENT VERNA: Good
13 morning. I'm here to establish a quorum.

14 COUNCILMAN DICICCO: We now have a
15 quorum officially. Thank you.

16 MR. LONIE: Good afternoon,
17 Mr. Chairman and members of the committee. My
18 name is Paul Lonie, Survey Bureau Manager with the
19 Department of Streets, and the Department of
20 Streets would like to offer the following
21 testimony on Resolution No. 000041:

22 The Streets Department believes that
23 the loan fund described earlier would be a viable
24 method for addressing retaining walls now and in
25 the future. At this time, the development of a

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2 new material, VERSA-LOK, which I have some
3 representatives of this company here today with
4 us, has allowed the Department to substantially
5 reduce the estimated cost of these repairs and
6 make the program relatively affordable. VERSA-LOK
7 IS PennDOT-approved and HAS AN expected useful
8 life of 35 to 50 years.

9 Should this program be implemented, we
10 would like to set up the following system for
11 Councilmatic requests, AND I think this is kind of
12 importance: The District Councilperson should
13 submit a written request for the repair of the
14 driveways to the Streets Commissioner. The
15 Streets Commissioner will review the requests and
16 assign it to the driveway and alley coordinator,
17 an already-established position within the Streets
18 Department.

19 A community meeting will be established
20 by the Streets Department, and notice of the
21 meeting will be sent to the abutting property
22 owners. The community meeting will include the
23 alley and driveway coordinator, the district
24 surveyor, a representative of the requesting
25 District Council Councilmember's staff, and all

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2 interested abutting owners. The district surveyor
3 will provide a price estimate for the repair at
4 this meeting at this meeting.

5 At this meeting, the abutting property
6 openers will be appraised of their
7 responsibilities and the total cost of their
8 repair and their ability to do this on their own
9 if they feel it's necessary. The abutting owners
10 will also receive an approximate individual
11 assessment.

12 At the conclusion of the community
13 meeting, a petition will be left for the abutting
14 owners to sign. At least 75 percent of the
15 abutting owners must be in favor of the necessary
16 repairs in order to proceed. Should this majority
17 be reached, the petition will be returned to the
18 requesting District Council office; the District
19 Councilmember should then forward the petitions to
20 the Streets Commissioner.

21 Upon receiving the completed petition,
22 the Streets Department will contact by written
23 request the Health Department for condemnation of
24 the driveway or wall. Upon receiving a written
25 request, at that point in time, the Streets

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2 Department will, based on a variety of factors,
3 including public safety issues and available
4 funding, put the project on a prioritized list.
5 City Council will be provided a copy of that list
6 on a quarterly basis.

7 Thank you. That concludes the formal
8 testimony, and we'd be happy to answer any
9 questions.

10 COUNCILMAN DICICCO: Thank you.

11 Any questions for these witnesses from
12 the committee?

13 The Chair recognizes Councilman Nutter.

14 COUNCILMAN NUTTER: Thank you,
15 Mr. Chairman.

16 Mr. Lonie, thank you for your
17 testimony. I just have a couple questions.

18 You mentioned that at least 75 percent
19 of the abutting homeowners must be in favor of the
20 necessary repairs in order to proceed. Can you
21 tell me a little bit about that and how that was
22 developed. And isn't that a fairly high, if not,
23 in some instances, almost insurmountable
24 standard?

25 MR. LONIE: Well I think that

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2 percentage is the same percentage the Streets
3 Department uses to close a block for a block
4 party. I think it was felt by the Administration
5 that --

6 COUNCILMAN NUTTER: What's it cost to
7 close a block to throw a block party?

8 MR. LONIE: Nothing.

9 COUNCILMAN NUTTER: Oh, okay. Have you
10 ever had one that lost the 75 percent referendum?

11 MR. LONIE: No.

12 COUNCILMAN NUTTER: Okay, or make it
13 90.

14 MR. LONIE: All right, we could do
15 that.

16 I think it was felt by the
17 Administration that this was a percentage that
18 they felt if that amount of folks were in favor of
19 doing this, that they would then agree to pay the
20 money back from this loan fund; and, therefore,
21 the loan fund itself would be viable, allowing
22 other driveways and alleys to be -- to be
23 finished. It might not be done if a lesser
24 majority was in favor of this.

25 COUNCILMAN NUTTER: I understand. Let

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2 me ask you a couple questions about other programs
3 that we have.

4 First, how many -- how many signatures
5 or how many people do you need to agree to have a
6 street repaved?

7 MR. LONIE: None.

8 COUNCILMAN NUTTER: And how many people
9 do you need to agree to get a house demolished?

10 MR. DALLAS: If it's a dangerous
11 building, none.

12 COUNCILMAN NUTTER: Okay, and some of
13 these driveways and retaining walls are dangerous,
14 right?

15 MR. DALLAS: Some of them, I believe,
16 are.

17 COUNCILMAN NUTTER: It is a public
18 safety issue, right?

19 MR. DALLAS: Some of them --

20 COUNCILMAN NUTTER: I mean, it's not a
21 popularity contest.

22 MR. DALLAS: Some of them would be
23 public safety issues in that we would have to take
24 a look at doing them even if you didn't get the 75
25 percent; and in that case, we would probably have

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2 to lien the property owners, you know, for the
3 value of the repair, if it was a public safety
4 issue.

5 COUNCILMAN NUTTER: Right. And, I
6 mean, to change a direction of a street or get
7 permit parking, what are the standards for those
8 in terms of neighborhood participation?

9 MR. LONIE: That -- that's a -- a trial
10 period. For the changing of directions of a
11 street, it's -- there's no requirement.

12 MR. DALLAS: Councilman, I think that
13 -- I mean, one of the primary reasons behind that
14 was the hope that we would keep the loan fund
15 actually revolving. If it was lower than that and
16 we didn't get the kind of repayment that we had,
17 the program could still go forward; it would just
18 -- the loan fund would run out of money, and we
19 wouldn't be able to --

20 COUNCILMAN NUTTER: I understand that.
21 I am tremendously sensitive, and I was sharing
22 with my colleague Councilman Clarke, please try to
23 understand that, I mean, notwithstanding for the
24 most part any of my questions, and if we at times
25 seem to be crossing comments or swords, you have

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2 to understand that it's in the context of this is
3 something that myself and many other
4 Councilmembers, even way before me, have worked
5 on. And to this administration's credit, this is
6 the first time that, in my view at least, this
7 much time, attention and dedication and even a
8 program, or the elements of a program, have been
9 put forward and testified to. So I mean, that, I
10 think, needs to be laid out and you should get the
11 appropriate credit for that.

12 Having said that, there is elements of
13 a program and then there's a program, so at least
14 we've defined the box and, now we're going to
15 argue a little bit the details in the box and some
16 of the operational aspects.

17 One of my concerns about that number
18 is, and I'm mindful of your concern about you want
19 the fund to revolve; you don't want it to go out
20 there and never come back.

21 MR. DALLAS: That's right.

22 COUNCILMAN NUTTER: Part of my problem,
23 though, is that in many neighborhoods, they don't
24 necessarily have the strongest, if you will, home
25 ownership responsibility, which, in many cases, is

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2 why some of these problems have been outstanding
3 for 10, 15, 20, and in one particular instance,
4 and you might hear from one of my constituents,
5 25 years. In that situation, many of the
6 residents are not necessarily the homeowners. And
7 so, in that case, they're not necessarily
8 particularly responsive.

9 I think part of our dilemma is, how do
10 we make sure that we have a program that functions
11 and operates the way we want to and revolves,
12 versus how do we solve serious public safety
13 problems? Because while we're trying to figure
14 out how to make sure the fund revolves, we have
15 children and adults, and we used to have City
16 workers who long ago decided that they weren't
17 going to use the driveway behind the 5200 block of
18 Berks Street for fear of their own safety, but it
19 still represents a very serious public safety
20 issue. And so while we're trying to figure out
21 operational issues, we still have an outstanding
22 serious problem.

23 What I'm trying to figure out, without
24 a whole lot of the back and forth, is how do we
25 solve the one problem while making sure that our

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2 program doesn't bog down from possible
3 non-repayment. The goal certainly is to have the
4 money and have revolving dollars, but I think our
5 ultimate goal is to make the City a safer place
6 and upgrade the quality of life in communities,
7 and I think the latter should outweigh the
8 former.

9 So that's what my concern is with
10 regard to the 75 percent standard. And if that
11 becomes a barrier to getting public safety work
12 done, then I think that defeats, quite honestly,
13 part of the reason that we're doing this in the
14 first place.

15 MR. DALLAS: Well, I agree with you,
16 Councilman. I think my testimony might have -- is
17 a little remiss 'cause I had left it out. I think
18 that we always envisioned anything that was
19 actually a public safety hazard that the City --

20 COUNCILMAN NUTTER: I'm sorry?

21 MR. DALLAS: I'm sorry. Anything that
22 was a public safety hazard, that we would have a
23 process where we would have to lien the homeowner
24 to abate that public safety hazard, just as we
25 lien buildings that we're going to demolish that

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2 are dangerous and that kind of thing and --

3 COUNCILMAN NUTTER: Well, tell me a
4 little more about that then. I'm -- I'm -- you're
5 intriguing me now. What are you proposing in that
6 situation?

7 So are you making a distinction
8 between, let's say, a wall or a driveway that's
9 been condemned and is deemed to be a public health
10 or safety hazard by either the Board of Health or
11 the Streets Department versus you get a letter
12 from a group of constituents and they say, Well,
13 you know, our driveway is, you know, kind of
14 messed up, or we think our retaining wall, you
15 know, looks ugly, or we got a tree growing through
16 it or something like that and we'd like to have
17 some work done.

18 Is a distinction being made between
19 kind of regular and routine things that may need
20 to be done versus this is a public safety,
21 imminently dangerous situation, and we're going to
22 immediately take action to abate it?

23 MR. DALLAS: I think the answer is a
24 mixture of that. I think that in the reality of
25 how much money we have to spend with this fund,

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2 there's obviously a priority. The first priority
3 would be public safety. Within that and within --
4 depending on the type of condition, depending on
5 the hazard, and depending on the funds available,
6 those would be the first priority. And given
7 situations where, you know, the danger is at a
8 certain point, then I could foresee going in and
9 liening those properties to get the property
10 owners to be in compliance.

11 COUNCILMAN NUTTER: All right, so --

12 COUNCILMAN COHEN: I'm sorry, I'm a
13 little bit (unintelligible) on that question.

14 COUNCILMAN DICICCO: Councilmember
15 Cohen?

16 COUNCILMAN COHEN: Has there always
17 been the case that in that past, when we had a
18 very active program, that part of that program
19 involved a finding by the City that there was
20 danger and that the area was condemned? Wasn't
21 that the basis for the action? The Streets
22 Department would send out investigators? And the
23 only time there would be action would be when
24 there was a finding of public danger because each
25 homeowner would then get a letter from the City

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2 saying that the properties were condemned and that
3 they had to take action, and that was the basis of
4 finally getting the -- most of the people in the
5 community at that time, they were homeowners --
6 together or all in agreement to pay the
7 contractor. That's in the days when there was a
8 private contractor.

9 So the -- the -- and there's always
10 been this element of public safety. The City
11 never got involved if it was only a matter of
12 convenience or a desire to take care of a little
13 problem. It was only when there was a serious
14 problem such as City trucks not being able to go
15 in for fear of danger or any other kind of public
16 safety danger. Isn't that the case?

17 MR. LONIE: That's correct, Councilman
18 Cohen. Under State law, we cannot abate this
19 nuisance unless it's been condemned, the nuisance
20 itself, by the Department of Health. The
21 properties aren't condemned; the driveway or the
22 wall or the alley is condemned. And, therefore,
23 under State law, we couldn't go in and abate that
24 nuisance.

25 COUNCILMAN COHEN: Well -- and I think

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2 that's what we're talking about.

3 MR. LONIE: Right.

4 COUNCILMAN COHEN: The total range -- I
5 think every case that we would be concerned about
6 would be a case of abating a nuisance because
7 that's when it becomes a real problem.

8 MR. DALLAS: I think that one of the
9 things I need to emphasize again is that this
10 whole discussion is based on the assumption that
11 there is some way the City could provide funding
12 for this loan fund. At this time, the
13 Administration still believes that this is private
14 property and an issue that's best dealt with by
15 the homeowners.

16 This whole discussion we're having here
17 is, you asked us to come up with a plan should
18 funding be made available, and that's what we did.
19 And I just think that we all --

20 COUNCILMAN COHEN: But all within the
21 concept of abating nuisances. Never -- from my
22 knowledge, never from the point of view that the
23 homeowners would prefer to have a repaving 'cause
24 it would look better, you know, or there was some
25 minor imperfection that they wanted to take care

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2 of. It was always within the concept of abating
3 nuisance, and I think that's what the problem is
4 today. The nuisances have grown until they have
5 become big public nuisances.

6 MR. DALLAS: Mm-hmm.

7 COUNCILMAN COHEN: Isn't that right,
8 sir?

9 MR. LONIE: That is correct.

10 COUNCILMAN RIZZO: Can I follow up,
11 Mr. Chairman?

12 COUNCILMAN COHEN: Well, Councilman
13 Nutter has yielded to me and --

14 COUNCILMAN DICICCO: Can he follow up?

15 COUNCILMAN NUTTER: Continuing yield.

16 COUNCILMAN DICICCO: Okay, Councilman
17 Rizzo.

18 COUNCILMAN RIZZO: You referred to the
19 back driveways, back alleys as private property?

20 MR. DALLAS: The common driveways, I
21 believe -- I mean, the Law Department has said
22 that they are private properties.

23 COUNCILMAN RIZZO: Did the Sanitation
24 Division get permission from the private property
25 owners to collect refuse in those back alleys?

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2 Which, in my opinion, has contributed a lot to the
3 damage, because the Streets Department has
4 upgraded the size of those vehicles, and each time
5 they ordered new ones, they got bigger and bigger
6 and bigger, and those back driveways were never
7 designed to support that heavy a load.

8 So I think that there's an area there,
9 you know, where maybe some of this damage was done
10 by the City of Philadelphia.

11 MR. LONIE: Well, I can't disagree that
12 the trucks did cause some damage. But
13 surprisingly enough, those driveways were designed
14 with exactly the same specifications that streets
15 are. And it's not the design of the driveway that
16 caused them to erode; it's the underlying ground,
17 and that's why some driveways last 70, 80 years if
18 it's on good solid ground. Other ones don't last
19 as long.

20 And about your other question, yeah, we
21 would only collect trash in a driveway that the
22 property owners have requested us to go there. We
23 have no authority to go up those driveways without
24 being invited. And in every case, we are
25 invited. And if people don't want us to do that

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2 any more, then we can go out and collect in the
3 front, but most people and our own employees don't
4 want to do that 'cause there's no cars going by
5 and it's a lot safer to collect trash in a
6 driveway.

7 COUNCILMAN CLARKE: I have a question.

8 COUNCILMAN DICICCO: Okay. Councilman
9 Clarke.

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

12 I just wanted to respond to a couple of
13 statements that you made with respects to
14 Councilman Nutter's question on street paving and
15 the direction change of streets. I was always
16 told, both as a constituent services person and as
17 a Councilperson, that -- particularly on street
18 directional changes, that a petition was required
19 by the residents of the block. Are you now saying
20 that that's not the case?

21 MR. LONIE: No, no. A petition is
22 required, but I'm not sure exactly of the specific
23 number of people that have to be on there, but
24 it's also -- it's generally, if the people want to
25 do that but a Councilmember can request that and

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2 we'll do what we call a trial period for eight
3 months, and if we receive no complaints and
4 everything like that, then we'll submit an
5 ordinance.

6 COUNCILMAN CLARKE: Without any
7 resident participation on that block, you would do
8 a trial period?

9 MR. LONIE: I'm not really sure. You
10 really need to deal with the traffic code or talk
11 to Charlie Trainor about the specific numbers.
12 I'm not sure.

13 COUNCILMAN CLARKE: But
14 (unintelligible) said the majority, so --

15 MR. LONIE: Well --

16 COUNCILMAN CLARKE: But he didn't say
17 no.

18 COUNCILMAN DICICCO: But you have to
19 talk to Charlie Trainor about that stuff.

20 COUNCILMAN CLARKE: So you are saying
21 you're not really sure.

22 MR. LONIE: I'm not really sure. I
23 don't want to give a specific answer. And, again,
24 the Councilman asked me on something like that,
25 and the percentage on that, I'm not sure. If

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2 anywhere, it would probably be in the traffic
3 code. And we could -- I could let you know about
4 that.

5 COUNCILMAN CLARKE: All right. And I
6 was also told that about street paving. It
7 apparently expedites that request is what I was
8 told, if you could get the residents of the block.

9 MR. LONIE: Well, it does -- we try to
10 set up the repaving program on a three-year
11 basis. So we look three years out, and if we get
12 special Councilmatic requests for some of those
13 streets, if you receive a petition from a certain
14 block that says, This is really a mess, come out
15 and do it, we'll accelerate that a little bit, but
16 it's not a requirement in there.

17 COUNCILMAN CLARKE: Mm-hmm.

18 MR. LONIE: It's just something that
19 helps us to know on a small street that we might
20 not necessarily see that this needs to be done
21 before another one does.

22 COUNCILMAN CLARKE: Mm-hmm. Getting
23 back to question about the public safety issue
24 with respects to retaining walls, and you may not
25 be able to answer this question, and I don't know

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2 if there's anybody from the Mayor's office, but in
3 my particular district, I have this phenomenon of
4 trees in backyards that often find themselves in
5 public property, in the yards of individuals and
6 sometimes in alley ways. And they are what I
7 would deem as both a public nuisance and a public
8 safety issue 'cause too often, after a storm, they
9 fall.

10 And I happen to have a situation -- a
11 friend of mine -- where the tree -- I guess the
12 tree is maybe 40 feet tall and has fallen across
13 the fences of the rear. And the property owner in
14 that particular case does not have the wherewithal
15 financially to get that tree removed so it sits on
16 everybody's fence back there.

17 And, I guess, my question is -- and,
18 again, I say you might not be able to respond to
19 it. If somehow the retaining walls are deemed a
20 public nuisance or safety issues, clearly a tree
21 of that size and that magnitude can be construed
22 to be a public safety issue. I would look to have
23 the Administration come up with somewhat of a
24 draft of a plan to address those problems, 'cause
25 I have -- in my particular district, that is

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2 increasingly the biggest issues as it relates
3 privately-owned property, but individuals not
4 having the wherewithal financially to resolve
5 those issues.

6 So if you can call the Commissioner, I
7 guess that would be under the purview of L&I or
8 the --

9 MR. DALLAS: Yeah, I'm not sure of all
10 of the issues. Maybe after this hearing, we can
11 kind of talk about it and we can have someone go
12 take a look at it and see whether it's private
13 property or whether -- what we can and can't do in
14 that area.

15 COUNCILMAN CLARKE: Well, I mean, it's
16 private property.

17 MR. DALLAS: Okay.

18 COUNCILMAN CLARKE: It's clearly
19 private property.

20 MR. DALLAS: I don't know the answer to
21 that right now, but if you give me a few more
22 details about it, some specific locations, we can
23 take a look, you know, would take a look and kind
24 of get back to you about what we can and can't do
25 there.

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2 COUNCILMAN CLARKE: All right, from a
3 policy perspective --

4 MR. DALLAS: Yes.

5 COUNCILMAN CLARKE: Not, you know, just
6 kind of taking care of my --

7 MR. DALLAS: Right.

8 COUNCILMAN CLARKE: I've been able to
9 get that every now and then, but I would like to
10 see you address it more in a broader
11 policy-related issue.

12 MR. DALLAS: Sure.

13 COUNCILMAN CLARKE: All right, thank
14 you.

15 Thank you, Mr. Chairman.

16 COUNCILMAN DICICCO: Follow-up on a
17 follow-up.

18 COUNCILMAN NUTTER: Absolutely.

19 COUNCILMAN DICICCO: Councilman Cohen.

20 COUNCILMAN COHEN: The question of the
21 numbers that appear in your statement, the numbers
22 of common driveways and retaining walls that would
23 be covered, how does that stack up with your
24 estimate of what the City need is? You say that
25 over one year, you could do, with your proposed

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2 revolving fund, you could do 30 retaining walls
3 and 58 common driveways, and then give us a quota
4 for 10 years of 365 common driveways. I don't
5 know why the total shouldn't be 580, if 58 would
6 be done in the first year. Multiplying that
7 number by 10, I come up with 580. And with the
8 retaining walls, I come up with 300, and not 190.

9 But I wonder how those numbers compare
10 to the need in the City. And I would urge the
11 City, as a secondary to that statement, to
12 reconsider its question as to private property. I
13 think it's a public safety problem and I think
14 it's a public use problem. In general when
15 properties get in disrepair and become abandoned,
16 they become the responsibility of the City if they
17 fall down, and the City's subject to all kinds of
18 lawsuits if people are injured. So I don't know
19 how anyone could possibly say that that's just
20 private property and is the private owner's
21 responsibility.

22 The fact is that it's the City that's
23 the insurer of last resort if there are any kind
24 of problems. So the City definitely has an
25 interest. We don't have to decide, you know, the

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2 relative interest between the property owner and
3 the City. And I'm in favor of the homeowner
4 bearing some financial responsibility, but we have
5 to take into account the needs of the homeowner.

6 So first you would address the question
7 of where you arrived at the numbers. Or did I --
8 was I out sick in the 2nd grade when I learned how
9 to multiply?

10 (Laughter.)

11 MR. DALLAS: No, you're not -- no, you
12 weren't. Basically, you -- first let me just go
13 through how we kind of arrived at those
14 projections.

15 First, there's an assumption that the
16 average retaining wall would be approximately
17 \$25,000. That's our assumption right now for
18 retaining wall repair. And that a common driveway
19 would cost about \$13,000. So based on those
20 assumptions, we set a 1-to-2 ratio.

21 The reason why the numbers don't wind
22 up being a -- don't double what -- aren't double
23 what they are when you get out there is, also
24 included in the numbers that are included with the
25 testimony is the assumption that we thought it

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2 would be more realistic to assume that not all of
3 the loans would be repaid, that we would have a
4 little trouble collecting or at least there would
5 be delayed payments on some of them if people did
6 not pay. You know, even if we had 75 percent said
7 yes, that means 25 percent might not be involved
8 and 75 percent may say yes and we may not get
9 repayment.

10 So the numbers that are here assume
11 that 80 percent of the people who live along the
12 retaining wall would contribute -- would
13 participate in the program. So, therefore, over
14 time, you'd have to manage the loan fund so that
15 we didn't spend more than we were taking in, and
16 that over time, the numbers would decrease. And
17 that is based -- and that's just a -- if a
18 100 percent payback -- we got a 100 percent
19 payback, we could fix more and we could pay for
20 more retaining walls. It's a function of how much
21 we actually get paid back and when the cash comes
22 in.

23 And then, I guess, in regard to your
24 second question, which was the need out there, we
25 know that there's approximately -- I think we know

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2 of, I think, 90? -- 90 walls. And I think that
3 Paul can obviously speak to this better than I
4 can. That if did -- between what the Streets
5 Department could physically handle in terms of
6 doing in the first year and that kind of stuff,
7 that 30 would help us get to the really -- some of
8 the ones that were bigger problems early on in the
9 first year or maybe a year and a half; and then
10 from there on, we could have something that, you
11 know, as time progresses and more retaining walls
12 would enter the system, we'd have a vehicle for
13 maintaining these repairs that we made initially.

14 COUNCILMAN COHEN: When you say the
15 City would do it, do you mean the City would do it
16 with City employees or the City would arrange for
17 contractors to do it?

18 MR. LONIE: How we envision this
19 program unfolding, the City would hire private
20 contractors to do that, and we would use the money
21 available to pay them up front. That's always
22 been our major problem.

23 COUNCILMAN COHEN: Say that again. You
24 would do what?

25 MR. LONIE: We would hire private

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2 contractors to make these repairs. We would do
3 the design and the layout.

4 COUNCILMAN COHEN: Right.

5 MR. LONIE: We would hire private
6 contractors, which is what always done in the
7 past, to make these repairs. And then we have the
8 ability, if we do have this money made available
9 to us, to pay the contractors for the work they
10 did. Then we would turn around and bill the
11 property owners and have that money come back in
12 over time. But the contractors would be willing
13 to bid on these projects knowing full well that
14 the money is there, and as soon as they are
15 completed their work, they would get paid.

16 While I have a moment, one of the
17 things that I think is very important to say to
18 everyone on this committee -- one of the reasons
19 that this program is viable, that maybe it's never
20 been viable before, is the advent of some new
21 products that are on the market now that we have
22 not used in the past, we didn't want to. But now
23 we feel that they've come to a point where we can
24 do that.

25 We can reduce the costs tremendously on

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2 retaining walls and driveways. We have products
3 out there now that were not available five years
4 ago. We have computer systems within the Streets
5 Department for the billing purposes that will take
6 us a tenth of the time to do the billing work
7 that's necessary and, therefore, save money to the
8 homeowners. That was never done before.

9 And I think with Councilman Nutter,
10 what some of his concerns about the amount of
11 money in this, we've kind of identified some
12 products that will make this -- a driveway repair
13 the way we like to do it now for 20 percent of the
14 cost it cost 10 years ago, where we were repairing
15 things with 8 inches of concrete.

16 I have some designs here if you'd like
17 to see them with some cost estimates of exactly
18 how we would roll out to the individual citizens,
19 if this is funded to do this program. And it is a
20 good program, and we're looking to do the most
21 benefit for the most number of citizens that we
22 can.

23 COUNCILMAN COHEN: Well, it's a strange
24 thing. I think I may be the only Councilman-At-
25 Large who's also currently a ward leader, and I

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2 think that may be the first time that's ever
3 happened, when I first came in as Councilman-At-
4 Large. But I'm delighted that -- and I kept
5 raising this issue but it didn't take hold until
6 Councilman Nutter and then followed by Councilman
7 Clarke got into the picture, and I'm very grateful
8 that they've done so.

9 Because in my ward leader role, this
10 has been a terrible problem for many years, and it
11 was a -- and your cost figures seem kind of out of
12 line. I remember when I moved in my home -- and
13 of course this is many, many years ago, 48 years
14 ago -- we did -- we got quickly a notice from the
15 City at that time condemning our driveway, and I
16 had the impression that the cost then per
17 homeowner was something like 2500 to \$3,000 for a
18 pretty wide driveway; it was not a retaining wall.

19 But I think we're finally beginning to
20 make progress, and I would like to see those
21 designs and hear a little bit about the new
22 products that are on the market. And it may be --
23 have some private homeowners been using them?
24 'Cause I heard of --

25 MR. LONIE: Well, I would like the

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2 representatives of VERSA-LOK to kind of address
3 that. Mike?

4 (VERSA-LOK reps come forward.)

5 COUNCILMAN COHEN: 'Cause I've heard of
6 one group in the Northeast who found a way to just
7 cover over the driveway, got City approval to do
8 that at about a third of the cost, and it may have
9 been with the use of these projects.

10 MR. LONIE: Right. That's not the
11 product that this gentleman's going to talk
12 about. He's going to deal with the walls, but the
13 product that we have found that's going to work
14 our little miracle is a product called NOVA-CHIP,
15 and NOVA-CHIP -- we've used it in our street
16 resurfacing process. It's not an asphalt product,
17 so it doesn't crack or break down. And -- whereas
18 before, we were in the neighborhood of for your
19 driveways at about \$75 a square yard, and we feel
20 we can use NOVA-CHIP for about \$6.50 a square
21 yard.

22 COUNCILMAN COHEN: It sounds very good
23 to me.

24 COUNCILMAN NUTTER: Councilman, before
25 we go to the --

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2 COUNCILMAN COHEN: I yield back.

3 COUNCILMAN NUTTER: Before we go the
4 presentation about the materials, I'd just like to
5 finish up some of the financial components. The
6 gentleman can stay.

7 Mr. Dallas, I was -- I had had the
8 question, although your explanation is a very good
9 one, about the 10-year projection going from the
10 first year of 30 walls, 58 driveways to 190 to
11 365. What I didn't understand was the last line
12 of your testimony where you said: "Without the
13 creation of a loan fund, this investment of
14 \$3 million would only provide for the repair of
15 approximately 60 retaining walls and 115 driveways
16 in total."

17 Are you saying that if you just put
18 \$3 million out on the street or within the
19 Department, they said, you know, Go do as many
20 walls and driveways as you could; is that --

21 MR. DALLAS: Yeah. That's the basic --
22 the basic assumption was that we just take -- if
23 we didn't create the fund, you would have
24 \$3 million to spend, and in a 2-to-1 ratio, that's
25 approximately how it would shake out.

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2 COUNCILMAN NUTTER: Okay. A couple
3 last things on the money. I guess one, what was
4 the genesis of the \$3 million figure? Was that
5 created as a result of you think you have
6 \$9 million in need, what do you need to start with
7 that gets you to the 9 million? Is that it?

8 MR. DALLAS: The 3 million was
9 basically in discussions with the Streets
10 Department of a -- it was a variety of factors.
11 It was the amount of need of particularly bad
12 walls out there, plus also I think a big factor is
13 what the Streets Department could actually, you
14 know, contract for and manage within the first
15 year, especially since they haven't done this, you
16 know, and just so that we could manage the program
17 and that we could get the maximum benefit.

18 This is actually pushing it a little
19 bit, but. . .

20 COUNCILMAN NUTTER: Tell me a little
21 bit about -- is it the current anticipation,
22 although I thought I heard something slightly
23 different, or maybe that came from Councilman
24 Cohen. Is the expectation that the homeowner
25 cost, which I think -- I see now you're laying out

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2 over a 4-year period of time. Are you expecting
3 out of that 100 percent homeowner repayment
4 participation, or has there been any factor either
5 thought about or anticipated with this particular
6 aspect of the program that the total costs would
7 be somewhat discounted?

8 MR. DALLAS: I think that we would love
9 to have 100 percent participation in the program.
10 We know that, given the realities, that that may
11 not happen. The numbers that are projected here
12 assume an 80 percent and, you know, the numbers
13 that we have for the --

14 COUNCILMAN NUTTER: No, I wasn't
15 talking about on the repayment. What I was --
16 you're -- again, if I'm reading this correctly --

17 MR. DALLAS: Mm-hmm.

18 COUNCILMAN NUTTER: And I would like to
19 go back to this particular figure, but I want to
20 ask you two questions at the same time. The
21 assumption on the second page is in the case of a
22 failed retaining wall and a failed driveway on the
23 same block, is that the assumption here?

24 MR. DALLAS: No. The assumption --
25 well, it could be, but the assumption is that you

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2 could have a case where it would be --

3 COUNCILMAN NUTTER: Let's say you only
4 have a wall. That's \$25,000.

5 MR. DALLAS: Yes.

6 COUNCILMAN NUTTER: You have figured
7 out that there were 50 houses, everybody has their
8 share, and are you saying that the individual
9 homeowner is responsible every year for 4 years
10 for the retaining wall repair for \$134.51.

11 MR. DALLAS: If the number of homes was
12 50 on a retaining wall.

13 COUNCILMAN NUTTER: Yeah, I understand.

14 MR. DALLAS: And that's how the number
15 is --

16 COUNCILMAN NUTTER: In most West
17 Philadelphia areas, you're going to have 40 to 50
18 houses.

19 My question was: In some discussions,
20 it has -- the issue has come up, and this will go
21 back to a question that I haven't asked yet. In
22 some situations, the cost is clearly more than
23 \$25,000 for you to repair the wall.

24 MR. DALLAS: Mm-hmm.

25 COUNCILMAN NUTTER: Again, I've got at

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2 least one I know of off the top of my head up is,
3 I think, up in the 220, 230 range, divided by, I
4 think, 40 or 45 homeowners. And that number, I
5 think, gets you to about \$5,000 or so in maximum
6 homeowner costs?

7 MR. LONIE: Councilman, can I address
8 one of those issues in there? With the estimates
9 that we had provided you before, we had provided
10 the estimates based on a replacement of a stone
11 masonry wall.

12 COUNCILMAN NUTTER: Right.

13 MR. LONIE: We find this new product to
14 be about 15 to 20 percent of the cost of that
15 wall. We are looking at, maybe for that wall, a
16 35 or \$40,000, not the 200,000 that we originally
17 estimated. That's why I asked this gentleman to
18 be here today.

19 COUNCILMAN NUTTER: Okay, all right.
20 So if you're at that level, then you're saying
21 that we could, in a much more realistic fashion,
22 then look for the homeowner to take 100 percent of
23 their individual house-by-house cost assessment,
24 because we're now not up in the 220, 230 range for
25 some in particular, and there are some others that

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2 are much cheaper. But you're saying that that
3 particular situation might put you in the 30 to
4 40 grand range?

5 MR. LONIE: Yeah, 30 to 40,000 for
6 that. Now, again, if the driveway needs to be
7 done too, you're still up in the 50 and \$60,000,
8 but you're still only dealing with \$1,000 of
9 property.

10 COUNCILMAN NUTTER: Right, 50-60,
11 40-50, it's -- you know, it's a grand, it's \$1100
12 divided by 4, and now you're talking about less
13 than \$300 a year for that person over the 4 years.

14 MR. LONIE: Which is what makes this --

15 COUNCILMAN NUTTER: As compared to the
16 earlier example, which had us up in the close to
17 the 5 grand range.

18 MR. LONIE: That's correct.

19 COUNCILMAN NUTTER: The one question
20 I've have -- and then maybe we should go to the
21 gentlemen is, what's the -- in the -- let's go
22 with the -- before we knew about the products and
23 back when we were at the 220 range -- and what are
24 you calling that, a concrete masonry wall?

25 MR. LONIE: Yeah, stone masonry.

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2 COUNCILMAN NUTTER: What was the
3 anticipated guarantee or life expectancy -- and I
4 know they're different -- for that kind of job and
5 that type of repair?

6 MR. LONIE: Well, the life expectancy
7 was 50 years. Nobody was going to guarantee
8 anything for that amount of time, but we would
9 estimate 50 years.

10 COUNCILMAN NUTTER: What's the
11 guarantee on the work for that type of --

12 MR. LONIE: The guarantee on any of our
13 work is only five years; that's what the Law
14 Department makes us guarantee.

15 And, again, I'll ask these gentlemen
16 here to address exactly the length of the newer
17 products, but we -- we would -- we would base it
18 on 50 to 100 years, I suppose. And that seems to
19 be what the walls are lasting, somewhere around
20 100 years.

21 COUNCILMAN NUTTER: Well, I guess --
22 and then we'll have the gentlemen, but I do want
23 to, I guess, state for the record that if we are
24 going to pursue new technology at dramatically
25 reduced costs, then I think one of the selling

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2 points of it has to be a significantly increased
3 guarantee in order to reassure the citizens out
4 there, since, I mean, ultimately they are going to
5 be paying for it, that they're getting a good-
6 quality product, and that's no disrespect to the
7 gentlemen.

8 But if you, you know, if one day you
9 had, even in a failure situation, a stone masonry
10 wall and you know what the quality of that is and
11 eventually, you know, everything does wear away,
12 and you replace it with some new product, then, I
13 mean I think there is not an inappropriate
14 expectation from the citizenry that it had
15 something, it did eventually wear out, but it's
16 got, you know, 40 or 50 years on it and just
17 started showing signs of wear and tear. Now
18 you've brought in, you know, the latest, greatest
19 brand-new idea but, you know, I'm only going to
20 get five years out of it.

21 MR. LONIE: No, I understand,
22 Councilman --

23 COUNCILMAN NUTTER: And it's a little
24 bit of --

25 MR. LONIE: Right. (Inaudible.) If

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2 you go out the Vine Street Expressway and turn
3 west on the -- or going out Vine Street and turn
4 west onto the expressway, and as you usually sit
5 in traffic like we all do, if you notice the
6 abutment that's next to you on the right-hand side
7 there that holds up the expressway coming out of
8 the --

9 COUNCILMAN NUTTER: Are you talking
10 about as if you were getting off to go to 30th
11 Street Station, those interlocking --

12 MR. LONIE: Right. That is the product
13 we're talking about. I mean, we're not talking
14 about something that's --

15 COUNCILMAN NUTTER: It's not like from
16 an Erector Set.

17 MR. LONIE: Right, exactly. I mean,
18 this is something that --

19 COUNCILMAN NUTTER: Right, it's not
20 Legos. Right, right, okay. If it's on the
21 expressway, I'm real interested in it.

22 MR. LONIE: Okay.

23 COUNCILMAN NUTTER: And that actually
24 looks nice and, you know, I've felt safe when I
25 drove through there.

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2 MR. LONIE: Right. And that's the
3 product we're dealing with.

4 COUNCILMAN NUTTER: All right.

5 COUNCILMAN DICICCO: I just have one
6 question. On the rollback loan, I think it's
7 called, is there a income limit, similar to what
8 we do with the Water Department, where if you make
9 above a certain salary -- some of the seniors, as
10 an example, were not entitled to the no-interest
11 or low-interest loan.

12 MR. LONIE: I don't think we've
13 explored it that far to get into that.

14 MR. DALLAS: At present, it's just a --
15 it's a 3 percent loan for 4 years.

16 COUNCILMAN DICICCO: Regardless of
17 income?

18 MR. DALLAS: Yeah. It's something we
19 could discuss if it was --

20 COUNCILMAN DICICCO: Well, I think it's
21 important because one of the issues I had when I
22 first came to Council in '96, on the 1400 block of
23 South Juniper, where we were doing those --
24 offering that program, a number of people didn't
25 qualify because they had a considerable amount of

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2 savings and their retirement and between their
3 Social Security and their pension, funds it
4 brought them beyond what the limit was.

5 So before we make a blanket statement
6 that it's for everyone, I think it's important --
7 and I'm not suggesting that you should or
8 shouldn't have a limit, but I think we got to be
9 clear in that.

10 COUNCILMAN NUTTER: Right.

11 COUNCILMAN DICICCO: Because I know
12 what will happen to Councilman Nutter more than
13 me: Somebody's going to say, Oh, I thought I was
14 going to be able to get into that loan.

15 COUNCILMAN NUTTER: Right, yeah.

16 The last thing I want to have any
17 discussion about is a program with income
18 limitations. That -- I mean, to some extent, has
19 been a little bit of the bane of my existence here
20 because, you know, I do have -- you know, there
21 are many programs that exist in the City;
22 unfortunately, many of my constituents don't
23 qualify for them. And this always been envisioned
24 because of the nature of the citywide problem,
25 which cuts through all socioeconomic levels and

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2 all neighborhoods, is that it would be a program
3 that's available citywide. And I've never -- I've
4 never had a discussion about income limitations.

5 MR. LONIE: No, we -- I don't believe
6 on the other side of the street we've ever had
7 that discussion either.

8 COUNCILMAN NUTTER: Okay, all right.

9 COUNCILMAN DICICCO: Thank you.

10 COUNCILMAN NUTTER: But the Councilman
11 makes a very good point. We need to make sure
12 whatever we have that we don't have that issue.

13 COUNCILMAN DICICCO: Thank you.

14 Please proceed with your testimony.

15 MR. LONIE: Give your name first.

16 MR. CARROLL: My name is Michael

17 Carroll.

18 Mr. Chairman and Councilmen, I just
19 brought -- this technology is new but it's
20 developed in like the '85, so it's relatively 15
21 years old. As Paul was saying, along the highway
22 and in the expressway, you see actually the
23 crosses or the diamond shapes on the -- it's the
24 same technology. We use plastic as reinforcement;
25 they use what is steel straps, the same type of

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2 technology. The steel straps are actually -- they
3 have some side effects. Basically you have to use
4 select stone and select fill. With these types of
5 properties, we'd actually use the soil that's
6 there behind the retaining walls. It's based
7 after the same concrete block designs and block
8 buildings or the cut granite stones of the walls
9 that the railroad bridges and stuff are done one.

10 The big thing is -- I put a generic
11 package here together to show you what different
12 kind of products are available, representing --
13 there's six or seven different manufacturers
14 within the State of Pennsylvania alone that all
15 use the same technology. So it is a big
16 cost-savings.

17 And if you see some pictures in the
18 back, we've done some major projects in the
19 Philadelphia area and also in Delaware --
20 Christiana Mall, the Brandywine Race Track. We've
21 done some very significant projects. And we are
22 PennDOT-approved.

23 For the durability access of it, with
24 the City Department of Engineering, we would
25 actually put in the specifications -- there is --

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2 it's just actually new. Within the last five
3 years, the Federal Highway -- we just did --
4 really designated testing of it to freeze/thaw,
5 which is how they test the durability of concrete
6 products to do a life expectancy. You know,
7 usually it is around 50 years with PennDOT. We've
8 never did anything 100 years.

9 COUNCILMAN NUTTER: In our situations,
10 you know, we'd be glad about 50.

11 MR. CARROLL: And it's same thing with
12 stone, Councilman. There's actually been -- you
13 can build a stone retaining wall too that would
14 have a failure, you know, right away after it was
15 built also. What these designs are -- and there
16 are some wall cuts in there -- if you look at --
17 the walls aren't done vertically more, there's a
18 little bit of a batter or a lean-back, right?
19 There's clean stone behind it for drainage, big
20 drainage pipes. You've probably seen the walls
21 that have little holes in it. We just --

22 COUNCILMAN NUTTER: I'm sorry. Tell me
23 that again? Is that what this is? You build it
24 with stone behind the wall and that helps with
25 drainage?

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2 MR. CARROLL: Yes. There's a drainage
3 -- actually, there's some pipes through it. I
4 think on Page 1 of the engineering --

5 COUNCILMAN NUTTER: I saw one with
6 pipes running through it. It's on Page
7 Engineering I?

8 MR. CARROLL: Yes. It will show
9 typically a cut-through.

10 COUNCILMAN NUTTER: Can you give us
11 just a little more detail on this? I see the
12 drain pipe. I know this is a cross sectional, but
13 I don't really -- how is the water getting in
14 there.

15 MR. CARROLL: Actually, what it does
16 is, any ground water that comes from the ground
17 itself or atop the yard, it would be -- it would
18 actually go into the drainage material. It would
19 filter down through that to clean stone the whole
20 way down to the drain pipe, Councilman. And that
21 would be lateral through the wall every like 50
22 feet. And that takes care of any excess water.

23 COUNCILMAN NUTTER: But is the pipe
24 running perpendicular to the wall?

25 MR. CARROLL: It runs perpendicular and

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2 then there would be T's every 50 feet laterally
3 that would actually go through the wall and
4 protrude out the wall.

5 COUNCILMAN NUTTER: And how does the
6 water get into the pipe?

7 MR. CARROLL: Well, it runs parallel to
8 the wall, I'm sorry.

9 COUNCILMAN NUTTER: Right.

10 MR. LONIE: It runs right behind the
11 wall.

12 COUNCILMAN NUTTER: Right, it runs
13 right behind it parallel.

14 How does the water get in the pipe?

15 MR. CARROLL: From many of that --
16 saturation, soil saturation or any ground water,
17 which causes the freeze/thaw, it makes the stone
18 walls like (unintelligible) the mortar break down
19 and it actually gets in the drainage material,
20 which is a clean stone, and runs down to the
21 drainage pipe.

22 COUNCILMAN NUTTER: Right, gotcha,
23 okay.

24 And you said that this material is
25 actually plastic?

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2 MR. CARROLL: The reinforcement on the
3 ties, if you look at the black lines that go
4 between the block and back into the ground,
5 they're actually a plastic. It's geosynthetics.

6 COUNCILMAN NUTTER: What's the block?

7 MR. CARROLL: The block of concrete.

8 COUNCILMAN NUTTER: The blocks are
9 concrete?

10 MR. CARROLL: Yes.

11 COUNCILMAN NUTTER: Yes.

12 MR. CARROLL: But there's no mortar,
13 per se. Most of the stone walls, if you notice,
14 the -- what happens is, the mortar at the time the
15 stone walls built wasn't good enough and the
16 mortar wears out, and the stone (unintelligible).

17 COUNCILMAN NUTTER: Right.

18 MR. CARROLL: The stone never wears
19 out.

20 COUNCILMAN NUTTER: Right. No, the
21 mortar --

22 MR. CARROLL: Breaks down and
23 deteriorates.

24 COUNCILMAN NUTTER: And then the rock
25 or the stone starts to shift and then it moves.

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2 MR. CARROLL: Yeah.

3 COUNCILMAN NUTTER: These -- it's
4 obviously called "VERSA-LOK." Does that mean that
5 the pieces lock into each other? I see these
6 slots here. Is something going through so that
7 they fit together?

8 MR. CARROLL: Yes, exactly. There's
9 two types. There's a pin-type -- VERSA-LOK's a
10 pin-type system. And then there's a lip or a
11 mechanical connector. There's no mortar involved;
12 it's all dried-laid. It's actually the weight of
13 the product itself that does -- is what holds it
14 up. You know, it's a heavy system, and the weight
15 itself holds the thing together.

16 COUNCILMAN NUTTER: It's laid out a
17 little bit on Engineering II?

18 MR. CARROLL: Yes.

19 COUNCILMAN NUTTER: I see you've got
20 some pins and dows and also you've got a built-in
21 interlock where the back of one hooks onto the --

22 MR. CARROLL: The other one. That's
23 the two main type of connections, right, a
24 built-in interlock and a pin system.

25 COUNCILMAN NUTTER: So it's two

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2 different --

3 MR. CARROLL: Yes. I put a generic
4 representing the whole industry -- this is what's
5 available. We write the specifications that, you
6 know, you want to know -- we're not writing a
7 close-end spec. Once Council picks a product or
8 something like that --

9 COUNCILMAN NUTTER: No, we won't be
10 picking this. No, it's the last thing we'd be
11 doing.

12 MR. LONIE: Right.

13 COUNCILMAN NUTTER: Now, we actually
14 want people who know what they're doing to work on
15 things like this.

16 MR. LONIE: Right. Councilman, too, we
17 do have experience with our structural engineers
18 in the (unintelligible) section, and they're
19 willing to do all of the design necessary for this
20 program and use this product.

21 COUNCILMAN NUTTER: Right, okay. All
22 right. I don't have any more questions.

23 COUNCILMAN DICICCO: I don't believe
24 there's any further questions from the committee,
25 either.

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2 Do you have any closing remarks you
3 wanted to --

4 COUNCILMAN NUTTER: There may be -- I
5 don't know if there are citizens who wish to
6 testify, but I guess I'd like to get a sense for
7 the moment from Mr. Lonie and Mr. Dallas of, where
8 are we right now? and talk to me a little bit
9 about potential sources of funding for the
10 revolving fund -- just either things you've looked
11 at, anything, you know, you've ruled out, ruled
12 in, eliminated, don't want to talk about, all of
13 that. Just give me a sense of the funding issues,
14 and then I want to talk about where are we now.

15 MR. DALLAS: I don't think we're really
16 prepared to talk about what the funding issues
17 are. We just -- our charge here was just to tell
18 you how much it would cost and how we could do
19 it. I'm sure there are a variety of ways to do
20 it, but there are probably people who could better
21 answer it than me on what's the best way to do it.

22 MR. LONIE: And as far as the program
23 itself, if funding's made available, we would have
24 to enter into a preliminary design, and we'd be
25 willing to -- again, if the funding was available,

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2 we could be started by late summer.

3 COUNCILMAN NUTTER: I'm sorry,

4 Mr. Lonie, say that again, please.

5 MR. LONIE: If the funding was made
6 available, we could be ready to go by late summer
7 of next year.

8 COUNCILMAN NUTTER: You would be ready
9 to go the summer of next year.

10 MR. LONIE: Yes. We'd have all of our
11 computer things in place and our community
12 responsibilities met, and I think we'd be ready to
13 go to contract it.

14 COUNCILMAN NUTTER: When would you need
15 the funding -- when would you need to know that
16 your funding was in place to meet that kind of a
17 timetable?

18 MR. LONIE: The Procurement Department
19 would probably not allow to us advertise the
20 contracts unless there was a funding source made
21 known to them. That's where we'd get stopped. We
22 could proceed up until that point, and if we said
23 Okay, well, we're going to advertise this for
24 bids, Procurement would say, Okay, give us a
25 source code. And we'd say, Well -- and they would

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2 stop us. And that's probably as far as we could
3 go without knowing where that funding was coming
4 from.

5 COUNCILMAN NUTTER: Okay. Okay.

6 All right, Mr. Chairman, I think I'm
7 done my questions for the moment. Let me just --
8 'cause I was talking at the time the hearing
9 started. Are we still in the resolution part of
10 our hearing today?

11 COUNCILMAN DICICCO: I'm sorry?

12 COUNCILMAN NUTTER: Mr. Chairman, I'm
13 sorry. I was talking at the time that the hearing
14 started. I'm assuming that we're actually still
15 in the resolution.

16 COUNCILMAN DICICCO: That's correct.

17 COUNCILMAN NUTTER: As opposed to Bill
18 000660.

19 COUNCILMAN DICICCO: That's correct.

20 COUNCILMAN NUTTER: Okay, all right. I
21 don't know if there are other people who have
22 questions.

23 COUNCILMAN DICICCO: Councilmember
24 Clarke, do you have a question? Councilmember
25 Clarke?

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2 COUNCILMAN CLARKE: Thank you,

3 Mr. Chairman.

4 Just for clarity's sake, who is going
5 to contact the Administration or speak for the
6 Administration with respects to my question about
7 trees and yards?

8 MR. DALLAS: I could talk to them, as a
9 representative from the Managing Director's
10 Office, right after this hearing's over, if you'd
11 like.

12 COUNCILMAN CLARKE: Okay, and I could
13 expect a response shortly?

14 MR. DALLAS: Sure. Well, I mean, yeah,
15 we have to find out what the issues are and we'll
16 give you a written response.

17 COUNCILMAN CLARKE: Okay. In a prior
18 hearing, and I think it may have been on the
19 resolution when we had the charts up and we were
20 looking at locations, and I had mentioned a
21 particular area in my district, a housing
22 development called People's Village, and there was
23 this issue about parking, common parking areas,
24 where they were essentially sinking, and there was
25 no designation in terms of who was ultimately

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2 responsible for the maintenance or the ownership.
3 It was a complex that was built of home ownership
4 and they had these common areas, and they've been
5 sinking over the last five or six years, and I had
6 asked the Streets Department to look into that.

7 And has anybody looked into that yet?

8 MR. DALLAS: I don't know.

9 MR. LONIE: We did somewhat look into
10 it, and it's a -- going back to one of those
11 things, it's a settlement issue. But it's, again,
12 private property. So, I mean, we can make
13 recommendations, and we'd be glad to do that, to
14 the owner of that community venture, but as far as
15 the --

16 COUNCILMAN CLARKE: It's no owner -- I
17 mean, there are owners.

18 MR. LONIE: Well, that's what I'm
19 saying. We can make recommendations, but it's not
20 in our inventory of streets so we can't do
21 anything.

22 It's like when the parking lot at
23 Eighth and Market was sinking. We can't
24 necessarily do anything -- the Streets Department
25 -- to deal with that.

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2 COUNCILMAN CLARKE: Yeah, but there
3 were no residents there.

4 MR. LONIE: Right, but it's still -- I
5 mean, under the -- under the law, I mean, the
6 responsibilities are the same.

7 COUNCILMAN CLARKE: Okay. I would like
8 for to you get me some sort of a response and take
9 it under the same context as we're discussing
10 these retaining walls and driveways.

11 MR. LONIE: Where again was that,
12 Councilman? I want to make sure I have that.

13 COUNCILMAN CLARKE: It's a development
14 called People's Village. It's from 13th Street on
15 the west, 11th Street on the east. The southern
16 most boundary is Diamond Street and the northern
17 most is Susquehannah.

18 MR. LONIE: And that's the -- the
19 parking area is in there?

20 COUNCILMAN CLARKE: Well, there are
21 several parking areas within the complex.

22 MR. LONIE: All right, we'll take a
23 look at it.

24 COUNCILMAN CLARKE: It's the home of my
25 State Senator Kitchen, and she's been bugging me

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2 about this for a while.

3 MR. LONIE: Okay, we'll take care of
4 that, sir.

5 COUNCILMAN CLARKE: Thank you.

6 MR. LONIE: Okay.

7 COUNCILMAN DICICCO: Any other
8 questions for these witnesses?

9 (No further questions.)

10 COUNCILMAN DICICCO: Is there anyone
11 here who wants to speak on the resolution before
12 we move onto the bill?

13 COUNCILMAN COHEN: One question,
14 Mr. Chairman.

15 COUNCILMAN DICICCO: Councilman Cohen.

16 COUNCILMAN COHEN: Did I hear you say
17 something about the parking lot sinking at Eighth
18 and Market Street? What was that problem?

19 MR. LONIE: Well, my point was that --
20 the problem was that it was just never filled
21 properly when they tore the old buildings down
22 there. But, again, that's not something that the
23 Streets Department could get involved in simply
24 because it's asphalt. I was telling Councilman
25 Clarke that we'll take a look and see maybe what's

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2 caused the problem, but it's not something that we
3 can necessarily deal with as an operating
4 department, because it is private property.

5 COUNCILMAN COHEN: Well, I'm trying to
6 think of Eighth and Market. Which was the parking
7 lot?

8 MR. LONIE: Across from the gallery.

9 COUNCILMAN DICICCO: The former
10 Gimbel's Building site.

11 COUNCILMAN COHEN: Yeah.

12 COUNCILMAN DICICCO: Which is now the
13 hole in the ground. Every year, we have a hole in
14 the ground someplace in Philadelphia.

15 COUNCILMAN COHEN: Well, it wasn't the
16 new foundations that were sinking, was it? There
17 new foundations for parking garages?

18 MR. LONIE: No, the old ones, not the
19 new ones.

20 COUNCILMAN COHEN: It was the old ones.

21 MR. LONIE: Yes.

22 COUNCILMAN COHEN: Okay. I just don't
23 want to see the new ones sinking.

24 COUNCILMAN DICICCO: Any other
25 questions for these with witnesses?

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2 (No further questions.)

3 COUNCILMAN DICICCO: Anyone else here
4 who wishes to testify on the resolution?

5 (No response.)

6 COUNCILMAN DICICCO: Hearing none, the
7 clerk will read the title of the bill.

8 THE CLERK: Bill No. 000660, amending
9 Section 11-506 of the Philadelphia Code, entitled
10 "Alleys, Driveways and Retaining Walls," by
11 providing additional methods by which the City may
12 pay contractors the City hires to pay for paving
13 or repaving alleys or driveways or to construct or
14 reconstruct retaining walls pursuant to orders to
15 abate nuisances, and by providing a maximum amount
16 that property owners may be assessed for the cost
17 of such work, all under certain terms and
18 conditions.

19 COUNCILMAN DICICCO: Excuse me one
20 minute, Paul. The gentleman that just walked in,
21 did you wish to speak on the resolution?

22 UNIDENTIFIED MAN: (Inaudible,
23 off-mic.)

24 COUNCILMAN DICICCO: Okay, you weren't
25 here when I announced it, but we'll go back to the

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2 resolution just to allow you the opportunity to
3 speak. Would you please approach the witness
4 table?

5 COUNCILMAN DICICCO: You guys can stay
6 here, whoever want to stay.

7 (Witness comes forward.)

8 MR. SEWARD: I'm sorry. Good morning,
9 Council. My name is Willie Seward, I'm past
10 president of Hapco. I think most of you are
11 familiar with Hapco.

12 We have a couple questions involved on
13 this at this point is, what would be the maximum
14 cost to the average homeowner in case the work is
15 done? Is there anybody here in a position to
16 answer that question? The maximum cost in case
17 work is done on the driveways.

18 COUNCILMAN NUTTER: Ask Mr. Lonie.

19 COUNCILMAN DICICCO: Mr. Lonie, I think
20 the question is really to you.

21 You can address the questions to the
22 Chair, and they will be responded to by the --

23 MR. SEWARD: Yeah, we would like to
24 know what would be the maximum cost to the
25 homeowner in case some of this work is done.

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2 COUNCILMAN DICICCO: I think that would
3 go on a property-by-property basis based on linear
4 feet involved, right?

5 MR. LONIE: Right.

6 COUNCILMAN DICICCO: And what the rate
7 per linear foot is as to the overall cost of the
8 renovation or reconstruction of the retaining
9 wall. I don't know if we can --

10 MR. SEWARD: This could go, what, 10 or
11 \$15,000 or so?

12 COUNCILMAN DICICCO: Well, I guess
13 conceivably it could. I mean, I have a relative
14 who lives in the Roxborough section who the
15 Councilman's familiar with, and he just replaced
16 his retaining wall and I think he spent a little
17 bit in excess of \$10,000. But he has about 100 to
18 100 and -- I'm estimating about 100 to 120 foot of
19 retaining wall.

20 COUNCILMAN NUTTER: That was his own
21 individual --

22 COUNCILMAN DICICCO: Right.

23 COUNCILMAN NUTTER: That was his own
24 individual property and his own wall.

25 COUNCILMAN DICICCO: Right.

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2 COUNCILMAN NUTTER: Right. I think
3 most of these situations we're looking at --

4 COUNCILMAN DICICCO: He's probably
5 going to be upset that he didn't wait, but that's
6 going to be his problem now.

7 COUNCILMAN NUTTER: He had some other
8 extenuating circumstances.

9 MR. SEWARD: I'm not going to be upset
10 about that, but one of the reasons we're here this
11 morning too is since this was a street, a driveway
12 and alleys situation, we had discussed in our
13 board meeting and sent letters, I think, to the
14 Commissioner of Streets and the Commissioner of
15 L&I for the purpose of having a meeting to discuss
16 ways and means of cleaning up these alleys and
17 driveways.

18 Our proposal or our thoughts was that
19 the homeowners, or whoever could be given a notice
20 through the Streets Department, we understand that
21 L&I have the ordinance to give the violations but
22 they don't have the manpower. Now, the thought
23 was to put out flyers, the typical cheap -- you
24 may say for the City it's cheap to put flyers out
25 -- on the day of trash collection, explaining

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2 that you are to clean your driveway, your alley in
3 cases of a driveway where you have a garage that
4 you should get the car, the junk car out of the
5 driveway, cut the grass, post the number -- the
6 address on that driveway, be reinspected in
7 possibly 60 days; if not corrected, a violation
8 would be issued. We believe that letters, or
9 strong letters, of that effect would clean up 60
10 percent of this dirty driveway.

11 And our logic is this: We can go into
12 a house to sell your house. A lot of our members
13 are real estate brokers. And we're not talking
14 about a section; we're talking about the City. I
15 believe this is what you're talking about. We're
16 going to the house, you like the front, you like
17 the street, you like everything, you like the
18 house, and Lord help you when we get to the
19 driveway. This stops a sale, this stops a
20 livelihood. Plus the rear is deteriorating the
21 properties. The property values, I've seen them
22 in any number of cases, are 5, depending on price,
23 are 5 to \$10,000 less deteriorated with these
24 driveways.

25 And so what we would like to see you

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2 do, since you are involved in the alleys and
3 driveways, is try to put something in there that
4 will either give the Streets Department maybe the
5 legal right to give the violation since they have
6 the manpower, we believe. I can -- I can very
7 well understand Sanitation. I don't know who
8 knows this, but I was president of Sanitation back
9 years ago, I worked for Sanitation, so I'm
10 familiar with the operation, that Sanitation could
11 probably put these flyers out where L&I seem to
12 don't have the manpower.

13 And we'd also, if it's -- and I don't
14 want to take too much of your time or the
15 gentleman's time. If for some reason, we could
16 further discuss this in committee one-on-one to
17 see what you could come up with, we would be very
18 happy to do it.

19 COUNCILMAN DICICCO: I would strongly
20 suggest that you work with your District
21 Councilperson. There are a number of programs out
22 there which the City could participate in, either
23 through the Partners for Progress, which is a
24 coordinated effort between many of the City
25 agencies -- the Department of L&I, the Streets

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2 Department, the Health Department -- where a
3 particular area is targeted for massive cleanup
4 and beautification.

5 The -- it's my understanding that the
6 Department of Streets, the Sanitation Division,
7 does have the authority to cite folks for not
8 maintaining their property. Most people don't
9 even realize that you can be issued a citation if
10 your sidewalk, as an example, isn't swept and kept
11 clean. I think we should probably -- I agree with
12 you; I think we need to be a better job of maybe
13 educating people and then the follow-up
14 enforcement 'cause I do believe -- I take it very
15 serious, the maintenance and manicuring of the
16 streets. I think that is really important to the
17 life expectancy of that community and it also adds
18 and lends to the property values in a positive
19 way.

20 So I understand what you're saying and
21 I fully agree with it. I think the best way to
22 approach that would be to work with your District
23 Councilperson to see what you can do about, number
24 one, educating the folks in that community and
25 doing a follow-up enforcement.

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2 Now, understand, I can assure you that
3 as homeowners begin to get cited for failure to
4 maintain their sidewalks, alleys, and/or
5 driveways, that your District Councilperson will
6 be inundated with calls and letters saying it's
7 just another way in which the City is figuring out
8 a way for people to pay more money into the City
9 without raising more taxes. We are damned if we
10 do and damned if we don't.

11 And I don't want to belabor the record
12 with what we're going on now with the street-
13 cleaning program. You would think that -- and I'm
14 sure it happens all over, but in my district, it's
15 like I've asked people to give up their firstborn
16 when we ask them to move their car once a week for
17 an hour. And as I said to Councilman Nutter
18 earlier, I may be the only Councilman who gets
19 thrown out of office for cleaning streets.

20 But I certainly appreciate your
21 comments, and I think you should be working with
22 your District Councilperson to come up with a
23 program that I think would work.

24 MR. SEWARD: We agree if you have, you
25 know, one block, one alley, work with the

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2 District. Our testimony today is if you could do
3 something for the whole city, because all over the
4 City, we have these driveways and I thought that
5 with --

6 COUNCILMAN DICICCO: Yeah.

7 MR. SEWARD: With this going on, it
8 would be a good place to --

9 COUNCILMAN DICICCO: And, again, when I
10 say "you," I mean anyone who wants to get involved
11 in a program should speak to their District
12 Councilperson to work on a program to get some of
13 the things that you have described in your
14 testimony accomplished.

15 Thank you for being here and thank you
16 for your patience.

17 MR. SEWARD: Thank you very much for
18 your time.

19 COUNCILMAN DICICCO: Yes, sir? One
20 other gentleman to testify.

21 (Witness comes forward.)

22 MR. MOFFITT: Yes, good morning. My
23 name is Michael Moffitt, and I'm from the Berks
24 Street-Euclid Street community. And first I want
25 to say that I want to thank all of the committee

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2 that are involved in this strenuous effort in
3 order to resolve this situation and also for the
4 City of Philadelphia too who has come up with a
5 good plan from my perspective, you know, in
6 resolving this situation.

7 But getting back to my particular
8 block, okay, which is the 5200 block of Berks
9 Street and also Euclid Street -- Mr. Lonie,
10 right?

11 MR. LONIE: Yes.

12 MR. MOFFITT: Okay, Mr. Lonie, you had
13 made mention of a new technology. That wall,
14 instead of costing was the estimate of \$200,000,
15 he got it down to \$60,000, okay, and I just want
16 to know, per household, what would that be and
17 over what period of time?

18 COUNCILMAN DICICCO: Okay. I think the
19 other gentleman asked the same question but we
20 never got the answer. Mr. Lonie?

21 MR. LONIE: Well, what that would come
22 down to -- again, I'm not sure exactly how many
23 properties are on there, Councilman Nutter, about
24 60?

25 COUNCILMAN NUTTER: Yeah, there's like

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2 52-58.

3 MR. LONIE: Right, yeah, so about 60.
4 So, again, if the project comes in at about
5 \$60,000 at \$1,000 a property, we'd be looking for
6 that over 4 years, and it would come to about \$250
7 per year per property.

8 COUNCILMAN DICICCO: That's an average
9 estimated on the overall project and dividing it
10 by 60; it could be more, it could be less.

11 MR. LONIE: Right.

12 MR. MOFFITT: Okay, that's including
13 the wall itself and also the driveway?

14 MR. LONIE: Well, again, if this
15 program becomes viable, what we'll do, again,
16 following -- and I have a feeling -- I could be
17 wrong, but I have a feeling that Berks and
18 Euclid's going to be the first place we're going
19 to go visit, that we will come out and do a
20 complete cost estimate, we'll know exactly, and
21 we'll hold a community meeting out there and let
22 everyone know exactly these questions, but we have
23 to do that on an individual basis. We can't
24 really, without getting into the actual
25 engineering of the project, know what we're

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2 talking about.

3 MR. MOFFITT: Okay. And also another
4 question. I don't know the gentleman's name, but
5 I think he said that the loans would be at
6 3 percent?

7 MR. DALLAS: 3 percent.

8 MR. MOFFITT: 3 percent? Okay. I just
9 want to be able to have something to give to, you
10 know, those homeowners on Berks Street and Euclid
11 Street.

12 COUNCILMAN DICICCO: I'm sure that
13 you'll have something in writing that will be
14 supplied to you by the District Councilperson
15 prior to and as a result of possible community
16 meetings. It will be explained to everyone at
17 that time.

18 MR. MOFFITT: Okay, thank you very
19 much. That was my next question: Is there
20 anything that I can have in hand and since you
21 have answered that question --

22 COUNCILMAN DICICCO: I'm certain that
23 Councilman Nutter will make sure that you have
24 something.

25 MR. MOFFITT: Thank you very much.

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2 COUNCILMAN DICICCO: Councilman

3 Nutter?

4 COUNCILMAN DICICCO: Thank you, sir,
5 for your time.

6 COUNCILMAN NUTTER: Thank you very much
7 for your testimony.

8 I do again want to emphasize both to
9 the Streets Department and to the Managing
10 Director's office, I think that we have to be
11 prepared to deal with a couple circumstances and
12 situations throughout the City where you may have
13 interest by a smaller-than-75-percent homeowner
14 group, but unquestionably, without a shadow of a
15 doubt in your mind, there is a clear and present
16 danger that exists. And I think that some of us,
17 and I will state for the record that in some of
18 those situations, I will want that work done. And
19 there will be some homeowners who will be unhappy,
20 but I believe my larger responsibility is to
21 protect the health, safety, and welfare of people
22 and not let, even in some situations, a financial
23 concern stand in the way of the City doing what is
24 the right thing and making sure that people are
25 safe out there.

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2 And I think that we have to have a
3 mechanism built into the program that allows for,
4 notwithstanding whatever the percentage is, there
5 is an override capability that says, We are doing
6 this work. You can like it, you cannot like it,
7 but we're going to fix this wall, we're going to
8 fix this driveway. You mess around for a long
9 period of time -- I mean, basically, you messed
10 around for a long period of time, whatever the
11 past was, couldn't seem to get it together, we're
12 not going to allow it to exist any longer, we're
13 doing it.

14 You can pay the bill when you get it,
15 you can not pay the bill when you get it. We're
16 going to put a lien on your house, we're going to
17 collect one way or the other, but we're going to
18 get this work done and we're not going to get
19 jerked around because people don't want to step up
20 to their responsibility.

21 MR. LONIE: Councilman, I agree. I
22 believe that's what Mr. Dallas said earlier, that
23 there are public safety issues that are involved
24 that will maybe take a little more precedence over
25 that 75 percent rule.

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2 COUNCILMAN NUTTER: Mm-hmm.

3 MR. LONIE: One of the other reasons
4 that I failed mention to before is that, again, we
5 only have a certain amount the money.

6 COUNCILMAN NUTTER: Right.

7 MR. LONIE: And if we feel to
8 prioritize -- well, we don't have any money yet.

9 COUNCILMAN NUTTER: Right.

10 MR. LONIE: But if we did have some
11 money that, again, I think it would be imperative,
12 if this program becomes viable, that people really
13 kind of get behind it. And if we have requests
14 from 8,000 driveway folks, it's going to take that
15 program out (unintelligible), but if we can't
16 necessarily prioritize one way or the other, but
17 in that side of the program, if all of those
18 people really want to get it done, then, yeah,
19 then they deserve that.

20 COUNCILMAN NUTTER: Right, right. And
21 that will have to still be the responsibility of
22 the neighborhood people. If they've been wanting
23 something for a long period of time, part of their
24 responsibility, I think, is to sell their other
25 neighbors to the greatest extent possible, because

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2 I will also say that, you know, in those
3 situations where it may not be the worst safety
4 hazard but it's still somewhat dangerous, I think,
5 as elected officials, we have to go in those
6 community meetings and say to people: One, you're
7 not getting something for nothing; two, if you
8 don't want to participate, we can end the meeting
9 now, I'll go onto the next neighborhood that
10 really wants to get something done. You can get
11 back to me when you get your act together, and
12 I'll be glad to talk to you.

13 So, I mean, I think it works both ways.

14 MR. LONIE: I agree 100 percent.

15 COUNCILMAN NUTTER: Thank you,
16 Mr. Chairman.

17 COUNCILMAN DICICCO: I just have one
18 question. When we speak of alleys, to me, an
19 alley is something that's two to three foot wide
20 behind someone's home. Is that the same alley
21 we're talking about here?

22 MR. LONIE: That's correct.

23 COUNCILMAN DICICCO: I wanted to make
24 sure of that. For some reason, I thought it may
25 have been something that --

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2 MR. LONIE: Well, alleys have never
3 really been mentioned much in this program because
4 the main purpose of an alley historically was to
5 remove ashes from a coal-burning house and to
6 remove the garbage. We do neither of those
7 anymore, so what's happened over the years is, a
8 lot of folks close the alleys off 'cause they feel
9 they're not safe and they build their fences
10 across them.

11 This program is very difficult to deal
12 with. And I think that's a whole separate issue
13 that I think we should maybe address at a
14 different time because as far as this program is
15 concerned, it -- you're mixing apples with
16 oranges.

17 COUNCILMAN DICICCO: And that was my
18 concern.

19 MR. LONIE: We'll investigate --

20 COUNCILMAN DICICCO: There's a few
21 thousand of miles of alleys in this city, and I
22 don't think we wanted to get into that.

23 MR. LONIE: No.

24 COUNCILMAN DICICCO: Okay.

25 MR. LONIE: But we will -- I mean, if

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2 under this program, if the District Councilperson
3 wrote to the Streets Commissioner and said, Hey,
4 I've got a real problem out here and we'll take a
5 look, but I don't know how much we can do in a
6 case like that.

7 COUNCILMAN DICICCO: Any other
8 questions for these witnesses?

9 Councilman Cohen.

10 COUNCILMAN COHEN: I want to make clear
11 that I have some differences with Councilman
12 Nutter. I have some differences. I think the
13 people of Philadelphia have suffered a great deal
14 on this problem and that they have many more
15 complaints than the City has. The City has just
16 washed its hands as if this were an impossible
17 problem to cope with. And the City was just
18 letting property values fall, was letting property
19 values deteriorate, only increasing the problems
20 with the City.

21 I do think there has to be tight fiscal
22 management, as Councilman Nutter has indicated,
23 and I think we want everybody to do our share.
24 And I view this as the beginning of a program. It
25 may be the whole program. You know, we just don't

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2 know, but I think it's important for the whole
3 City to back homeowners who want to improve their
4 conditions and who want to keep their areas from
5 becoming public menaces and who also have a pride
6 -- just have a pride about ownership of good
7 property.

8 We want to put an end, I think, to
9 using driveways as places where you store old
10 cars. That just becomes something you never want
11 to show a prospective buyer if you're interested
12 in selling your house because you know that will
13 discourage him. And I think this program begins
14 the lead in the right direction.

15 And so, as I said earlier, I applaud
16 both Councilman Nutter and Councilman Clarke for
17 their interest in moving ahead, and the Streets
18 Department officials who are beginning to address
19 this problem.

20 It was a strange thing. Near the end
21 of David L. Cohen's seven-year term as the City's
22 Chief of Staff, there was a meeting ongoing, and
23 one of the -- I think Councilwoman Krajewski's
24 office on the fifth floor, and this issue was
25 raised with him, and he looked blank. He said,

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2 What are you talking about? And we explained it
3 in detail. And he said that no one had ever
4 raised the issue.

5 And what that meant was that you
6 fellows, who kind of comprise a bureaucracy, are
7 sometimes too quick to say, We're bound by a
8 limited sum of money or by a City policy that says
9 this is a private owner's problem. No one had
10 ever raised with the Chief of Staff this problem,
11 despite the mounting pressure that Councilmembers
12 and ward leaders and committee members and
13 community activists have felt over many, many
14 years.

15 So I'm just suggesting to you people to
16 don't always let existing policy govern your
17 policies; those existing policies can change. And
18 I think we're in the process of changing some
19 existing policies for the better, and I want to
20 thank you for your efforts in that direction.

21 Thanks.

22 MR. DALLAS: I just have to say this,
23 and it might not be the most popular thing. I
24 just have to remind Council that we started this
25 all off with, It's still the Administration's

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2 position that these structures are private
3 property and not the responsibility of the City.

4 COUNCILMAN COHEN: Well, that gets me
5 angry. I want to interrupt you 'cause I think
6 that's dead wrong, I think your attitude is dead
7 wrong, and I think maybe I withdraw some of the
8 compliments I just gave to the City bureaucracy.

9 Because I think you in large part have
10 been responsible for these conditions developing
11 to the point they have. Why would it be that the
12 Chief of Staff would never have even heard of the
13 problem, except for the fact that you kept the
14 problem hidden by telling homeowners, There's
15 nothing we can do? It was it was your
16 responsibility to tell your appropriate officials
17 so they, in turn, could let the Chief of Staff
18 know that there did exist a serious problem.

19 And it is wrong to say that it is only
20 the homeowner's problem because you're wrong
21 legally and you're wrong factually; it is also the
22 responsibility of the City.

23 The City today, in my judgment, could
24 be sued, and would be successfully sued, by
25 anybody who fell in anybody's driveway where the

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2 City had once condemned the area as unsafe. There
3 are lawsuits on record with respect to the pier
4 because the City failed to examine that pier that
5 sank into the water. And the City has a heavy
6 legal responsibility currently for any damages
7 that may occur as a result of the City's
8 negligence in taking steps to correct a condition
9 which the City itself has found to be imminently
10 dangerous.

11 COUNCILMAN DICICCO: Thank you.

12 Mr. Dallas, do you care to make any
13 other statements?

14 MR. DALLAS: No, I don't think so,
15 Councilman.

16 COUNCILMAN DICICCO: That being said, I
17 think --

18 (Unintelligible, parties talking over
19 each other.)

20 COUNCILMAN COHEN: -- totally
21 inappropriate.

22 COUNCILMAN NUTTER: Mr. Chairman, let
23 the record reflect that Mr. Dallas had almost
24 escaped this hearing unscathed.

25 COUNCILMAN DICICCO: Almost, almost.

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2 COUNCILMAN NUTTER: But, unfortunately,
3 chose to pull victory out --

4 (Unintelligible, parties talking over
5 each other.)

6 COUNCILMAN DICICCO: We will now hear
7 testimony on Bill No. 000660. The clerk will read
8 the title of the bill.

9 THE CLERK: Okay, Bill No. 000660,
10 amending Section 11-506 of the Philadelphia Code,
11 entitled "Alleys, Driveways and Retaining Walls,"
12 by providing additional methods by which the City
13 may pay contractors the City hires to pave or to
14 repave alleys or driveways or to construct or
15 reconstruct retaining walls pursuant to orders to
16 abate nuisances, and by providing the maximum
17 amount the property owners may be assessed for the
18 cost of such work, all under certain terms and
19 conditions.

20 COUNCILMAN DICICCO: Good afternoon and
21 please identify yourself for the record and begin
22 with your testimony.

23 MR. LONIE: Good afternoon,
24 Mr. Chairman and members of the committee. My
25 name is Paul Lonie, Survey Bureau Manager with the

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2 Department of Streets, and the Department of
3 Streets would like to offer the following
4 testimony on Bill No. 000660.

5 This is not an administration ordinance
6 but an ordinance and the Department of Streets at
7 this time feels that testifying on this bill would
8 be premature and decides not to testify on this
9 bill.

10 Thank you.

11 COUNCILMAN DICICCO: Mr. Dallas, do you
12 have any comments?

13 MR. DALLAS: I think -- I think my last
14 comment got me in enough trouble, but I'll just
15 have to --

16 COUNCILMAN DICICCO: Councilman
17 Nutter?

18 COUNCILMAN NUTTER: Mr. Chairman, I
19 think this is the first time I've either ever
20 heard a department take the fifth amendment.

21 MR. DALLAS: For the record, given the
22 Administration's position, we obviously, at this
23 time, cannot -- are not in support of this bill.

24 COUNCILMAN NUTTER: Mr. Dallas, is that
25 a function of the discussion in the earlier

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2 hearing with regard to the revolving loan -- I
3 mean, I guess the record should at least be clear
4 that this bill comes as a result of, I think, a
5 fair amount of work done by the Streets
6 Department, if not some other elements of the
7 Administration. I cannot take any particular
8 credit for having come up with this particular
9 idea; it was given to me by people in the
10 Administration.

11 Is it fair to say, though, that if the
12 funding source was identified and ready to go
13 forward, then this bill would essentially be the
14 mechanism that would allow us to roll out the
15 program that we've discussed in the earlier
16 hearing on the resolution; is that correct?

17 MR. DALLAS: If the question you're
18 asking is, would this legislation allow us to
19 implement the program that we discussed, then the
20 answer is yes.

21 COUNCILMAN NUTTER: Then the answer is
22 yes. And if the funding source is in place and
23 identified, then I'm assuming, based on your
24 previous comment, you would then be testifying in
25 favor of the bill; is that correct?

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2 MR. DALLAS: The Administration's
3 position at this time is that these are private
4 structures and they're best left to the private
5 homeowners.

6 (Mr. Dallas confers privately with
7 Mr. Lonie).

8 COUNCILMAN NUTTER: When Paul taps you
9 on the shoulder, he's trying to tell you not to
10 say what you're getting ready to say, and you
11 should listen to him because he's been around for
12 a long time.

13 (Laughter.)

14 MR. DALLAS: Right.

15 COUNCILMAN NUTTER: The baby-like
16 qualities of your face tell me that you've not
17 been in the government for very long and,
18 therefore, you should therefore listen to
19 Mr. Lonie, who is a treasure trove of information.

20 All right. So you -- did you have
21 something that you wanted to share as a result of
22 his advice?

23 MR. DALLAS: No.

24 COUNCILMAN NUTTER: No, all right. So
25 you're, basically, you don't want to get caught in

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2 the hypothetical of if you had the money in place,
3 you'd be testifying in support of it, but at the
4 moment, you don't have the money and so,
5 therefore, you don't want to say necessarily say
6 you're in support of the bill, even though if the
7 funding was in place, this is the bill that would
8 allow the implementation of the program. Is that
9 right?

10 MR. DALLAS: Yeah, that's correct, that
11 bill would allow us to.

12 COUNCILMAN NUTTER: Okay.
13 Mr. Chairman, I think there have been some
14 discussions about the recessing of this particular
15 hearing to a date certain while we --

16 COUNCILMAN DICICCO: In the absence of
17 a quorum, the public meeting will be recessed
18 until December 4th. Let's see, what day of the
19 week is that?

20 COUNCILMAN NUTTER: It's a Monday.

21 THE CLERK: It's a Monday, I think.

22 COUNCILMAN DICICCO: Monday, December
23 4th, at 1 o'clock p.m.

24 COUNCILMAN NUTTER: Great.

25 COUNCILMAN DICICCO: Okay? Thank you.

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2 Thank you all.

3 (Adjourned at 12:06 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Tuesday, November 21, 2000, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON STREETS AND SERVICES
BILL NO. 000660, RESOLUTION 000041

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter