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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE OF THE WHOLE

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Room 400, City Hall

Philadelphia, Pennsylvania

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Wednesday, November 19, 2008

1:20 p.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

COUNCILWOMAN JANNIE BLACKWELL

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COUNCILMAN DARRELL L. CLARKE

COUNCILMAN FRANK DiCICCO

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COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN BILL GREEN

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COUNCILMAN WILLIAM GREENLEE

COUNCILMAN CURTIS JONES, JR.

14

COUNCILMAN JACK KELLY

COUNCILMAN JAMES F. KENNEY

15

COUNCILWOMAN JOAN L. KRAJEWSKI

COUNCILMAN BRIAN J. O'NEILL

16

COUNCILWOMAN MARIA QUINONES-SANCHEZ

COUNCILWOMAN DONNA REED MILLER

17

COUNCILWOMAN BLONDELL REYNOLDS BROWN

COUNCILMAN FRANK RIZZO

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COUNCILWOMAN MARIAN B. TASCO

19

BILL 080853, 080854, 080855, 080856, 080857,

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080858 and 080859

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2 COUNCIL PRESIDENT VERNA: Good

3 afternoon, everyone. This is a public

4 hearing of the Committee of the Whole

5 regarding Bill Nos. 080853, 080854,

6 080855, 080856, 080857, 080858 and

7 080859.

8 I would ask Mr. McPherson to

9 please read the title of Bill No. 080853.

10 MR. MCPHERSON: An ordinance

11 amending Sections of Title 4 (The

12 Philadelphia Building Construction and

13 Occupancy Code), 6 (Health Code), 9

14 (Regulation of Businesses, Trades and

15 Professions), 14 (Zoning and Planning),

16 19 (Finance, Taxes and Collections) of

17 The Philadelphia Code related to license

18 and permit fees and other charges by

19 modifying the amount of such fees, under

20 certain terms and conditions.

21 And our first witness is the

22 Commissioner of L&I, Fran Burns.

23 (Witnesses approached witness

24 table.)

25 COUNCIL PRESIDENT VERNA: Good

1 11/19/08 - WHOLE - BILL 080853, etc.
2 afternoon. Please identify yourself for
3 the record and proceed with your
4 testimony.

5 COMMISSIONER BURNS: Good
6 afternoon, Council President Verna and
7 members of the Committee of the Whole. I
8 am Fran Burns, Commissioner of the
9 Department of Licenses and Inspections.
10 To my left is Otis Haigler, Director of
11 Legislative Affairs for Licenses and
12 Inspections.

13 Today I am here to provide
14 testimony on Bill 080853, which, if
15 enacted, will amend the fees that the
16 City charges for the issuances of certain
17 permits and licenses that are
18 administered by the Department of
19 Licenses and Inspections.

20 The fees governing services
21 provided by the Department of Licenses
22 and Inspections in this bill have not
23 been raised in years, the longest being
24 18 years since an increase. For a good
25 majority, it's been eight years since an

1 11/19/08 - WHOLE - BILL 080853, etc.
2 increase and the most recent four years
3 ago. I believe that an adjustment to the
4 fees is justified to adequately cover the
5 costs of the Department.

6 The license and permit activity
7 under consideration in this bill include
8 licenses to regulate residential rental
9 properties, last amended in 2003; vacant
10 properties, both residential and
11 commercial, last amended in 2003; certain
12 retail food establishments, last amended
13 in 2004; sidewalk and street vending
14 activity, last amended in 1992;
15 electrical contractors, last amended in
16 2003; hazardous chemicals in regulated
17 facilities, last amended in 2003;
18 commercial building permit activity to
19 determine compliance with the City's
20 Building Code and enforce State-mandated
21 provisions of the Pennsylvania Uniform
22 Construction Code, last amended in 2003.

23 In addition, we propose an
24 adjustment to the fee schedule that is
25 found in the Zoning Code, which was last

1 11/19/08 - WHOLE - BILL 080853, etc.
2 amended in 2000. The activity governed
3 by this amendment includes permits for
4 zoning and use registration for
5 commercial properties, accessory and
6 outdoor advertising signs, preliminary
7 zoning application and plan reviews,
8 requests for administrative reviews that
9 are conducted by the Zoning Board of
10 Adjustment, requests for reviews of
11 zoning plot plans, requests for the
12 reposting of zoning notices, requests for
13 the issuance of a certificate which
14 states a zoning permit is not required
15 because there were no change in use, and
16 requests for appeal hearings, including
17 accelerated hearings before the Zoning
18 Board of Adjustment. We are proposing
19 that an adjustment be made to the fees
20 charged for the one-time issuance of the
21 business privilege license, which was
22 last amended in 2003.

23 I am also proposing an
24 amendment to the original introduced
25 legislation. The fee for the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 certification statement will remain at
3 \$100 rather than the original proposed
4 increase to \$125.

5 Also included with the
6 testimony today is a chart illustrating
7 the current fee, the proposed fee and the
8 last year of the increase.

9 Thank you for the opportunity
10 to provide the Department's testimony on
11 Bill 080853. I respectfully request that
12 the Committee approve the bill with a
13 favorable recommendation and that the
14 rules of Council be suspended so as to
15 permit first reading of this bill at the
16 next session of Council.

17 I am happy to answer any
18 questions at this time.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 Commissioner, can you tell us
22 why has the Department waited so long
23 before adjusting rates?

24 COMMISSIONER BURNS: Possibly
25 the -- I think the Department, even

1 11/19/08 - WHOLE - BILL 080853, etc.
2 though we want to recover our costs,
3 whenever we do increase a fee, it is seen
4 as a cost to doing business in the City.
5 And so right now when looking at the
6 finances, you really -- it draws you to
7 take a closer look at when have you last
8 increased your fees. But my presumption
9 is that there is a real desire to keep
10 the costs as low as possible.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 Can you tell us the amount that
14 is now collected from the imposition of
15 the fees that we are being asked to
16 increase and how much will be collected
17 if the increases are approved?

18 COMMISSIONER BURNS: Yes. We
19 currently annually collect about \$45.3
20 million, and from this increase, we
21 expect to raise an additional 5.7 million
22 annually. That's based on construction
23 permits remaining at the rate that we saw
24 in Fiscal Year 2007. And so some of this
25 is based on the economy.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA: What
3 are the costs that your department incurs
4 that are related to the issuance of
5 permits, licenses, plan reviews, et
6 cetera?

7 COMMISSIONER BURNS: The costs
8 actually depend based on the license or
9 the permit, but I'll give you some
10 examples of what we look at when we look
11 at our costs. In, for instance, a food
12 license permit, we have a service
13 representative that actually produces the
14 license. We have supervisor and manager
15 costs at a smaller rate. We think about
16 the cost of the health inspector doing
17 the inspection or the Licenses and
18 Inspections inspector doing the
19 inspection. We consider costs of
20 benefits, employee costs. We look at the
21 hourly rate and then the time spent by
22 employee to actually produce the service.
23 We include in the cap which is an
24 administrative cost. We look at, as part
25 of the administrative cost, supplies and

1 11/19/08 - WHOLE - BILL 080853, etc.
2 equipment.

3 COUNCIL PRESIDENT VERNA:

4 Specifically, what costs are associated
5 with the issuance of a business privilege
6 license? Are there any enforcement
7 costs, and, if so, for doing what?

8 COMMISSIONER BURNS: The cost
9 for the business privilege license,
10 again, there's a clerical cost for
11 actually producing the license. There's
12 a cost for -- we consider a cost for the
13 manager as a small percentage. We have
14 an information technology support cost.
15 We have a supply cost. We have a monthly
16 billing and -- well, actually, the
17 billing for the business privilege is a
18 one-time cost. We have supply costs.
19 And in terms of the inspection for the
20 business privilege license, much of that
21 for the BPL is complaint driven.

22 COUNCIL PRESIDENT VERNA: Is?
23 I'm sorry.

24 COMMISSIONER BURNS: Complaint
25 driven.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA: So is
3 there a cost to holding hearings to
4 revoke licenses, and, if so, can you tell
5 us how often do licenses get revoked?

6 COMMISSIONER BURNS: I don't
7 have the information with me now on how
8 often licenses get revoked. I also
9 actually don't have that cost for the
10 hearing. But there is a cost for an
11 administrative hearing around licenses
12 since we do have our personnel that
13 conduct those hearings.

14 COUNCIL PRESIDENT VERNA: Could
15 you forward us that information, please.

16 COMMISSIONER BURNS: Certainly.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 At this time, the Chair
20 recognizes Councilman Greenlee.

21 COUNCILMAN GREENLEE: Thank
22 you, Madam President.

23 Good afternoon, Commissioner.

24 COMMISSIONER BURNS: Good
25 afternoon.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCILMAN GREENLEE: Just two
3 quick questions. First, was there any
4 particular reason -- and I'm not against
5 it -- that the cert statement fee was
6 kept at 100 as opposed to your changing
7 it to 125?

8 COMMISSIONER BURNS: Yes. We
9 recently actually increased that cost to
10 \$100 in June 2008 and that was overlooked
11 when we -- in the first --

12 COUNCILMAN GREENLEE: So you
13 didn't want to do it again that quickly?

14 COMMISSIONER BURNS: Correct.

15 COUNCILMAN GREENLEE: I
16 understand.

17 And the other question, a
18 little more general. With all these fee
19 increases, do you see the prospect of
20 having services move a little quicker,
21 particularly like say the issuance of
22 permits or the time frame that it takes
23 to get certain things, or is this more to
24 just sort of tread water and stay even
25 where we are now?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COMMISSIONER BURNS: I don't
3 think as a result of this increase in
4 cost that we're going to see necessarily,
5 just based on increase in cost, a
6 difference in productivity, but we are
7 looking in the City on a few things to
8 increase productivity as it relates to
9 two of the things that you mentioned.
10 One is the permits. We're looking at the
11 entire development process throughout the
12 City, L&I's role in that development
13 process, where are there redundancies,
14 where are there efficiencies, and we
15 expect through that to be able to produce
16 a better turnaround time. Right now our
17 standards for permits are, we produce
18 residential reviews within 15 days and
19 commercial reviews within 25.

20 Then for the licensing, on the
21 licensing side, what we're looking at is
22 how can we automate for online purchase a
23 lot of our licenses and also how can we
24 hopefully streamline -- we have 170
25 licenses -- the number of licenses that

1 11/19/08 - WHOLE - BILL 080853, etc.
2 we actually issue. And through those
3 efforts, I think that we'll come out in a
4 better place to service to the customer.

5 COUNCILMAN GREENLEE: Because
6 obviously -- and I'm sure you've heard it
7 too -- at least some people will be
8 willing to pay these -- or less opposed
9 to these increases if they thought the
10 services were going to come at least a
11 little faster.

12 COMMISSIONER BURNS: Yes. But
13 I believe that we're going to get better
14 in our service.

15 COUNCILMAN GREENLEE: Okay.
16 We'll remember you said that.

17 COMMISSIONER BURNS: Okay.

18 COUNCILMAN GREENLEE: Thank
19 you, Commissioner.

20 Thank you, Madam President.

21 COUNCIL PRESIDENT VERNA:

22 You're welcome.

23 The Chair recognizes Councilman
24 Clarke.

25 COUNCILMAN CLARKE: Thank you,

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Madam President.

3 Good afternoon, Commissioner.

4 COMMISSIONER BURNS: Good
5 afternoon.

6 COUNCILMAN CLARKE: And
7 Mr. Haigler.

8 I want to ask a question about
9 the permits relating to construction. I
10 know there are some of these that relate
11 directly to that.

12 Traditionally you talked about
13 some concerns about the cost of doing
14 business in the City of Philadelphia, and
15 particularly construction. One of the
16 issues that I was wondering as it relates
17 to affordable housing -- which we're
18 always trying to keep at a certain level
19 in terms of the costs associated with
20 that, because it directly affects the
21 City subsidizing these developments -- is
22 there any thought or has there been any
23 thought given about possible waivers to
24 affordable housing developments where
25 there's these very tight budgets, the

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2 limited ability to raise the cost of the
3 housing because the cost is mandated by
4 both federal and state government to
5 remain at a certain cost in terms of
6 sales and in terms of rental, so there's
7 not the ability by the developer, say,
8 for instance, the Housing Authority, to
9 increase the cost of the rents or
10 increase the cost of sale, because the
11 federal government won't allow it, but
12 yet the cost of construction may increase
13 as a result of the increased fees. And
14 the only thing what ends up happening is,
15 they come back to the City or the
16 government and say, Hey, you got to give
17 us more money. And that's kind of
18 counter to what we're attempting to do.
19 If we're increasing fees, it costs more
20 money to build, then they come back to
21 the City or the State for more money.
22 That's really not getting us anywhere.
23 So is there any thought about
24 in instances where there's certain
25 affordable housing components or agencies

1 11/19/08 - WHOLE - BILL 080853, etc.
2 that develop affordable housing for some
3 waivers?

4 COMMISSIONER BURNS: I
5 haven't --

6 COUNCILMAN CLARKE: A different
7 fee structure for those type of
8 developments.

9 COMMISSIONER BURNS: I haven't
10 been in any conversations around that. I
11 will say that these increases I don't
12 think, in terms of affordable housing,
13 while they are an increase to cost, I
14 don't think they really have a, when you
15 look at it, a great impact on it. I
16 mean, a one-time permit fee that's
17 increased by \$50 for a project that's
18 possibly millions or even just hundreds
19 of thousands isn't a significant impact
20 to the cost.

21 COUNCILMAN CLARKE: All right.
22 I must say for the record that this
23 question comes indirectly from developers
24 who build affordable housing. I do know
25 that the fee is not substantial, but

1 11/19/08 - WHOLE - BILL 080853, etc.
2 those questions were posed. And I guess
3 the question is, per development how many
4 of these fees apply as you relate to
5 pulling permits? But if it is
6 substantial, I guess the question would
7 be relevant and I'm just -- I'm not a
8 developer or contractor, but that issue
9 did come up. So if you can kind of look
10 at that and see if potentially --

11 COMMISSIONER BURNS: Okay.

12 COUNCILWOMAN SANCHEZ: Point of
13 information.

14 COUNCIL PRESIDENT VERNA: The
15 Chair recognizes Councilwoman Sanchez for
16 a point of information.

17 COUNCILWOMAN SANCHEZ: For the
18 benefit of the Commissioner, since she's
19 new, during our budget discussions, in
20 addition to that cost, because depending
21 on who you ask, some permitting fees,
22 costs related to construction could be
23 almost one percent of construction costs,
24 depending on what we're doing in terms of
25 the water, sewer storm management, and we

1 11/19/08 - WHOLE - BILL 080853, etc.
2 had posed that question during the budget
3 as it related to even our Capital Office,
4 who budgets a certain amount of money in
5 the work that we do in the City, our
6 Capital Office to our facilities, who pay
7 fees, permitting fees, for construction
8 work. So that's something that you could
9 look at. It was a discussion that was
10 had during the budget process.

11 COMMISSIONER BURNS: Okay.

12 Thank you.

13 COUNCILMAN CLARKE: Thank you.

14 One follow-up question, Madam President.

15 The new Administration still
16 hasn't given us a definitive answer on
17 the inclusionary housing proposal that we
18 put forth last year. We're kind of
19 halfway through it. One of the issues
20 that the BIA, the Building Industry
21 Association, talked about was in the
22 event that they cooperated in an
23 inclusionary housing program in the City
24 of Philadelphia, therefore creating a
25 percentage of the units be affordable,

1 11/19/08 - WHOLE - BILL 080853, etc.
2 they would like to have seen the ability
3 to have reduced fees associated with the
4 affordable housing component of that
5 development. We are obviously not doing
6 that in this proposal. We're actually
7 going in a different direction.

8 So when you continue to have a
9 review of what you're proposing, could
10 you take into account that we're going to
11 be asking as soon as that inclusionary
12 housing, Part 2 of it gets prepared,
13 we're going to be asking that the City
14 consider some reductions in costs
15 associated with the fees for the
16 affordable housing component in the
17 inclusionary housing program.

18 COMMISSIONER BURNS: Okay.
19 I'll be mindful of that. I do sit on an
20 advisory board with the BIA every month.

21 COUNCILMAN CLARKE: I mean,
22 they were adamant about getting, as they
23 call them, cost offsets, so if they're
24 going to build the affordable housing,
25 they really would like to see a reduction

1 11/19/08 - WHOLE - BILL 080853, etc.
2 in fees. And maybe in this case we can
3 say, Well, you know what? We won't raise
4 the fees for the portions of your
5 development that we're going to do
6 affordable housing.

7 So just please take that into
8 account.

9 COMMISSIONER BURNS: Okay.
10 Thank you.

11 COUNCILMAN CLARKE: Thank you,
12 Commissioner.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 The Chair recognizes Councilman
16 Rizzo.

17 COUNCILMAN RIZZO: Thank you,
18 Madam Chair.

19 Commissioner, could you please
20 describe a process in the Department of
21 Licenses and Inspection. I see here
22 listed "accelerated hearing." Could you
23 describe the process where employees at
24 the Department of Licenses and Inspection
25 take home work with them for review and

1 11/19/08 - WHOLE - BILL 080853, etc.
2 get paid an hourly rate and how that's
3 managed for -- how that process is
4 managed to make sure that it's working
5 properly.

6 COMMISSIONER BURNS: Okay.
7 People have the ability when they apply
8 for a building permit or a zoning permit
9 to also apply for an accelerated review,
10 and there's a cost for the accelerated
11 review, and that cost is directly
12 correlated to the cost of overtime, to do
13 the review on overtime. Our employees,
14 actually our plan reviewers and our
15 zoning reviewers, do that review on
16 overtime.

17 The contract with the union
18 stipulates that we pay four hours
19 overtime for permit reviews -- actually,
20 for overtime for a building plan and
21 zoning examiners. So right now what
22 happens is, we get a request. We have a
23 list of examiners, both building and
24 zoning. If we have an accelerated fee,
25 we make sure we get the fee first before

1 11/19/08 - WHOLE - BILL 080853, etc.
2 we assign the overtime. We then assign
3 the overtime. And, actually, if the
4 review takes less than the four hours,
5 the plans examiner is required to do
6 other work to fill the four hours. But
7 that's how the program works.

8 COUNCILMAN RIZZO: I see here
9 there's a charge for an accelerated
10 hearing. Could you tell us what the
11 overtime rate is for an accelerated
12 review?

13 COMMISSIONER BURNS: I think
14 the -- I don't have the -- just to
15 clarify, the fee for an accelerated
16 building review is \$440 for four hours of
17 work. What's in this legislation as an
18 increase for the hearing is an
19 accelerated hearing in front of the
20 Zoning Board of Adjustment.

21 COUNCILMAN RIZZO: So there's
22 no change to the accelerated review?

23 COMMISSIONER BURNS: No.

24 COUNCILMAN RIZZO: So tell me,
25 how much does the employee get for -- in

1 11/19/08 - WHOLE - BILL 080853, etc.
2 other words, where is the profit, for
3 lack of a better word, for the City to do
4 an accelerated review? In other words, I
5 want to know what the hourly rate that
6 the employee gets. Is it standard or is
7 it based on their position at L&I? I'm
8 curious why we would do this if there's
9 no bang for the buck when it comes to --

10 COMMISSIONER BURNS: The bang
11 for the buck actually comes in the
12 ability to manage a large workload. So
13 that we charge a cost for the actual
14 overtime and then we do the accelerated
15 review on overtime, which means that
16 during the day, a regular day of work, we
17 can handle the regular workload. So it
18 helps us be able to meet those standards
19 of 15 days review for residential, 25 day
20 review for commercial. And then for
21 folks, just residents and developers that
22 want an accelerated review, we can get
23 that turnaround time within four days of
24 that review for them because of the fee
25 that they're willing to pay. So the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 actual -- we recoup -- it's cost neutral.
3 It's a benefit. It's actually an
4 incentive to an employee because they
5 have a salary increase.

6 COUNCILMAN RIZZO: And they
7 work at home.

8 COMMISSIONER BURNS: Some work
9 at home, yes.

10 COUNCILMAN RIZZO: My final
11 question on this is, this has not -- this
12 price is not going to increase, and has
13 this program been affected by the
14 overtime cut?

15 COMMISSIONER BURNS: No,
16 because --

17 COUNCILMAN RIZZO: Has your
18 department been affected with overtime
19 restrictions?

20 COMMISSIONER BURNS: We are
21 looking at a reduction in overtime, but I
22 think it's rightfully so. I think some
23 of our overtime use has been extravagant
24 possibly in the past and that there's
25 some management around it that we need to

1 11/19/08 - WHOLE - BILL 080853, etc.

2 make.

3 With the accelerated review

4 overtime, that's not impacted, because we

5 recoup our cost.

6 COUNCILMAN RIZZO: Thank you.

7 Thank you, Madam Chair.

8 COUNCIL PRESIDENT VERNA: Thank

9 you.

10 The Chair recognizes Councilman

11 Green.

12 COUNCILMAN GREEN: Thank you,

13 Madam Chair.

14 Good afternoon, Commissioner.

15 COMMISSIONER BURNS: Good

16 afternoon.

17 COUNCILMAN GREEN: You're

18 proposing to increase the fees from 500

19 to 600 for an expedited -- 500 to 625 for

20 an expedited hearing and raising the fee

21 for regular hearings by \$25.

22 What is the current waiting

23 time for a variance hearing before the

24 ZBA and what is the waiting time for an

25 expedited hearing before the ZBA?

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2 COMMISSIONER BURNS: Currently
3 we're four months to get a regular
4 hearing and ten weeks for an accelerated
5 hearing.

6 COUNCILMAN GREEN: Four months
7 for a regular hearing and ten weeks for
8 an accelerated hearing.

9 COMMISSIONER BURNS: That's
10 correct.

11 COUNCILMAN GREEN: And how many
12 variances are you doing per meeting
13 compared to, say, historical norms?

14 COMMISSIONER BURNS: Right now
15 the Board hears about 40 cases per
16 session or, I should say, per day.
17 There's actually two sessions. So 40
18 cases a day. That is a reduced number
19 from historically, actually a year or two
20 ago, where we were hearing closer to like
21 75.

22 I think there is a sincere
23 effort to allow citizens to voice their
24 opinion at hearings and for all parties
25 to be heard, and there is a conscious

1 11/19/08 - WHOLE - BILL 080853, etc.
2 effort by the Zoning Board to be very
3 deliberate in the proceedings and in the
4 decision, and I think that that's added
5 some time to the process.

6 We are currently working on a
7 process to take cases away from the
8 Zoning Board of Adjustment. That could
9 fall into -- we're going to set up
10 different criteria of cases and model it
11 on our Malt and Brewed Beverage Board
12 where we allow protests -- we ask for
13 protests to come to L&I, and then we'll
14 have a full hearing if there's a protest.
15 But if there's not a protest and cases
16 are of such a magnitude of criteria that
17 we develop, what we're going to do is
18 have City Planning Commission review and
19 understand if there's any community
20 opposition and then hopefully handle a
21 certain -- a consent calendar, like other
22 large cities do, to relieve the burden on
23 the Zoning Board and the number of cases
24 that are heard at a full hearing.

25 COUNCILMAN GREEN: So right now

1 11/19/08 - WHOLE - BILL 080853, etc.
2 it's fair to say, though, that we're
3 increasing fees for something that takes
4 months longer than it took two years ago,
5 and so the question is, are increasing
6 the fees, are they really going to
7 generate savings or can we move people
8 through the ZBA and L&I quicker?

9 And the reason I'm asking this
10 is because I'm wondering if the
11 Department has done an analysis of what
12 the lost opportunity cost in uncollected
13 wage taxes, BPT, et cetera, do to
14 developers and citizens having to wait
15 four months to do construction on a
16 project, where we need those jobs in the
17 City of Philadelphia as quickly as
18 possible as long as a variance can be
19 easily given.

20 What is the impact on our local
21 economy of a one- or two-month delay in
22 not getting projects done and people
23 working, and do we need to use the extra
24 revenue to speed things up to put people
25 to work?

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2 COMMISSIONER BURNS: Sure.

3 Actually, the regular hearing is a
4 month's difference from where it was
5 before. It used to be at three months to
6 get a hearing and now it's running about
7 four months for a regular. And for the
8 expedited, it was about eight weeks and
9 now it's running at about ten weeks.

10 I haven't looked at the costs
11 associated to that delay from the wage
12 side. I do know we have heard -- and I
13 mentioned that we work with the Building
14 Industry Association. We are working
15 with the Building Industry Association on
16 identifying the cost of doing business in
17 the City, and through that, we look to
18 identify the cost of that with the Appeal
19 Board.

20 I do think we also very much
21 recognize the problem right now with
22 having the hearings, which is why we're
23 looking for the alternative to -- what
24 we're naming it -- and we're working
25 internally, but a quick track process and

1 11/19/08 - WHOLE - BILL 080853, etc.
2 a consent calendar to really get at the
3 issue.

4 COUNCILMAN GREEN: Have you
5 performed an analysis of how many people
6 simply skirt the regulatory process
7 because of the long waiting times and
8 proceed without permits or permission?

9 COMMISSIONER BURNS: Could you
10 repeat that for me, please? I couldn't
11 hear you.

12 COUNCILMAN GREEN: Is there any
13 analysis of how many people skirt the
14 process or estimate of how many people
15 skirt the process because of the long
16 waiting times; in other words, don't pay
17 fees that otherwise would if the
18 Department operated efficiently?

19 COMMISSIONER BURNS: Right.
20 No, I don't have an estimate of it.

21 COUNCILMAN GREEN: Okay. You
22 proposed eliminating Weights and Measures
23 Unit within L&I on the grounds that it's
24 a State function. The Rebalancing Plan
25 indicates that the City intends to

1 11/19/08 - WHOLE - BILL 080853, etc.
2 terminate the Memorandum of Understanding
3 and transfer the function back to the
4 State.

5 How many employees work in the
6 Weights and Measures Unit?

7 COMMISSIONER BURNS: There are
8 12 employees in that unit.

9 COUNCILMAN GREEN: How much
10 money is the City saving by eliminating
11 the unit?

12 COMMISSIONER BURNS: This is
13 off the top of my head. On an annual
14 basis, it's close to \$450,000.

15 COUNCILMAN GREEN: Four hundred
16 fifty thousand.

17 Has the State been notified
18 that Philadelphia plans to close this
19 unit?

20 COMMISSIONER BURNS: I know I
21 spoke to the Secretary of Agriculture and
22 let him know that this was a serious
23 consideration and, yes, that we were
24 looking to do this.

25 COUNCILMAN GREEN: Is the State

1 11/19/08 - WHOLE - BILL 080853, etc.

2 prepared to assume these

3 responsibilities?

4 COMMISSIONER BURNS: I don't

5 know yet.

6 COUNCILMAN GREEN: You don't

7 know?

8 COMMISSIONER BURNS: No, I do

9 not. I think it's something that's being

10 considered, but I don't have information

11 that it's a definite.

12 COUNCILMAN GREEN: So you'd

13 like us to pass this bill without knowing

14 that the State will enforce the weights

15 and measures laws?

16 COMMISSIONER BURNS: Actually,

17 I think that the safe assumption, when

18 looking at it since we don't know, is to

19 assume that this is a service reduction

20 with the elimination of this unit.

21 COUNCILMAN GREEN: Well,

22 weights and measures is a consumer issue,

23 and what you're saying is, the City of

24 Philadelphia is prepared to have no one

25 perform this function within its borders?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COMMISSIONER BURNS: Well,
3 actually, when we look at our service
4 reductions -- and, actually, this is
5 through Licenses and Inspections -- what
6 we did is, we looked at all of the
7 functions that the Department handles.

8 COUNCILMAN GREEN: I understand
9 the big picture. I'm just asking about
10 this particular cut.

11 COMMISSIONER BURNS: Yeah. I
12 think when weighed against life safety
13 and looking at the fiscal state that
14 we're in right now, that I would say,
15 yes, that it's -- there's a willing risk
16 that as the consumer protection myth,
17 this goes away. But we are working with
18 the State still on this discussion.

19 COUNCILMAN GREEN: Working with
20 the State. We've had one conversation
21 with the Agricultural Secretary; is
22 that...

23 COMMISSIONER BURNS: Yeah. On
24 my own behalf, yes. I don't know that
25 there aren't other conversations outside

1 11/19/08 - WHOLE - BILL 080853, etc.
2 of my own that are or aren't happening.

3 COUNCILMAN GREEN: Could you
4 please provide that information to the
5 Chair to let us know if anybody else has
6 talked to the State about this?

7 COMMISSIONER BURNS:
8 Absolutely.

9 COUNCILMAN GREEN: Are you
10 aware that the City has its own code,
11 City Code, regarding weights and
12 measures?

13 COMMISSIONER BURNS: Yes.

14 COUNCILMAN GREEN: So we plan
15 to leave the law on the books and not
16 enforce it?

17 COMMISSIONER BURNS: Actually,
18 I have to take a look at it more closely
19 to understand what type of -- if we do
20 need to produce legislation to that
21 effect or --

22 COUNCILMAN GREEN: It's Chapter
23 9, Section 1400. I would think we'd take
24 a close look at these things before we
25 ask City Council to act on legislation.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 How much revenue is generated
3 by the Weights and Measures Unit per
4 year?

5 COMMISSIONER BURNS: Well, in
6 the last few fiscal years, we haven't
7 seen any revenue from the unit.

8 COUNCILMAN GREEN: And that's
9 because they are not finding mistakes or
10 being able to find people?

11 COMMISSIONER BURNS: I don't
12 know.

13 COUNCILMAN GREEN: You don't
14 know why there's no revenue?

15 COMMISSIONER BURNS: No.

16 COUNCILMAN GREEN: Can you find
17 out and report that, provide that
18 information to the Chair?

19 If the City collected money,
20 which apparently it hasn't, does it keep
21 it or revert it to the State?

22 COMMISSIONER BURNS: It stays
23 with the City.

24 COUNCILMAN GREEN: It would
25 keep it?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COMMISSIONER BURNS: Yes.

3 That's correct.

4 COUNCILMAN GREEN: Okay. If
5 the State enforces weights and measures,
6 would that revenue then go to the State?

7 COMMISSIONER BURNS: Most
8 likely. I think the State, if that were
9 to happen --

10 COUNCILMAN GREEN: If you don't
11 know, if you could just provide the
12 information to the Chair.

13 COMMISSIONER BURNS: That's
14 fine. Right now there's no State
15 authority to do that, so they would have
16 to get the authority to actually get
17 revenue, and there would have to be some
18 type of mechanism for the City to get
19 that to the State.

20 COUNCILMAN GREEN: You're
21 proposing reducing the Street Vendor
22 Enforcement Unit by eight positions.
23 What revenue did that unit generate last
24 year?

25 COMMISSIONER BURNS:

1 11/19/08 - WHOLE - BILL 080853, etc.
2 Absolutely. Actually, there's been a
3 change from the eight positions. It's
4 only five right now.

5 The revenue -- L&I hasn't
6 tracked revenue to a direct unit in the
7 Department. It's actually something
8 going forward that I look to try and get
9 that type of data. But a lot of our
10 revenue comes from -- the majority of our
11 revenue comes from building permits and
12 licenses, and a lot of those licenses
13 that people get from L&I are not a direct
14 result of an inspection and being found
15 to not have it.

16 Going forward, we have some
17 plans on how to educate the business
18 community and then get out and inspect.
19 So we might be able to make a stronger
20 correlation going forward.

21 COUNCILMAN GREEN: So the
22 question was, how much revenue did the
23 unit generate last year.

24 COMMISSIONER BURNS: There's
25 not an answer for that.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCILMAN GREEN: There's no
3 answer?

4 COMMISSIONER BURNS: No,
5 because my answer is that the inspectors
6 right now -- it's very hard to correlate
7 an inspection and say that as a result of
8 an inspection, a license came in. It's
9 not something that in terms of data has
10 been tracked, but it is something that as
11 we go forward --

12 COUNCILMAN GREEN: So for the
13 record, we don't know whether or not the
14 elimination of positions will actually
15 cost L&I money or make L&I money, if you
16 can't tell me what the revenue was? Is
17 that an unfair characterization?

18 COMMISSIONER BURNS: Well, I
19 think it's fair. I think it also needs
20 to be put in the context of five
21 inspectors and a safe presumption that a
22 lot of the revenue from licenses comes in
23 by -- through the door already, and
24 that's a very high amount. So it's
25 almost \$8 million.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCILMAN GREEN: The
3 materials provided by the Administration
4 to City Council indicated that the
5 General Fund full-time positions in L&I
6 are being reduced from 374 to 323, a loss
7 of 51 positions. Aside from Weights and
8 Measures and the Street Vendor
9 Enforcement Unit, what other positions
10 are being eliminated from L&I?

11 COMMISSIONER BURNS: Actually,
12 since employees haven't been notified, I
13 prefer not to say that publicly right
14 now.

15 COUNCILMAN GREEN: Okay. If
16 you could provide that to the Chair.

17 Let me just put it this way:
18 Are any of these --

19 COUNCIL PRESIDENT VERNA:
20 Excuse me, Councilman. There are a
21 number of other Councilmembers that would
22 like to be recognized. We'll have a
23 second go-around.

24 COUNCILMAN GREEN: I have one
25 more question and I won't need to ask --

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA: If
3 you'll make this your last question for
4 the first go-around.

5 COUNCILMAN GREEN: Yes, ma'am.

6 COUNCIL PRESIDENT VERNA: Thank
7 you.

8 COUNCILMAN GREEN: Are any of
9 these positions revenue generating; i.e.,
10 positions that involve inspection and
11 enforcement of L&I regulations?

12 COMMISSIONER BURNS: I don't
13 expect -- well, there's the Weights and
14 Measures Unit. There's the Business
15 Compliance, five inspectors there. I
16 don't anticipate -- actually, I don't
17 believe that any of the others bring in
18 revenue. There are three positions that
19 I can't say publicly that may impact
20 inspections.

21 COUNCILMAN GREEN: Thank you
22 very much.

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 The Chair recognizes Councilman

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Jones.

3 COUNCILMAN JONES: Thank you,

4 Madam President.

5 Good afternoon, Commissioner.

6 COMMISSIONER BURNS: Good

7 afternoon.

8 COUNCILMAN JONES: How are you?

9 COMMISSIONER BURNS: Good.

10 Thank you.

11 COUNCILMAN JONES: I have a

12 couple of brief questions.

13 On these rates for various

14 licenses and permits, how do we compare

15 to other counties, surrounding counties

16 and comparable cities?

17 COMMISSIONER BURNS: Actually,

18 we're extremely comparable. The one

19 area, the business privilege license, a

20 lot of counties have a two- to three-year

21 annual renewable license, where we have a

22 one-time. So there's nuances like that

23 where we're different.

24 Some counties do their building

25 permits based on the cost per square foot

1 11/19/08 - WHOLE - BILL 080853, etc.
2 rather than -- which is what we do, and
3 others do it per the cost of construction
4 or the value of construction.

5 So there are differences, and
6 sometimes when looking at it, it's very
7 hard to compare one municipality to
8 another. But we are, in terms of what we
9 believe, we think we're extremely
10 comparable.

11 COUNCILMAN JONES: I cite that
12 for reasons that this Council in other
13 fiscal times has always wanted to remain
14 competitive with our competitors in other
15 counties and I don't want to be way above
16 where we should be by way of permit fees
17 and licenses.

18 Second thing is, under the
19 category of Outdoor Advertisement
20 Permits, does that include billboards?

21 COMMISSIONER BURNS: Yes, it
22 does.

23 COUNCILMAN JONES: And by way
24 of that fee, how does that compare to,
25 let's say, New York?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COMMISSIONER BURNS: I don't
3 know. I'll have to get back to you on
4 that.

5 COUNCILMAN JONES: Has there
6 ever been a study conducted on what the
7 revenues from billboards and outdoor
8 advertisement has been?

9 COMMISSIONER BURNS: There has.
10 I don't have it with me now, but I know
11 that there's that type of study in the
12 Department.

13 COUNCILMAN DiCICCO: Point of
14 order.

15 COUNCIL PRESIDENT VERNA: The
16 Chair recognizes Councilman DiCicco for a
17 point of order.

18 COUNCILMAN DiCICCO: Along that
19 line of questioning, when you supply the
20 Chair with the comparables on licensing
21 fees for billboards, would you also take
22 into consideration using Manhattan, New
23 York as an example what is permissible in
24 terms of outdoor advertising versus what
25 we would permit? Because I think if you

1 11/19/08 - WHOLE - BILL 080853, etc.
2 use a raw number, I can't imagine that's
3 giving us a true indication, because New
4 York obviously has much more liberal
5 advertisement -- permission for outdoor
6 advertisement.

7 Thank you.

8 COUNCILMAN JONES: Great minds
9 don't just meet at the library. They
10 meet in Council, because that was on the
11 order of my questioning.

12 COUNCILMAN DiCICCO: Oh, I'm
13 sorry.

14 COUNCILMAN JONES: That's okay.

15 What I'd like to, along with my
16 colleague, see is where -- I know there's
17 a strong concern about how Philadelphia
18 advertises. I'm aware, keenly aware, of
19 the mission of SCRUB and others, but it
20 seems to me that we would measure what we
21 take in by way of revenue by way of
22 outdoor advertisement as we are on the
23 verge of changing possibly how our City
24 deals with lighting, electronic
25 billboards and others. So to see where

1 11/19/08 - WHOLE - BILL 080853, etc.
2 we're going, we need to see where we've
3 been by way of outdoor advertising.

4 It is my understanding that
5 there has been a study done of these
6 potential facilities, buildings,
7 opportunities, and I understand that many
8 people consider outdoor advertisement as
9 a form of pollution. But in tough times,
10 economically tough times, we might want
11 to look at what the revenue potential is
12 for that kind of consideration and in
13 light of all that we are making tough
14 decisions about.

15 So I'm going to say something
16 that I say in budget times and welcome to
17 Council. If it ain't measured, it ain't
18 managed. So I expect that we measure
19 that and then we can manage it, that
20 resource or asset, more efficiently.

21 We are talking about on that
22 fee alone just a \$65 increase?

23 COMMISSIONER BURNS: Yes.

24 COUNCILMAN JONES: And this is
25 a one-time fee?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COMMISSIONER BURNS: Yes.

3 That's correct.

4 COUNCILMAN JONES: It's my
5 understanding that these billboards can
6 generate as much as -- depending on
7 location, it varies, but high amounts of
8 money. There was one brought to mind
9 downtown that was almost a \$12,000 a
10 month revenue.

11 It's a little higher?

12 It may be even higher. So I
13 would ask if we are really at the point
14 what the market could bear on that
15 particular fee and for us to evaluate
16 what revenue comes out of it and evaluate
17 what the revenue potential for this
18 municipality is.

19 COMMISSIONER BURNS: Okay.

20 We'll do that. There's also, in
21 addition, what you see here for the fees
22 are only fees that we're proposing to
23 increase. I need to get some more
24 information around the signs and the
25 billboards, but there is an annual

1 11/19/08 - WHOLE - BILL 080853, etc.
2 license fee in addition that brings in
3 revenue that's not shown here because
4 we're not suggesting an increase there.

5 But I'll absolutely get you
6 some information around this and the
7 study and information that we have
8 already done.

9 COUNCILMAN JONES: Okay. The
10 final question I have, Madam President,
11 is -- and we talked about this in our
12 briefing, and I just want to get it on
13 the record --

14 COMMISSIONER BURNS: I
15 understand.

16 COUNCILMAN JONES: -- that you
17 are going to take a hard look at what
18 segments of enforcement actually put
19 together enough revenue to warrant
20 additional staff because it is a revenue
21 generator, also compliant with the
22 Philadelphia Code.

23 Now, what I mean by that in the
24 Reader's Digest version is, if inspectors
25 can go into areas that have issues with

1 11/19/08 - WHOLE - BILL 080853, etc.
2 town and gown issues and write tickets
3 and do those kinds of things that
4 warrants in fact a new salary, we need to
5 evaluate where those areas of potential
6 are and, in doing so, maybe solve a major
7 problem that is germane to some areas
8 that you are very familiar with.

9 COMMISSIONER BURNS: Okay.
10 Thank you.

11 COUNCILMAN JONES: All right.
12 Thank you, Madam President.

13 COUNCIL PRESIDENT VERNA:
14 You're welcome.

15 The Chair recognizes
16 Councilwoman Blackwell.

17 COUNCILWOMAN BLACKWELL: Thank
18 you, Madam President.

19 I appreciate the opportunity to
20 work with the Commissioner. In fact,
21 with both individuals who are here. They
22 do a good job, and they've worked closely
23 with me and my district.

24 Having said that, we are really
25 concerned about these additional fees. I

1 11/19/08 - WHOLE - BILL 080853, etc.
2 have four minority -- I'm sure it's for
3 the first time in the history of the
4 City, but I have four minority developers
5 who are working on the north side of
6 Market in the Mantua area, Mantua,
7 Belmont, Mill Creek. I have four
8 minority developers, first time in the
9 history of the City, I'm sure. But when
10 we come up with these fees, fees like
11 this, fees that we heard about that will
12 allow them to charge developers for
13 striking streets, but all these
14 additional fees, then it's going to take
15 new people who have waited to take their
16 part in the American dream, minority
17 developers who save their dollars, waited
18 all this time, they're not going to be
19 able to participate, Madam President,
20 because they just can't afford it. So
21 after coming so far and especially now
22 with the economy on the downturn, we have
23 new houses that were finally built and
24 new senior citizen units, and we don't
25 know if they're even going to be able to

1 11/19/08 - WHOLE - BILL 080853, etc.

2 sell them.

3 This economy has put so much on

4 hold, and to exacerbate the situation by

5 increasing fees really makes it

6 impossible for the small person to get a

7 break and especially minority developers.

8 As I said, I have four for the first time

9 in the history of the City in the general

10 same area, who have worked hard to get

11 here.

12 I think it is difficult. I

13 think it's unfair, and I myself will have

14 a very difficult time supporting it, in

15 spite of the fact that I enjoy our

16 working relationship.

17 Thank you.

18 COUNCIL PRESIDENT VERNA: Thank

19 you.

20 Are there any other questions

21 from members of the Committee?

22 (No response.)

23 COUNCIL PRESIDENT VERNA:

24 Commissioner, thank you very much.

25 COMMISSIONER BURNS: Thank you.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA: Do we
3 have anyone else that would like to
4 testify on this bill?

5 (No response.)

6 COUNCIL PRESIDENT VERNA:
7 Seeing no one, I would ask Mr. McPherson
8 to please read the title of Bill Nos.
9 080854 and 080855.

10 MR. MCPHERSON: Bill No.
11 080854, an ordinance amending Section
12 19-2604 of The Philadelphia Code,
13 relating to tax rates, credits,
14 alternative tax computation for the
15 business privilege tax, by raising
16 certain tax rates, all under certain
17 terms and conditions.

18 Bill No. 080855, an ordinance
19 amending Chapter 19-1500 of The
20 Philadelphia Code, entitled "Wage and Net
21 Profits Tax," by revising certain tax
22 rates and making technical changes, all
23 under certain terms and conditions.

24 And our first witness is the
25 Finance Director, Rob Dubow.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 (Witness approached witness
3 table.)

4 COUNCIL PRESIDENT VERNA: Good
5 afternoon.

6 MR. DUBOW: Good afternoon.

7 COUNCIL PRESIDENT VERNA:

8 Please identify yourself for the record
9 and proceed with your testimony.

10 MR. DUBOW: Good afternoon.

11 I'm Rob Dubow, the Finance Director. I
12 am here to testify on Bill Nos. 080854
13 and 080855.

14 080854 is a proposal to pause
15 reductions of the business privilege tax
16 rate at the current 2008 level, and Bill
17 No. 080855, which would change the
18 schedule of reductions for the wage and
19 net profits tax starting July 1, 2009.

20 As you know, Philadelphia, like
21 many state and local governments around
22 the nation, is facing extraordinary
23 financial challenge because of the
24 swiftly deteriorating economy. The
25 recent disruptions in financial markets

1 11/19/08 - WHOLE - BILL 080853, etc.
2 and subsequent slowdown in economic
3 activity has led to significant losses in
4 our pension fund and dramatic declines in
5 tax collections, particularly from the
6 real estate transfer tax and the business
7 privilege tax. Combined, these factors
8 create an anticipated \$108 million
9 shortfall this fiscal year and a \$1
10 billion gap over the life of the current
11 Five-Year Plan.

12 Despite the suddenness and
13 severity of the fiscal crisis, the
14 Administration has put together a
15 strategy to maintain balance while
16 minimizing the harm to Philadelphians
17 today and in the future.

18 To determine the course of
19 action, the Administration focused on
20 three guiding principles: Preserving
21 core services, minimizing the impact on
22 vulnerable populations, and being mindful
23 of long-term financial and economic
24 impacts. The Administration has
25 identified savings through efficiencies,

1 11/19/08 - WHOLE - BILL 080853, etc.
2 revenue enhancements and one-time savings
3 in order to minimize painful program and
4 service reductions.

5 As a part of the revenue
6 enhancement strategy, which includes more
7 aggressive collection efforts and
8 expanded audit activity, we must propose
9 freezing City-funded tax reductions until
10 economic conditions improve, but no later
11 than 2015.

12 Bill No. 080854 pauses planned
13 reductions in the gross receipts and net
14 income portions of the business privilege
15 tax, retaining the tax year 2008 rates
16 until tax year 2014, which is Fiscal Year
17 2015.

18 I also actually have a proposed
19 amendment to this legislation. We had
20 always intended to restart the reductions
21 in Fiscal Year 2015. We didn't do that
22 in the original legislation. We'd like
23 to amend the legislation to include that
24 restart.

25 Bill No. 080855 changes the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 schedule of rate reductions for the wage
3 and net profits tax beginning on July 1,
4 2009. Reductions to both the resident
5 and non-resident rates on January 1, 2009
6 will occur as previously planned, with
7 the resident rate declining from 3.98
8 percent to 3.93 percent and the
9 non-resident rate being reduced from
10 3.5392 to 3.5 percent. The resident
11 rate, as you know, includes the 1.5
12 percent of the wage tax that is used to
13 secure PICA debt service.

14 The next scheduled reduction
15 under this bill would occur on July 1,
16 2009 and will be entirely funded by State
17 gaming revenues. Rate cuts supported by
18 State gaming revenues will occur each
19 July 1st. City-funded reductions will
20 resume in Fiscal Year 2015. Until 2015,
21 the proposed wage rate schedule maintains
22 reductions, but much shallower ones than
23 originally envisioned, without
24 sacrificing essential City services
25 during this period of economic turmoil.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 The bill would generate about \$151
3 million over the life of the current
4 Plan.

5 Together, the two bills would
6 increase revenue by about \$230 million
7 through Fiscal Year 2013, filling more
8 than 20 percent of the estimated \$1
9 billion budget cap without increasing
10 taxes.

11 The Administration remains
12 committed to decreasing the tax burden on
13 Philadelphia residents, employees and
14 businesses in order to attract and retain
15 jobs. We plan to resume reductions as
16 soon as conditions improve, but no later
17 than 2015.

18 I urge your passage of these
19 two bills to ensure that we can meet the
20 needs of our residents, preserve
21 financial stability and speed our
22 recovery. I also request suspension of
23 the rules so that these bills can be
24 considered on the First Reading Calendar
25 at the next session of City Council.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Thank you. I'm happy to answer
3 any questions.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 Mr. Dubow, do any of the bills
7 before us authorize any reductions to any
8 City department?

9 MR. DUBOW: No, they do not.
10 The bills today are all revenue
11 enhancement measures.

12 COUNCIL PRESIDENT VERNA: And
13 I'd like this to be made eminently clear.
14 Does City Council have to approve any of
15 the reductions that the Administration
16 has proposed?

17 MR. DUBOW: No, City Council
18 does not have to approve any of the
19 expended reductions.

20 COUNCIL PRESIDENT VERNA: And
21 that is under the City Charter?

22 MR. DUBOW: That is correct.

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 Mr. Dubow, why has the

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Administration requested that these bills
3 be passed before we break for the holiday
4 season, and what are the consequences if
5 we wait until January to consider them?

6 MR. DUBOW: Well, for the fee
7 increase bills, the longer we wait, the
8 longer we go without getting the revenues
9 and the harder it is to fill our budget
10 gap.

11 COUNCIL PRESIDENT VERNA: Which
12 means it will just get worse.

13 MR. DUBOW: It will just get
14 worse, correct.

15 COUNCIL PRESIDENT VERNA: Can
16 you tell us if the Administration
17 considered raising City taxes instead of
18 freezing them, and, if so, what was your
19 conclusion?

20 MR. DUBOW: Our view is that
21 our tax rates already make us
22 uncompetitive, so that they're already
23 higher than they should be, so we did not
24 want to increase them any further.

25 COUNCIL PRESIDENT VERNA: What

1 11/19/08 - WHOLE - BILL 080853, etc.
2 do you think the message is that the
3 Administration is sending to the business
4 community by freezing the tax cuts
5 through Fiscal 2014, and have you had any
6 discussions whatsoever with the Chamber
7 of Commerce and can you share with us
8 what their reactions were?

9 MR. DUBOW: Sure. We have had
10 conversations with the Chamber of
11 Commerce. Obviously they're not excited
12 about the step we're taking, but they
13 understand that we are facing a severe
14 fiscal challenge that actions are
15 necessary and that shared sacrifices are
16 necessary, and they have expressed a
17 reluctant willingness to share in that
18 sacrifice, which we appreciate. We think
19 that shows real leadership on their part.

20 COUNCIL PRESIDENT VERNA: All
21 right. I do have other questions, but
22 I'd like to give my colleagues all an
23 opportunity to also ask questions.
24 Therefore, I guess we're going to have to
25 go on the timer. So each Councilmember

1 11/19/08 - WHOLE - BILL 080853, etc.

2 will be given four minutes.

3 At this time, the Chair

4 recognizes Councilman Green.

5 COUNCILMAN GREEN: Thank you,

6 Madam Chair.

7 Rather than reducing or

8 freezing the wage tax cuts, do you

9 believe that there are additional cuts

10 that are possible, not in the first year

11 of the Plan but in later years of the

12 Plan, within the bureaucracy of City

13 government that could make going out to

14 2015 unnecessary?

15 MR. DUBOW: When we went

16 through this process, one of the first

17 things we did was look for every

18 efficiency we could find, and if you saw

19 how the budget reductions broke out,

20 about the first 40 percent of what we did

21 was through efficiencies and revenue

22 enhancements.

23 That said, I mean, there's

24 always more you can look for and more we

25 will look for and more that we'll try to

1 11/19/08 - WHOLE - BILL 080853, etc.
2 do. There is nothing else that we had
3 that we thought we had good enough
4 implementation plans or good enough ideas
5 for that we could include in the Plan at
6 this time.

7 COUNCILMAN GREEN: But dollars
8 are fungible within the Plan, so tax
9 increases versus service cuts versus tax
10 freezes, et cetera, are all relevant in
11 terms of determining whether or not this
12 tax decrease or freeze is necessary in
13 the context of the entire Plan and this
14 bill; is that correct?

15 MR. DUBOW: I think so. If I
16 understood your question, I think that's
17 correct.

18 COUNCILMAN GREEN: I'd just
19 like to take a brief second.

20 Madam President, why don't you
21 move on to somebody else and I'll go on
22 the next round. Thank you.

23 COUNCIL PRESIDENT Verna: Thank
24 you.

25 The Chair recognizes Councilman

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Kelly.

3 COUNCILMAN KELLY: Thank you,
4 Madam President.

5 Mr. Dubow, I just want to get
6 back on to the -- I asked you about the
7 Rebalancing Plan according to the Fire
8 Department-related cuts. The Rebalancing
9 Plan indicates that ten and a half
10 million dollars is going to be the
11 reduction in the Fire Department's
12 budget. Do you know if this amount is
13 for the year 9 or is it annualized
14 savings?

15 MR. DUBOW: That's annualized
16 savings.

17 COUNCILMAN KELLY: If it is,
18 how much do the proposed cuts save for
19 the remainder of '09?

20 MR. DUBOW: Approximately half
21 of that amount.

22 COUNCILMAN KELLY: Half of the
23 amount.

24 Are you familiar with any of
25 the response time that the Fire

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Protection Association has given for fire
3 departments in municipalities?

4 MR. DUBOW: Generally.

5 COUNCILMAN KELLY: I just want
6 to know, a fire department determines
7 whether it is responding to fire
8 alarms --

9 COUNCIL PRESIDENT VERNA:
10 Councilman Kelly, I don't mean to
11 interrupt you, but actually I don't think
12 the questions that you're asking are
13 pertinent to the bills before us.

14 COUNCILMAN GREEN: Point
15 of information.

16 COUNCIL PRESIDENT VERNA: Now,
17 if you have an explanation for it, we'd
18 like to hear it.

19 COUNCILMAN KELLY: No. I --

20 COUNCILMAN GREEN: Point of
21 information, Madam President.

22 COUNCIL PRESIDENT VERNA: I beg
23 your pardon?

24 COUNCILMAN GREEN: Point of
25 information.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA: Yes.

3 COUNCILMAN GREEN: Mr. Dubow

4 just testified that in order to determine
5 whether or not these cuts or the freezing
6 of the wage tax is necessary, you have to
7 look at all dollars in the budget, and
8 Mr. Kelly is -- Councilman Kelly is
9 simply questioning one dollar versus
10 another dollar. It certainly is relevant
11 to whether or not we need to freeze wage
12 taxes, which is the question before us in
13 this bill.

14 COUNCIL PRESIDENT VERNA:

15 Councilman DiCicco.

16 COUNCILMAN DiCICCO: I have a
17 point of order as well.

18 And I understand what your
19 concern was about the response time, and
20 it might not be the appropriate time, but
21 it is dollars and cents, because I think
22 that's where a lot of -- obviously most
23 of this is about today.

24 I'm going to -- I had a
25 conversation with Councilman Kenney

1 11/19/08 - WHOLE - BILL 080853, etc.
2 earlier today, and I'm going to be
3 proposing something in writing, but I'll
4 say it verbally right now.

5 No one wants to see cuts. No
6 one wants to see fees raised. When it
7 comes to the issue of the Fire
8 Department, the biggest issue for us has
9 always been, at least for me and I
10 suspect for the rest of us, has always
11 been the issue of public safety. I am
12 going to propose that each and every
13 member of City Council figures out how to
14 reduce or somehow come up with \$12,000
15 out of their individual budget, which
16 will give us somewhere around \$200,000 so
17 that we would be able then to pay for an
18 independent study within the Fire
19 Department.

20 Now, I've already given up
21 almost \$50,000 out of my budget between
22 the five percent pay cut that I've taken
23 and \$40,000 in unspent dollars as it
24 would have gone for staffing. If I have
25 to find another ten, I'll look for it. I

1 11/19/08 - WHOLE - BILL 080853, etc.
2 don't know how I'll do it without asking
3 my staff to take a further cut, but
4 absent that, I think it's a very small
5 amount for us as Councilpeople to
6 contribute to an independent study.
7 Let's put our money where our mouth is
8 and let's do that independent study, and
9 from those findings, maybe we will be
10 able to have some ammunition, if you
11 will, to go back to the Administration.

12 Thank you, Madam President.

13 COUNCIL PRESIDENT Verna:

14 You're welcome.

15 COUNCILMAN GREEN: Point of
16 order.

17 COUNCIL PRESIDENT Verna:

18 Councilman Green.

19 COUNCILMAN GREEN: Thank you.
20 I didn't hear a point of order in
21 Councilman DiCicco's point of order.
22 What I heard was a proposal and a speech.
23 And the important point for people to
24 recognize is, we're being asked today to
25 consider and recommend a series of bills

1 11/19/08 - WHOLE - BILL 080853, etc.
2 that constitute the Administration's
3 Rebalancing Plan. Accordingly, today is
4 our one opportunity in a public hearing
5 to ask questions, not just about those
6 bills and all dollars involved, but also
7 about the service cuts and the dollars
8 involved in those included in the Plan,
9 including the proposed closure of 11
10 neighborhood branches --

11 COUNCILMAN DiCICCO: Point of
12 order.

13 COUNCILMAN GREEN: -- 68 pools,
14 five engine companies, two ladder
15 companies.

16 COUNCILMAN DiCICCO: Point of
17 order.

18 COUNCILMAN GREEN: Given this
19 Administration's prior willingness to
20 share data, it is surprising that Council
21 is being asked --

22 COUNCIL PRESIDENT VERNA:
23 Councilman Kelly, there's a point of
24 order.

25 COUNCILMAN KELLY: That's

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Green.

3 COUNCIL PRESIDENT VERNA:

4 Councilman DiCicco.

5 COUNCILMAN DiCICCO: If it was
6 taken as a speech, it certainly wasn't
7 meant to be a speech. I think we're
8 actually on the same page. I'm probably
9 on the same page as Councilman Green.

10 We have an opportunity to make
11 comments, make recommendations, ask
12 questions. I posed my question in the
13 form of a challenge that City Council,
14 each member of City Council, figures how
15 to get \$12,000 out of their individual
16 budget to do an independent study,
17 because this rearrangement or
18 reconfiguration of the Fire Department
19 won't take place until the middle of
20 January and I think we'll have sufficient
21 time to do that independent study. I'm
22 only asking that we do something that may
23 allow us to have a significant amount of
24 documentation to counter what the
25 Administration has been proposing in

1 11/19/08 - WHOLE - BILL 080853, etc.
2 terms of cuts within the Fire Department.

3 COUNCILMAN GREEN: I agree
4 we're on the same page, Councilman
5 DiCicco.

6 Point of information.

7 COUNCIL PRESIDENT VERNA: The
8 Chair recognizes Councilman Green.

9 COUNCILMAN GREEN: It is about
10 data. Councilman DiCicco is exactly
11 right. And given this Administration's
12 prior willingness to share data, it is
13 surprising that Council is being asked to
14 endorse these bills without having been
15 provided with crucial requested
16 information related to the other side of
17 the ledger, the underlying cuts.

18 For instance, with respect to
19 libraries, we have asked the information
20 for underlying data about library usage,
21 operating costs, specific data that the
22 Library used for its criteria. It
23 provided check marks, not turn-style
24 counts. In response, we have received
25 check marks. We have not received any of

1 11/19/08 - WHOLE - BILL 080853, etc.
2 the requested information, and this is
3 our one opportunity to ask for this
4 information from the Administration and
5 have them provide it to the Chair prior
6 to these bills becoming law in three
7 Council sessions.

8 The message seems to be that
9 Council doesn't need or deserve access to
10 this data. Rather than looking at the
11 information ourselves and asking hard
12 questions, we should simply trust that
13 the Administration has reached the proper
14 conclusions. This attitude not only
15 evidences disrespect for a co-equal
16 branch of government, it effectively
17 undermines a key vehicle of citizen input
18 into the budget process.

19 Councilmembers, and especially
20 District Councilmembers, hear daily from
21 their constituents about the impact of
22 City services on people's lives. Without
23 access to the information the
24 Administration relied upon in reaching
25 its budget-cutting conclusions, we are

1 11/19/08 - WHOLE - BILL 080853, etc.
2 hard-pressed as Councilmembers to
3 understand the proposed cuts, much less
4 to defend them.

5 I make two additional points.
6 First, the question is not whether the
7 City can afford to keep all our
8 libraries. The question is whether we
9 can afford to close them. Libraries, for
10 each dollar we spend on them, return 5.5
11 times that amount. We are taking out of
12 our economy \$45 million with \$8 million
13 of cuts, according to a recent study by
14 the University of North Carolina, Chapel
15 Hill.

16 Second, the discussion about
17 proposed budget cuts has been framed, in
18 large part, by using comparisons to other
19 cities. We're told, for instance, that
20 while Philadelphia has 3.37 libraries per
21 10,000 citizens, the highest ratio of any
22 of the ten largest cities in the U.S.,
23 Chicago has 2.89, et cetera.

24 The conclusion we're supposed
25 to draw from this, it appears, is that we

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2 should engage in some kind of race to the
3 bottom, reducing our number of libraries
4 to fall in line with these other cities.
5 I propose just the contrary, let's be
6 proud of our nation-leading density. And
7 in order to do apples to apples
8 comparisons, we have to know how many
9 school libraries in those cities, how
10 many total librarians work for school
11 districts and this city. These
12 comparisons were not done, and that's the
13 kind of information we deserve and have a
14 right to.

15 Thank you, Madam Chair.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 Councilman Kelly, I think that
19 was a long point of information, so
20 I'll --

21 COUNCILMAN KELLY: Yes. Madam
22 President, let me go on the record as
23 saying that I agree with much of what was
24 said with Councilman DiCicco and
25 Councilman Green, but I think this could

1 11/19/08 - WHOLE - BILL 080853, etc.
2 be maybe the only opportunity we have to
3 get specific information regarding the
4 cuts in the Fire Department. I think
5 it's very, very important that we look at
6 these cuts, because it may affect
7 response time, it may affect, for
8 instance, cutting down Engine 6. There's
9 a new development going all around that
10 area, such as I-95 and also the
11 SugarHouse casino. Was there any input
12 or any thought about closing those
13 engines when all that new development is
14 occurring? That's the reason why I
15 wanted to get into response time and a
16 lot of other things, because I think it
17 is important.

18 We're not talking about just
19 some buildings being closed or some
20 engines not being used. This could have
21 a direct effect on the safety of a lot of
22 people in those neighborhoods.

23 Thank you, Madam President.

24 COUNCIL PRESIDENT VERNA: The
25 Chair recognizes Councilman Rizzo.

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2 COUNCILMAN RIZZO: Madam

3 President, I think it's irresponsible of
4 this Administration to suggest some of
5 these closures of pools, libraries,
6 eliminating engine and ladder companies.
7 What is the problem? Can the
8 Administration please address why there
9 was an internal study done, but it won't
10 be shared with us?

11 Why would your Administration,
12 this Administration, Mr. Dubow, have an
13 internal study to make decisions and not
14 share it with Council? Could you explain
15 that?

16 MR. DUBOW: We did share
17 information. We had a four-hour briefing
18 for Council on Monday.

19 COUNCILMAN RIZZO: The study.
20 The briefing. Where is the document that
21 led to the decisions to close or
22 eliminate ladder and engine companies?
23 I'd like to see the study.

24 MR. DUBOW: Okay. There was a
25 binder that we handed out at that meeting

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2 that we can show you.

3 COUNCILMAN RIZZO: That has the
4 study in there?

5 MR. DUBOW: Yeah. That has --
6 that takes you engine by engine, ladder
7 by ladder showing you --

8 COUNCILMAN RIZZO: It's
9 informational.

10 MR. DUBOW: -- the number of
11 runs. It had --

12 COUNCILMAN RIZZO: Can you get
13 us the actual study?

14 MR. DUBOW: Yeah. We can get
15 the -- the detail was in there. We'll
16 show it to you.

17 COUNCILMAN RIZZO: The actual
18 detail?

19 MR. DUBOW: Yeah. There was
20 detail --

21 COUNCILMAN RIZZO: Well, I
22 looked all through that binder and I
23 didn't see the information that I needed.

24 COUNCILMAN GREEN: Point of
25 information.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCILMAN RIZZO: Go ahead.

3 COUNCIL PRESIDENT VERNA: The
4 Chair recognizes Councilman Green.

5 COUNCILMAN GREEN: Thank you,
6 Madam Chair.

7 COUNCILMAN RIZZO: There's no
8 definitive numbers in that binder.

9 COUNCILMAN GREEN: Thank you,
10 Madam Chair.

11 COUNCILMAN RIZZO: No
12 definitive numbers.

13 COUNCILMAN GREEN: That is my
14 point of information.

15 There was not a study in that.
16 That was the Administration's analysis
17 boiled down for easy viewing. The
18 numbers, the raw data behind what was
19 presented, is what we're after, not the
20 report. The data behind it. The
21 bibliography. That's what we want to see
22 in order to make our own determination.
23 The same applies to libraries.

24 I was on the phone with
25 Councilman Greenlee on the 11th -- on

1 11/19/08 - WHOLE - BILL 080853, etc.
2 November 10th talking to Siobhan Reardon.
3 Siobhan Reardon was reading to us from a
4 spreadsheet that said, Turn-style count,
5 circulation, number of students in the
6 LEAP program, et cetera. I want that
7 data from that spreadsheet, not check
8 marks with criteria chosen by the
9 Administration that if a library has
10 under 5,000 kids in the LEAP program,
11 5,000 children in the LEAP program, then
12 we're going to close it down. So it's
13 4,900 children who are in the LEAP
14 program who can't walk two miles because
15 they have to go through an unsafe
16 neighborhood that are not going to have a
17 place to go.

18 That's the kind of analysis we
19 need to do, and we want the underlying
20 hard data. We deserve it. We have a
21 right to it. We represent the people of
22 the City of Philadelphia, too.

23 MR. DUBOW: We can get you that
24 information on libraries.

25 COUNCILMAN GREEN: Thank you,

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Madam Chair.

3 COUNCILMAN RIZZO: And what I
4 suggest, I suggest that we hold these
5 bills until we have that data. We had
6 the L&I Commissioner tell us that there
7 are certain things that she doesn't know,
8 and I respect her for being straight with
9 us, but if we don't know whether the
10 State is going to assume certain
11 responsibilities, then I think this all
12 should be held, in my opinion. I plan to
13 vote no for a lot of it, but I would
14 rather see it held until we get the
15 information that we need.

16 Thank you, Madam President.

17 (Councilman DiCicco talking
18 without microphone.)

19 COUNCIL PRESIDENT VERNA: I
20 can't hear you.

21 (Councilman DiCicco talking
22 without microphone.)

23 COUNCIL PRESIDENT VERNA: We
24 did have a briefing on Monday.

25 COUNCILMAN DiCICCO: We had an

1 11/19/08 - WHOLE - BILL 080853, etc.

2 opportunity then to ask the same
3 questions.

4 COUNCILMAN RIZZO: This is the
5 opportunity here.

6 COUNCILMAN DiCICCO: But we had
7 it at a briefing. We had two briefings.

8 COUNCILMAN RIZZO: You go do
9 your study.

10 COUNCILMAN DiCICCO: I'm asking
11 you to put money up so we can do an
12 independent study. I still haven't
13 gotten an answer on that.

14 COUNCILMAN RIZZO: I want to
15 see the --

16 COUNCILMAN DiCICCO: Why don't
17 you give up your car while you're at it.

18 COUNCILMAN RIZZO: I want to
19 see the Administration's study first.

20 COUNCILMAN DiCICCO: Why don't
21 you give up your car, too, while you're
22 at it.

23 COUNCIL PRESIDENT VERNA: The
24 Chair recognizes Councilwoman Miller.

25 COUNCILWOMAN MILLER: Thank

1 11/19/08 - WHOLE - BILL 080853, etc.

2 you. Thank you, Madam President.

3 I do want to support the
4 request for the hard data as it relates
5 to the numbers that were collected per
6 library, because I agree that we should
7 have had that so we could have a better
8 and full understanding. We're the ones
9 that's being asked to go out to these
10 community meetings, even though I do know
11 that the Mayor is going to have one,
12 which is good.

13 COUNCIL PRESIDENT VERNA:

14 Mr. Dubow, just -- excuse me.

15 COUNCILWOMAN MILLER: I didn't
16 ask my question.

17 COUNCIL PRESIDENT VERNA: If I
18 could ask one question.

19 When was that study taken?

20 MR. DUBOW: Which study?

21 COUNCIL PRESIDENT VERNA: The
22 study for the Fire Department.

23 MR. DUBOW: When was it done?

24 COUNCIL PRESIDENT VERNA: Yes.

25 MR. DUBOW: It was done, I

1 11/19/08 - WHOLE - BILL 080853, etc.

2 guess, over the last month.

3 COUNCIL PRESIDENT VERNA: Oh.

4 MR. DUBOW: It was an update of
5 information that we had had from earlier
6 years in the Department, and the Deputy
7 Mayor for Public Safety went through that
8 information and put it together as part
9 of this process.

10 COUNCIL PRESIDENT VERNA:

11 Councilwoman Miller.

12 COUNCILWOMAN MILLER: Thank
13 you.

14 And I'm not just talking about
15 the data from the Fire Department, but
16 the Rec, the pools and the Library.

17 But anyway, Mr. Dubow, my
18 question is regarding the tax collection.
19 How much is the City owed in unpaid or
20 debt that people just won't pay? And if
21 we get aggressive collection, as you
22 state here, how much do you anticipate
23 raising in the tax collection, and who
24 does the tax collection and in what
25 specific area right now?

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2 MR. DUBOW: Tax collection is
3 done by the Revenue Department. When
4 accounts become delinquent, after a
5 certain period of time they go to the Law
6 Department. The Law Department contracts
7 some of it out to contractors, who then
8 help with the delinquent collections.

9 As part of our balancing
10 actions, we have some stepped-up
11 enforcement proposals that we think will
12 generate about \$8 million a year.

13 COUNCILWOMAN MILLER: And
14 that's on all the taxes, water, real
15 estate?

16 MR. DUBOW: That doesn't
17 include water. That's really mostly
18 business taxes we're looking at with
19 that.

20 COUNCILWOMAN MILLER: I'm
21 sorry. Say that again.

22 MR. DUBOW: It's mostly
23 business taxes.

24 COUNCILWOMAN MILLER: But the
25 real estate taxes, that's not included

1 11/19/08 - WHOLE - BILL 080853, etc.

2 here?

3 MR. DUBOW: In that, no. Real
4 estate taxes, in February we really
5 started an enhanced collection process
6 there, and those revenues were really
7 already in our base, so we didn't put in
8 more in this Plan.

9 COUNCILWOMAN MILLER: All
10 right. I'm sorry. You said you expect
11 to collect, what, about 8 million did you
12 say?

13 MR. DUBOW: Yes.

14 COUNCILWOMAN MILLER: Okay.
15 That's it. I just wanted to know a
16 little bit more about how much you
17 anticipated raising with more aggressive
18 tax collection. Thank you.

19 Thank you, Madam President.

20 COUNCIL PRESIDENT VERNA:

21 You're welcome.

22 Are there any other questions?

23 COUNCILMAN KENNEY: Madam
24 President.

25 COUNCIL PRESIDENT VERNA: Yes.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 The Chair recognizes Councilman Kenney.

3 COUNCILMAN KENNEY: Thank you,
4 Madam President.

5 Mr. Dubow, I know early on you
6 said this, but I want to make sure that
7 it's clear for the record. In your
8 opinion, if we hold these bills for any
9 period of time, does that endanger deeper
10 cuts?

11 MR. DUBOW: Yes, it does.

12 COUNCILMAN KENNEY: So anything
13 that we do to hold this up today, because
14 we're not really dealing with cuts, we're
15 really dealing with tax reduction freezes
16 and revenue enhancements, could in fact
17 have the opposite effect of deepening the
18 cuts?

19 MR. DUBOW: That is correct.

20 COUNCILMAN KENNEY: Thank you.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 Any other questions or comments
24 by members of the Committee?

25 (No response.)

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2 COUNCIL PRESIDENT VERNA: Thank
3 you, gentlemen. And you will remain --

4 MR. DUBOW: Yes.

5 COUNCIL PRESIDENT VERNA: --
6 until the end of the hearing?

7 COUNCILMAN GREEN: I'm sorry,
8 Madam Chair. I have a question.

9 COUNCIL PRESIDENT VERNA: Oh,
10 I'm sorry.

11 Gentlemen.

12 The Chair recognizes Councilman
13 Green.

14 COUNCILMAN GREEN: Thank you.

15 Will the Administration commit
16 today to provide us by the end of the
17 week all of the information that we have
18 requested, including the back-up
19 spreadsheets?

20 MR. DUBOW: Yes. Yes, we will.

21 COUNCILMAN GREEN: Thank you.

22 COUNCIL PRESIDENT VERNA: All
23 right.

24 Our next witness?

25 MR. McPHERSON: The next

1 11/19/08 - WHOLE - BILL 080853, etc.

2 witness is Marc Stier.

3 (Witness approached witness
4 table.

5 COUNCIL PRESIDENT VERNA: Good
6 afternoon. Welcome. Nice seeing you.
7 Please identify yourself for the record
8 and proceed.

9 MR. STIER: My name is Marc
10 Stier and I'm speaking here today on
11 behalf of One Philadelphia, which is a
12 coalition of community groups, labor
13 unions, non-profit organizations that
14 work on behalf of the common good in the
15 City.

16 The City of Philadelphia faces
17 a serious budget crisis. Balancing our
18 budget this fiscal year and in future
19 years will require us to take steps that
20 are difficult and sometimes painful. And
21 I would like to just set a little context
22 before I get to these bills.

23 While our situation is
24 troublesome, One Philadelphia does not
25 believe we should approach it in a state

1 11/19/08 - WHOLE - BILL 080853, etc.
2 of panic. We should remember that our
3 problems are broadly shared with other
4 cities and states and that, in large
5 part, the product of economic force is
6 beyond our control. This creates a great
7 deal of uncertainty. We don't know, for
8 example, how far the national economy
9 will fall next year and how fast it will
10 recover. We don't know how aggressive
11 the new leadership of our federal
12 government will be in stimulating
13 recovery or in coming to the aid of state
14 and municipal governments.

15 It's often said that crises
16 create opportunities. But those are
17 opportunities for errors as well as
18 advances. So we believe that given the
19 uncertainty that surrounds us, a rational
20 response to our problems should avoid
21 precipitant and permanent actions that we
22 will later regret. And we believe we
23 should approach our budget crisis now in
24 a spirit of openness, inclusiveness and
25 transparency so that decisions we make

1 11/19/08 - WHOLE - BILL 080853, etc.
2 take into account the broader set of
3 ideas about how to deal with the crisis
4 and how to use it to make our city better
5 for all of our citizens.

6 Concretely, that means first we
7 believe the Administration should provide
8 as much information as possible about its
9 plans to Council and the citizens of
10 Philadelphia. It's been slow to do so.
11 We need to see the projections for the
12 economy for tax revenues and federal aid
13 over the next five years. We need to see
14 the various alternative proposals for
15 budget reductions that the Administration
16 has considered, and we need to see the
17 standards and metrics which the
18 Administration has used to choose certain
19 budget restrictions and not others --
20 better reductions and not others.

21 Secondly, we oppose service
22 reductions that harm the well-being of
23 our citizens, and especially the quarter
24 of our population that lives in poverty,
25 until they are thoroughly examined by

1 11/19/08 - WHOLE - BILL 080853, etc.
2 Council and the citizens of Philadelphia.
3 And I understand that the Administration
4 has the authority to make many of those
5 reductions, but we're getting close to
6 the end of the year, and next year you'll
7 have a chance to consider another budget,
8 at which you can, I hope, engage in these
9 debates a little more thoroughly than you
10 can now.

11 We should avoid any permanent
12 decisions until our future becomes clear.
13 So we're troubled by cutbacks and the
14 Administration's proposals to increase
15 support to the Community College and the
16 parks. We're even more troubled by
17 reductions in pools and social services
18 and in the Fire Department. And because
19 they are both permanent and deeper than
20 reductions elsewhere, we are most
21 troubled by cutbacks in our libraries.
22 We believe that these reductions in
23 services have not been justified by the
24 Administration and that permanent closure
25 of branch libraries is an inappropriate

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2 response to a crisis that may well prove
3 to be temporary.

4 Though we have more libraries
5 per capita than other cities should be a
6 source of pride, not a target for
7 budgetary knives, especially when those
8 libraries replace in-school libraries,
9 after-school programs and adult
10 employment services that are found in
11 other cities, but not our own.

12 Third, we believe that this is
13 the moment to thoroughly reexamine
14 everything the City does so that we can
15 eliminate inefficiencies and bring best
16 practices to Philadelphia. Reinventing
17 our government will take longer than
18 simply cutting it back, but it will be a
19 much better city in the future.

20 Fourth, while we build a more
21 effective government, we believe that
22 this is a critical moment to look for new
23 revenues from temporary taxes and other
24 sources that can help sustain us over the
25 next few years as our national economy

1 11/19/08 - WHOLE - BILL 080853, etc.

2 recovers.

3 So I am here to speak in favor
4 of the bills that suspend the business
5 tax reductions and the City's
6 contribution to the wage tax reductions.
7 But I also believe we should be
8 considering other revenue measures,
9 perhaps a small temporary increase in
10 property taxes, and should suspend in
11 some part the reduction in the wage tax
12 that will be paid for by gambling
13 revenues. Other possible sources of
14 revenue are detailed in a separate
15 document, which I'll deliver to members
16 of Council.

17 Raising taxes in a recession is
18 a very common practice. It will be
19 happening all across the country in
20 states and cities, and will have little
21 impact on the growth of our economy, as
22 families and businesses are putting off
23 decisions about where to locate and other
24 cities and states with whom we compete
25 are raising their taxes as well. I'll

1 11/19/08 - WHOLE - BILL 080853, etc.
2 just point out, the City of New York will
3 be raising its property taxes eight
4 percent next year.

5 Fifth, this budget crisis
6 provides us with an opportunity how to
7 rethink how we tax in the City. One
8 Philadelphia has long argued that our
9 debates about taxation are too narrow.
10 Instead of just focusing on how much we
11 tax and arguing almost to the point of
12 obsession about minor changes in the
13 business privilege tax, we should be
14 thinking about how smart we tax. We
15 believe that our tax system should meet
16 two criteria that if we are smart enough
17 need not be mutually exclusive. Taxes
18 should be progressive and they should
19 encourage growth in our economy and
20 population. A list of steps that would
21 meet those two criteria are also in a
22 separate document.

23 Madam Chair, American politics
24 is at an inflection point in our history
25 in which opportunities that were once

1 11/19/08 - WHOLE - BILL 080853, etc.
2 closed are now opened and possibilities
3 that seemed part of a distant future loom
4 before us. We are full of hope, hope
5 that we can overcome old divisions,
6 address longstanding economic
7 inequalities, provide healthcare for all
8 and address our energy environmental
9 problems.

10 We have serious difficulties in
11 our country and our city right now, but
12 this is no time to accept the defeat that
13 comes with lowered expectations. While
14 we have to close a budget deficit today,
15 it still is possible we have to look
16 beyond our immediate problems and embrace
17 the better future we can create by
18 working together to create one
19 Philadelphia.

20 And, finally, if I can mention,
21 just make one personal observation. As
22 you all know, I had hoped that I might be
23 sitting in this Council by this point,
24 and I have to say that my disappointment
25 at losing an election is somewhat

1 11/19/08 - WHOLE - BILL 080853, etc.
2 mitigated by the difficulties I all know
3 you have in facing the budget crisis we
4 have in Philadelphia today. And I
5 haven't gotten to know many of you during
6 the course of my campaign. I'm confident
7 that you will address these issues in a
8 thorough and responsible manner.

9 Thank you very much.

10 COUNCILWOMAN TASC0: Thank you
11 very much.

12 MR. MCPHERSON: Our next
13 witness is Brett Mandel.

14 (Witnesses approached witness
15 table.)

16 COUNCILWOMAN TASC0: Good
17 afternoon. Would you please identify
18 yourself for the record.

19 MR. ZISKIN: Madam President,
20 members of City Council, thank you for
21 the opportunity to testify. My name is
22 Scott Ziskin. I'm a member of the Board
23 of Directors of Philadelphia Forward.
24 I'm also the President of a company
25 called ZipCo Wine Cellar Services, which

1 11/19/08 - WHOLE - BILL 080853, etc.
2 is a company that designs and builds wine
3 cellars in private residences throughout
4 the United States.

5 Because of Philadelphia's
6 erroneous business tax burden, I moved my
7 company, after 25 years of being in the
8 City, to New Jersey, because after seeing
9 very little or no progress on the
10 business tax in Philadelphia. After the
11 City's Revenue Department employee
12 pointed out how much I could save by
13 moving my firm to New Jersey, we moved to
14 New Jersey, where we already had an
15 existing business. When my firm left, I
16 took ten well-paying jobs with me.
17 Because my workers do not live in
18 Philadelphia, the City now loses not only
19 all of my business privilege tax revenue,
20 but all of the wage tax revenue from my
21 employees. As we grow into the future,
22 Philadelphia will get no benefit from our
23 success.

24 MR. PADULO: My name is Robert
25 Padulo and I live and work in Center

1 11/19/08 - WHOLE - BILL 080853, etc.
2 City. I'm a business owner of a company
3 that I started nine years ago. I'm also
4 a member of the Board of Directors of
5 Philadelphia Forward, as well as the
6 President of a group of over 40 business
7 owners like myself called the
8 Entrepreneurs Roundtable of the Union
9 League of Philadelphia.

10 As I said, I'm President of my
11 own company, which is called iWorkwell,
12 Incorporated. It's a Philadelphia firm
13 which provides a total human resource
14 solution online designed to make HR easy.
15 We currently employ 11 well-paid workers
16 just down the block, on Walnut Street
17 here in Philadelphia. I very much enjoy
18 operating a business in Philadelphia and
19 look forward to growing in Philadelphia.
20 However, the City's high tax burden makes
21 me rethink every year about the reduced
22 operating costs my company and its
23 shareholders would enjoy if we reduced
24 our tax burden, like he did, by
25 relocating just outside the City limit.

1 11/19/08 - WHOLE - BILL 080853, etc.
2 Firms like mine are the future of the
3 City, but as I and other entrepreneurs
4 like myself look to expand, we need to
5 know that the City is working to become
6 more competitive in terms of tax costs
7 or, quite simply, we will take our
8 business elsewhere.

9 MR. ZISKIN: Philadelphia
10 Forward understands the peculiar nature
11 of the international economic crisis --
12 Scott Ziskin -- and its effects on the
13 City's budget and Five-Year Fiscal Plan.
14 We understand the policy rationale behind
15 making the suspension of the City's
16 successful tax reduction program part of
17 an overall package of spending cuts and
18 revenue enhancements, but in considering
19 the legislation before you, Bill 080854,
20 which would end reduction to the
21 job-killing business privilege tax, and
22 Bill 080855, which would end City-funded
23 reductions to the City wage tax, we hope
24 that you will make an important
25 amendment. While the rhetoric supporting

1 11/19/08 - WHOLE - BILL 080853, etc.
2 this legislation has called for
3 suspension of tax reductions into mid
4 2015, the language in both bills simply
5 ends the City tax reductions. We hope
6 that legislation can be altered to show
7 that after the suspension, tax reductions
8 will resume, and, of course, we would
9 hope if economic conditions improve, this
10 legislation would be altered to resume
11 those successful reductions even sooner.

12 MR. PADULO: Since the City
13 began its tax reduction program more than
14 a decade ago and until the recent
15 international financial woes, we have
16 reduced tax rates, but we have enjoyed
17 increased tax revenues. More important,
18 the gap between national employment
19 growth and Philadelphia's own employment
20 growth has been cut in half since we
21 began the tax reductions.

22 Wharton's Robert Inman
23 concluded about five years ago that the
24 City's tax reduction program has been
25 responsible for saving tens of thousands

1 11/19/08 - WHOLE - BILL 080853, etc.
2 of jobs that we would have otherwise lost
3 had we not made the slow and steady
4 progress toward becoming more
5 competitive. Tax reform is helping when
6 the long-term, all-encompassing battle to
7 make Philadelphia better able to attract
8 and retain residents and employers. By
9 altering this legislation to indicate
10 that our successful tax reduction program
11 will not end but instead will continue
12 after a brief suspension, you will at
13 least be showing current, future and
14 former employers and residents that
15 Philadelphia continues to be serious
16 about tax reform and attracting and
17 retaining businesses and jobs and is
18 serious about becoming a city of growth
19 and opportunity.

20 Thank you for the opportunity
21 to speak to you today.

22 COUNCILWOMAN TASCO: Thank you
23 very much for your testimony.

24 Thank you. Any questions?

25 The Chair recognizes Councilman

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Greenlee.

3 COUNCILMAN GREENLEE: Thank
4 you, Madam Chair.

5 Good afternoon. Just a couple
6 of questions. First, I want to be clear.
7 I think the Finance Director said, sir,
8 that he's proposing an amendment to do
9 exactly what you just said, which is to
10 start the cuts.

11 MR. PADULO: We're glad to hear
12 that.

13 COUNCILMAN GREENLEE: All
14 right. Just so I'm clear, I mean, I'm
15 not sure if I heard a direct response to
16 this. What is your position on these two
17 bills as of now?

18 MR. PADULO: Well, provided
19 that they're putting in a date for when
20 we will resume them, we support that, and
21 we hope that it could also be added that
22 if the financial conditions improve
23 before then, that the tax reductions
24 would be resumed sooner.

25 COUNCILMAN GREENLEE: Well, I

1 11/19/08 - WHOLE - BILL 080853, etc.
2 don't know if you put that in as part of
3 the amendment. I mean, we are always
4 open to be able to do that if we have to.
5 I don't think that's something you would
6 actually put in the bill. I mean, it's
7 not something I ever saw of that.

8 MR. PADULO: Certainly you have
9 to be able to adjust to the
10 circumstances.

11 COUNCILMAN GREENLEE: Yeah.
12 And that's sort of, I guess, a given,
13 just like we adjusted here. We
14 originally said we were going to continue
15 the cuts, and unfortunately because of
16 the situation, we couldn't.

17 So not to put words in your
18 mouth, so just so I understand this, your
19 position would be with this amendment
20 that the Finance Director has proposed,
21 you support these bills. Am I right to
22 say that?

23 MR. PADULO: Yes.

24 COUNCILMAN GREENLEE: Okay.

25 MR. PADULO: But can I add just

1 11/19/08 - WHOLE - BILL 080853, etc.

2 one brief point?

3 COUNCILMAN GREENLEE: Sure.

4 MR. PADULO: As a resident of
5 this city and business owner of this city
6 for ten years now, my belief is that
7 we're actually not doing enough to reduce
8 our tax rates, because as Forbes Magazine
9 just came out last month, this is the
10 number one worst tax city in America. So
11 the idea of raising taxes, do that if you
12 want businesses to flee.

13 COUNCILMAN GREENLEE: I don't
14 think anybody is talking about raising
15 taxes. None of us are talking about
16 raising taxes that I know of.

17 MR. PADULO: No. The previous
18 person who testified --

19 COUNCILMAN GREENLEE: He has a
20 right to his opinion.

21 MR. PADULO: But my own view
22 is --

23 COUNCILMAN GREENLEE: I
24 understand.

25 MR. PADULO: -- that trying to

1 11/19/08 - WHOLE - BILL 080853, etc.
2 find ways to cut costs any way you can to
3 get more businesses here will continue
4 the trend of actually increasing taxes by
5 lowering tax rates.

6 COUNCILMAN GREENLEE: I
7 understand. Not to get into a debate
8 back and forth, but just one last thing.
9 You said about also being a citizen. As
10 the proposals are right now, the citizens
11 of the City are also paying a price.
12 They're going to have less libraries.
13 They're going to have less --

14 MR. PADULO: I am, too. I'm
15 going to have fewer police.

16 COUNCILMAN GREENLEE: I
17 understand. So as a citizen -- so I
18 guess what I'm getting at is, there's a
19 shared burden here, is what we're trying
20 to --

21 MR. PADULO: My own --

22 COUNCILMAN GREENLEE: What the
23 Administration is trying to do and what
24 we're trying to find. We may not be
25 totally agreeing on that, but that's what

1 11/19/08 - WHOLE - BILL 080853, etc.

2 we're trying to do, I think.

3 MR. ZISKIN: Councilman, the
4 lack of tax cuts forced my business out
5 of the City.

6 COUNCILMAN GREENLEE: I
7 understand. I understand.

8 MR. ZISKIN: And the trickle
9 down of what we spend in material, office
10 supplies, things like that, run into tens
11 of thousands of dollars.

12 COUNCILMAN GREENLEE: I
13 understand, sir, but, again, we also have
14 to pay for stuff, too. I mean --

15 MR. ZISKIN: I don't have a
16 problem paying on my net. I have a big
17 problem paying on my gross.

18 COUNCILMAN GREENLEE: I
19 understand, but that's money we right now
20 have in the budget. I understand. Look,
21 I think we'd all love to get rid of that
22 gross receipts tax. It is terribly
23 burdensome, but --

24 MR. ZISKIN: I know for a fact
25 of three companies that are getting ready

1 11/19/08 - WHOLE - BILL 080853, etc.
2 to move out of the City specifically
3 because of that.

4 COUNCILMAN GREENLEE: I
5 understand.

6 MR. ZISKIN: And they're all
7 companies that make in excess of a
8 million dollars.

9 COUNCILMAN GREENLEE: I heard
10 that and we've heard that for a long
11 time, and I'm sure it's true, but we also
12 have to pay for stuff, sir.

13 MR. ZISKIN: And I'm a citizen.
14 My kids went to City schools. I own
15 property in the City. I've been born and
16 raised in the City, public schools
17 myself. I'm invested in the City.

18 COUNCILMAN GREENLEE: No. I
19 understand.

20 MR. ZISKIN: Okay?

21 COUNCILMAN GREENLEE: I got
22 you.

23 Okay. Thank you, Madam Chair.

24 COUNCILWOMAN TASC0: Thank you
25 very much.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Any other questions?

3 (No response.)

4 COUNCILWOMAN TASCO: The Chair
5 calls the next witness.

6 MR. MCPHERSON: Bill Madeira.

7 COUNCIL PRESIDENT VERNA: Good
8 afternoon. Kindly identify yourself for
9 the record.

10 MR. MADEIRA: Good afternoon.

11 I am Bill Madeira with Public Citizens
12 for Children and Youth.

13 COUNCIL PRESIDENT VERNA:
14 Welcome.

15 MR. MADEIRA: Thank you.

16 Thank you for taking the time
17 to hold this hearing.

18 No one is claiming that this is
19 not a grim time in the City, in the
20 State, in the nation, in fact all over
21 the globe. And no one is saying that the
22 City's budget does not need to be cut
23 drastically, but this is a time for
24 compromise and innovative leadership.

25 On the periphery of this

1 11/19/08 - WHOLE - BILL 080853, etc.
2 financial dilemma, there are dozens of
3 possible compromises and creative methods
4 of addressing our deficits. What if the
5 local universities were to open their
6 pools in the community? What if
7 information science graduate students
8 could fulfill some basic library
9 functions? What if library landlords --
10 some libraries are not located in City
11 buildings -- waived part of the rent?
12 What if friends groups and philanthropic
13 organizations could raise some of the
14 funds to cover the cost of keeping
15 library doors open? What if some of the
16 corporate giants realized that a literate
17 population is in their best interest?

18 Business and individual tax
19 delinquents currently owe at least \$27
20 million in delinquent taxes to the City.
21 This number far exceeds the 8 million
22 which closing our libraries would save.

23 What if organizations that
24 currently owe the City money were able to
25 provide the funds needed to save our

1 11/19/08 - WHOLE - BILL 080853, etc.

2 libraries? What if the unions were to
3 broker meetings between their members and
4 community groups around the City?

5 Why is our first step to cut
6 institutions which provide invaluable
7 services to our children and families?

8 It is well known that the Philadelphia
9 libraries keep kids safe and off the
10 streets, assist job seekers in finding
11 employment, educate our children, and
12 provide us all with an opportunity for a
13 better future.

14 The majority of the 11
15 libraries which are being cut are located
16 in the City's high crime police
17 districts. Cutting these libraries will
18 mean one less safe space for our children
19 and one less activity to keep them
20 occupied, off the streets and out of
21 harm's way. So why is this the first
22 option? "What if's" always take time to
23 explore. Someone needs to ask groups and
24 individuals to step up. Compromises and
25 cooperative actions need to be drafted.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Before we make this rash
3 decision, let's evaluate some other
4 cost-saving options. There are numerous
5 possibilities, and together we as a
6 community can address this challenge to
7 maintain a healthier environment for our
8 city's children and families.

9 I am here today on behalf of
10 PCCY and the young people of Philadelphia
11 to ask the members of this Council to be
12 the diplomats who will rise to the task
13 of preserving the institutions that keep
14 our children safe, healthy and literate.

15 Thank you for taking the time.

16 COUNCIL PRESIDENT VERNA: Thank
17 you very much, sir. Thank you.

18 MR. McPHERSON: Our next
19 witness is Amy Dougherty.

20 (Witness approached witness
21 table.)

22 MS. DOUGHERTY: Good afternoon,
23 President Verna.

24 COUNCIL PRESIDENT VERNA: Good
25 afternoon.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 MS. DOUGHERTY: I think I'm
3 going to jump right in with the
4 questions, because I agree with Bill
5 Green, I don't understand how we got from
6 check marks to library closures. And I
7 would like to just say that while data
8 and metrics are interesting, they're more
9 interesting for what they did not
10 include.

11 These are the things that it
12 didn't include: Evening hours, how many
13 of the 11 branches slated for closure
14 have evening hours. Only eight of them
15 do.

16 Computer use. There was no
17 metric that I saw that designated
18 computer use at all.

19 Location. How many of the 11
20 slated for closure are in residential
21 corridors and how many are in commercial
22 corridors, and how does this affect
23 usage. What effect will empty, shuttered
24 buildings have on crime and other factors
25 in the community?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Crime statistics related to the
3 11 branches slated for closures. I
4 didn't see that at all in the metrics,
5 nor did I see income level in the 11
6 branches slated for closure. Now, I have
7 that if anybody is interested in that,
8 and I can tell you just, for instance,
9 that at the Durham branch, which is
10 slated for closure, 43.7 percent people
11 live below the poverty level. Queen
12 Memorial, 30.7 percent live below the
13 poverty level. Kingssessing, 26.1 percent
14 live below the poverty level, and it goes
15 on and on.

16 The number of high school
17 dropouts, unemployed, single parent
18 households in the 11 branches slated for
19 closure, that was not included.

20 Public schools, how many are
21 there that surround and use the 11
22 branches slated for closure, how many
23 have their own libraries with accredited
24 librarians and up-to-date materials,
25 including books, periodicals and computer

1 11/19/08 - WHOLE - BILL 080853, etc.
2 terminals. And of those that do have
3 libraries, what kind of assets are there.
4 Are they housed in multi-purpose rooms,
5 in closets or how many have their own
6 rooms?

7 How many have adequate school
8 libraries and how many use the public
9 library as their school library.

10 And then there's charter and
11 parochial schools. How many are there
12 that surround these 11 branches slated
13 for closure, and how many have their own
14 libraries with accredited librarians.

15 Day and home care centers. How
16 many are there that surround and use the
17 11 branches slated for closures.

18 So there is a lot left out of
19 the metrics. And there's something
20 that's included that I don't understand,
21 and, that is, the building size. Why is
22 building size germane to this discussion
23 at all? Because if we're talking about
24 expanding libraries -- on one hand, the
25 Library administration seems to be

1 11/19/08 - WHOLE - BILL 080853, etc.
2 suggesting that if a library isn't big
3 enough to at some point in the future
4 make it expanded, then we should close it
5 now. I don't really get the connection.
6 It doesn't make sense to me.

7 And there's one other
8 longstanding concern and question that I
9 have, and, that is, it seems as if
10 communities that don't -- are not
11 believed to be utilizing their library
12 enough are being punished. It seems as
13 if it really is not the failure of the
14 community but the failure of the Library
15 administration to not be reaching out to
16 those residents to bring them into the
17 library.

18 For instance, if a police or
19 fire station has statistics that state
20 that crime has reduced or fires have
21 reduced, then everybody is happy.
22 Everybody is -- we figured that it's a
23 success. Library is completely the
24 opposite. To the extent that people are
25 not utilizing the library branch, it is

1 11/19/08 - WHOLE - BILL 080853, etc.

2 to the extent that the Library
3 administration is not doing its job
4 bringing people in.

5 I have a whole lot more to
6 include in my testimony, but just to save
7 time, I thought I would just pass that
8 out. I would like to -- I think what I'm
9 really -- what we're really asking for is
10 to slow down, give us time to really come
11 up with a credible plan, give us time to
12 build some public-private partnerships,
13 give us time to figure out what the real
14 metrics are.

15 I don't see why we cannot
16 utilize the same concept with libraries
17 that is being used for pools and rec
18 centers. Let's talk about temporary
19 service reductions and not permanent
20 closures.

21 Thank you very much.

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 Any questions from --

25 (Applause.)

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT Verna: --

3 members of the Committee?

4 Just a moment, please.

5 Councilwoman Blackwell.

6 COUNCILWOMAN BLACKWELL: Thank
7 you. I certainly want to thank you for
8 being at half of the meetings I've been
9 at. I've been at at least eight meetings
10 in this regard, and thank you for being
11 at them as well. In fact, tomorrow night
12 we have a meeting not on your schedule at
13 the Charles L. Durham Library, 34th and
14 Haverford. We have that tomorrow at
15 7:00, in addition to two on Saturday, one
16 at Kingessing at 2:00 and then Friends
17 of the Free Library, the other one, at
18 the Charles L. Durham at 2:00.

19 So it's really become a
20 nightmare, and although this isn't on the
21 agenda for the bills we're voting on
22 today, it's a part of the issue that
23 concern so many of us, because these
24 bills today that deal, two tax bills and
25 the other six other an increase in fees,

1 11/19/08 - WHOLE - BILL 080853, etc.
2 may give the public the impression that
3 we support these other closings, which we
4 don't.

5 Councilpeople support the
6 people who send them here, and we know
7 what's happening in our areas. And,
8 again, we find it unfortunate that we
9 would be put in this position in the
10 first place. But obviously we support
11 you in your stance. I went to a meeting
12 just last night on the library issue, and
13 we have communities who don't have
14 libraries who are supporting the citywide
15 effort to keep them open.

16 So I thank you for your efforts
17 and your support, and we're with you.

18 MS. DOUGHERTY: Thank you.

19 COUNCILWOMAN BLACKWELL: Thank
20 you, Madam President.

21 COUNCIL PRESIDENT Verna:
22 You're welcome.

23 The Chair recognizes Councilman
24 Green.

25 COUNCILMAN GREEN: Thank you,

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Madam Chair.

3 Thank you for your testimony.

4 I'm sorry that we were running around
5 trying to figure out how to deal with
6 this while you were doing so.

7 I turned around and heard your
8 first line, but for the benefit of people
9 who didn't hear it, I was wondering if
10 you could repeat the way you began your
11 testimony, which was something about
12 check marks.

13 MS. DOUGHERTY: Right. Well,
14 basically I don't understand how we got
15 from check marks on papers to closing 11
16 branches and why these branches or any
17 branches were chosen.

18 COUNCILMAN GREEN: Thank you.
19 During the PhillyStat session yesterday,
20 Ms. Reardon stated that the City measured
21 the distance between library branches by
22 using Google Earth. Do you think that is
23 sufficient work in order to determine
24 which libraries should be closed and
25 open?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 MS. DOUGHERTY: Well, no, of
3 course, I don't. People walk to their
4 neighborhood libraries. Very often there
5 are children walk to their neighborhood
6 libraries from school, seniors walk or
7 take their cars.

8 And the other interesting thing
9 is that while we've heard a lot about,
10 oh, it's 1.9 miles, 2 miles, 2.5 miles,
11 that's only one way. It's not round
12 trip.

13 But it's not just about
14 mileage. It's about crossing large
15 streets, going into completely different
16 neighborhoods. It may be crossing
17 dangerous neighborhoods. It is basically
18 taking the neighborhood connectiveness
19 and capability and ability of a community
20 to utilize its own library.

21 The other thing that wasn't
22 included in these metrics, just for
23 example, did you know that at the
24 Haddington Library there is a growing
25 Latino, Asian, Pakistani, Haitian and

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Jamaican population? You're not going to
3 see that in any of the metrics, who are
4 these libraries serving and what are they
5 doing.

6 Logan Library and Ogontz
7 Library service Temple students. I got a
8 call from an administrator at Temple who
9 works specifically with students. He
10 says, All our kids have laptops, but they
11 all visit their library.

12 That's not being captured in
13 the metrics. I could really go on for
14 days about what is not being captured.

15 COUNCILMAN GREEN: Let me
16 follow up with another couple quick
17 questions. Have you requested the
18 underlying data that made up the check
19 mark chart from the Administration or
20 from the Library?

21 MS. DOUGHERTY: Well, I
22 actually just got the check marks
23 yesterday. So we have not been -- I just
24 wanted, while we're on that subject --

25 COUNCILMAN GREEN: Well, that's

1 11/19/08 - WHOLE - BILL 080853, etc.
2 my next question, if you let me -- during
3 the PhillyStat session yesterday,
4 Ms. Reardon said that the Free Library
5 had talked to the Friends of the Free
6 Library before going public with the
7 cuts. Is that an accurate statement?

8 MS. DOUGHERTY: Well, we
9 talked, but not about this.

10 COUNCILMAN GREEN: Not about
11 cuts?

12 MS. DOUGHERTY: Not about this.
13 Basically, the Friends of the Free
14 Library is the major stakeholder to
15 libraries. We've been around since 1973.
16 We've got thousands of members, 47
17 friends groups. You all know that.

18 COUNCILMAN GREEN: So the
19 question is --

20 MS. DOUGHERTY: But we have not
21 been part of this discussion at all. We
22 had one conversation in October, and that
23 was because we begged for it. We finally
24 got it, but at that point, we were
25 discussing service reductions, and what

1 11/19/08 - WHOLE - BILL 080853, etc.
2 our position was, we understood that
3 there needed to be service reductions
4 given the financial crisis, but let us
5 please make them equal across the system.
6 We found out the same time the rest of
7 the City found out that we were talking
8 about permanent closures the same day
9 that the Mayor made his budget
10 announcement in November. We were not
11 aware that we were ever discussing,
12 considering that -- they were, not me --
13 closures, permanent closures.

14 COUNCILMAN GREEN: Thank you.
15 Just one final question. Do you know how
16 many of the 11 libraries slated for
17 closure are in the nine high crime police
18 districts targeted by Commissioner
19 Ramsey's plan?

20 MS. DOUGHERTY: I believe that
21 they all are.

22 COUNCILMAN GREEN: Seven of the
23 11 libraries are in the high crime police
24 districts targeted by Commissioner
25 Ramsey's plan.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 MS. DOUGHERTY: Except for --
3 let me see. Durham is not. Except for
4 one. Except for one.

5 COUNCILMAN GREEN: You think
6 ten are? I have seven, but you're saying
7 it's ten are in the high crime?

8 MS. DOUGHERTY: Yes. What I
9 have is, I'm looking at my -- no. I just
10 have that Durham is the only one that is
11 not, from my assessment.

12 COUNCILMAN GREEN: So do you
13 think it's reasonable to ask elementary
14 and high school children to walk four
15 miles through high crime areas in the
16 winter to get their homework done?

17 MS. DOUGHERTY: I think it's
18 unrealistic. I don't think they will. I
19 don't think they will do it. I think it
20 will virtually close libraries off to
21 those children.

22 COUNCIL PRESIDENT VERNA: I'm
23 sorry.

24 COUNCILMAN GREEN: Thank you
25 for your testimony.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Excuse me. Councilman Goode.

3 COUNCILMAN GOODE: Thank you,
4 Madam President.

5 Councilman Green mentioned that
6 I think seven of the 11 library closings
7 are in high crime districts targeted by
8 the Police Commissioner. Does anyone
9 know whether that crime took place during
10 library hours? Because that's the only
11 thing that would make it relevant.

12 (No response.)

13 COUNCILMAN GOODE: Thank you.

14 MS. DOUGHERTY: Well, can I
15 respond? My understanding is -- what I
16 have heard is that the high crime hours
17 are from about, particularly in these,
18 are from 3:00 to 6:00, starting from 3:00
19 in the afternoon onward.

20 COUNCILMAN GOODE: The high
21 crime?

22 MS. DOUGHERTY: Correct. Not
23 the highest crime, not the only time
24 there's crime, but that's what my
25 understanding is.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCILMAN GOODE: The highest
3 time of crime is not between 3:00 and
4 6:00. That's a statistic that is used
5 related to young people being involved in
6 incidents, but --

7 MS. DOUGHERTY: Right, correct,
8 related to young people.

9 COUNCILMAN GOODE: -- when
10 we're talking about the high crime areas
11 in the City, we're talking more hard core
12 crime that happens, not during library
13 hours.

14 MS. DOUGHERTY: Okay.

15 COUNCILMAN GOODE: Thank you,
16 Madam President.

17 COUNCIL PRESIDENT VERNA: The
18 Chair recognizes Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you,
20 Madam President.

21 I know that sometimes when
22 we're in this room, we kind of lose sight
23 of the things that are going on outside
24 in a macro economy. We are in a
25 worldwide financial meltdown, a crisis of

1 11/19/08 - WHOLE - BILL 080853, etc.
2 proportions we haven't seen since the
3 '30s. Every country in the world is
4 dealing with this massive loss of
5 finances and money. New York City I
6 believe is taking a billion dollars out
7 of their operating budget for '09 for one
8 year.

9 These cuts are painful and
10 they're horrible, but what we're
11 discussing here today are not the cuts.
12 They are the revenue enhancements that
13 will soften the cuts and keep us from
14 having to make further cuts.

15 So I understand Councilwoman
16 Blackwell's position, that sometimes if
17 we pass this, it makes it look like we're
18 endorsing the cuts. We're not doing
19 anything of the such in this room today.
20 We are trying to get more money and save
21 more money so that we cannot cut further
22 than we are.

23 So any discussion that perhaps
24 we should hold these to punish the Mayor
25 because he hasn't talked to us

1 11/19/08 - WHOLE - BILL 080853, etc.
2 appropriately is kind of crazy, because
3 we'll be back in this room again talking
4 about more cuts.

5 So I think you have to look at
6 this whole situation as it relates to the
7 entire world, because the entire world is
8 suffering as a result of the financial
9 collapse. There are banks laying off
10 50,000 people overnight. There are car
11 companies laying off 25,000 and 30,000
12 employees. We're not laying off anybody.
13 Maybe a couple hundred people, but that's
14 it, and we feel bad about it, but I think
15 this Administration has been doing a
16 great job in trying to hold on and keep
17 their fingers in the dike so the thing
18 doesn't collapse.

19 I think we got to pass these
20 bills, and if we don't pass these bills,
21 we'll be back here next week talking
22 about more fire stations and libraries
23 and everything else.

24 Thank you.

25 COUNCIL PRESIDENT VERNA: Thank

1 11/19/08 - WHOLE - BILL 080853, etc.

2 you.

3 The Chair recognizes Councilman
4 Jones.

5 COUNCILMAN JONES: Thank you,
6 Madam President.

7 And I appreciate my colleague's
8 acknowledgment that this is a worldwide
9 issue and a national issue, and he's
10 absolutely right. But as I look to
11 Washington as we did a \$700 billion
12 bailout, that we didn't ask the right
13 questions, because once the check was
14 cleared, they didn't do what they said
15 they were going to do, and they paid who
16 they wanted to pay, and transparency was
17 gone, because we didn't ask the right
18 questions on the front end. So I would
19 urge that we don't act in haste, but just
20 get it right.

21 I would also say that although
22 there is not a direct correlation between
23 maybe the hours that we can document, but
24 there is something that my colleague,
25 Wilson Goode, brought up that I

1 11/19/08 - WHOLE - BILL 080853, etc.

2 remembered as a freshman, that there is a
3 direct correlation between the number of
4 inner city children who cannot read by
5 the time they are four and the number of
6 jail cells that planners build by the
7 time they're 18.

8 And so, yeah, I understand that
9 all -- the global issue is upon us, but
10 all politics is local, and I want to save
11 my library.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 (Applause.)

15 COUNCILMAN KENNEY: Point of
16 information.

17 COUNCIL PRESIDENT VERNA: Yes.
18 Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you.
20 And I respect Councilman Jones' position,
21 and I understand that a District
22 Councilperson often has a different
23 dynamic than an at-large Councilperson,
24 and I do respect that. But the point
25 that I'm trying to make is that what

1 11/19/08 - WHOLE - BILL 080853, etc.
2 we're discussing today has nothing to do
3 with the cuts and, in actuality, we could
4 restore every single thing that the Mayor
5 is talking about taking away and he still
6 doesn't have to spend it, because the
7 cuts are on his administrative
8 responsibilities and these are our
9 responsibilities, to keep the cuts as
10 soft as possible. And that's my point.
11 It's not that the library is not
12 important. It's not that Councilman
13 Jones' concern and representation of his
14 constituents is not important. It is.
15 And I hope that the worldwide financial
16 calamity reverses over the next few years
17 and maybe we can put some of these things
18 back, but in the meantime, this is a
19 tsunami. It's coming, and unless we do
20 something to prepare for it, we're going
21 to get blown over by it.

22 So I do respect Councilman
23 Jones' position. I know he works hard
24 for his constituents, but we got to get
25 this done.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 The Chair recognizes Councilman
5 Green.

6 COUNCILMAN GREEN: Thank you,
7 Madam Chair.

8 I'm sure we all agree with
9 Councilman Kenney and do understand the
10 point that he's made three times today,
11 but what we're questioning here is not
12 whether or not we need to do revenue
13 enhancements, but the specific priorities
14 that the Administration has made versus
15 those priorities that Council would make.
16 And we cannot be part of that debate,
17 provide the Administration information
18 without the necessary data.

19 I do -- we all completely
20 understand. The Mayor can do, the
21 Administration, can do whatever he wants
22 to do with cuts, but it is our job to
23 provide the oversight that holds the
24 Administration accountable for those
25 decisions. You break it, you bought it.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 But we need the information in order to
3 be able to provide that oversight and to
4 be able to judge whether or not these
5 were the right cuts when we come back in
6 very short order and are looking at a
7 brand new budget and a brand new
8 Five-Year Plan in February. It is not
9 unreasonable for us to ask to have this
10 information, and the only time that we
11 have the leverage to get it is prior to
12 passing something that the Administration
13 wants. Otherwise, we're completely out
14 of the debate.

15 This body has not been given
16 the respect that we deserve and been
17 provided with simple information that
18 exists in spreadsheets at the library and
19 elsewhere. All we want is data. It is
20 not unreasonable for us to ask for it and
21 get it. And, of course, I do agree that
22 we need the revenue enhancements, but
23 that's not the point and that's really
24 not what we're talking about here today.
25 We're talking about respect for this body

1 11/19/08 - WHOLE - BILL 080853, etc.
2 and information, openness,
3 accountability, new day, new way of
4 operating. That's what we expect.

5 Thank you.

6 (Applause.)

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 The Chair recognizes Councilman
10 Goode.

11 COUNCILMAN GOODE: Thank you,
12 Madam President.

13 First to the point of whether
14 there's a correlation between achievement
15 in terms of reading and/or math and
16 whether that is connected to crime, I, of
17 course, agree with that. But the only
18 point I would make related to that is,
19 one of these bills is in fact a revenue
20 enhancer for the School District, and so
21 people should take that into
22 consideration.

23 So the question I will pose out
24 there is simply, if there's a need on
25 certain members' parts to hold a bill or

1 11/19/08 - WHOLE - BILL 080853, etc.
2 some bills as a statement they want to
3 make to negotiate something, still why
4 are we holding all bills? That still
5 doesn't make any sense to me whatsoever.

6 Thank you.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 The Chair recognizes Councilman
10 Rizzo.

11 COUNCILMAN RIZZO: Thank you,
12 Madam President.

13 I think we're approaching this
14 thing a little bit backwards. The
15 Administration indicated that over \$2
16 billion is untouchable money, and I
17 wonder what exactly that means. Does
18 that mean that we can't look at some of
19 these departments that are classified as
20 untouchable to see if they can't run more
21 efficiently?

22 So I can't be supportive of
23 increasing these fees until I'm confident
24 that the things are running smoothly. So
25 I plan to vote no on a lot of these

1 11/19/08 - WHOLE - BILL 080853, etc.
2 particular issues. Not all of them, but
3 most of them. So that's what -- I
4 appreciate that, Madam President.

5 COUNCIL PRESIDENT Verna: Any
6 other questions or comments from members
7 of the Committee?

8 (No response.)

9 COUNCIL PRESIDENT Verna:
10 Seeing none, I would ask Mr. McPherson
11 to -- thank you very much.

12 MS. DOUGHERTY: Thank you.

13 COUNCIL PRESIDENT Verna: Our
14 next witness?

15 MR. MCPHERSON: Mike McCrea and
16 Donna Sims.

17 (Witnesses approached witness
18 table.)

19 MR. MCCREA: Good afternoon.
20 Thank you.

21 I'm here -- and, again, I agree
22 with some of the Councilmembers here that
23 I think we ought to not vote these out
24 until they get the information that they
25 need to do their job correctly. I agree

1 11/19/08 - WHOLE - BILL 080853, etc.
2 with them 100 percent. And part of the
3 reason why I am, this is clear and
4 transparent. That's all we're asking
5 for.

6 Now, while it may appear to
7 some as griping, grumbling and
8 grandstanding, I think I have a right and
9 a duty to question the validity of the
10 proposed service cuts outlined by Mayor
11 Nutter. It is clearly a matter of
12 perspective concerning the extent of any
13 so-called fiscal crisis.

14 During the previous
15 Administration, we listened to "Chicken
16 Little" tell us that the City was below
17 revenue estimates every October, the
18 lowest revenue month of the year, and the
19 budget would have to be adjusted. Every
20 year he continued with the dog and pony
21 show, and then miraculously after the
22 budget was passed, revenues exceeded
23 estimates and there was a surplus, which
24 he spent on his priorities, ignoring the
25 service cuts imposed during the process.

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2 While the financial picture is
3 certainly less than promising and some
4 may say even bleak, even a \$1 billion
5 shortfall over five years in a city with
6 a \$4 billion annual budget is a budget
7 gap of only five percent. That certainly
8 does not qualify, in our mind, as drastic
9 or insurmountable. I think there are
10 many excesses in the budget that can be
11 and should be looked at before we reduce
12 any services or close anything.

13 Specifically concerning the
14 Recreation Department, the volunteer
15 advisory councils and friends groups,
16 during the good times as well as the
17 crisis, continue to provide over 90
18 percent of the on-site program dollars.
19 As partners, we feel the City is
20 continually taking the delivery of these
21 services for granted. When the
22 Administration talks about after-school
23 programs, summer camps and swimming
24 pools, the fact that each of these
25 quality services are delivered citywide

1 11/19/08 - WHOLE - BILL 080853, etc.
2 at a cost to the City of about \$1.65 a
3 day per child is lost in the
4 conversation, rarely if ever brought up.
5 Where in this city's budget do we get a
6 better value for our tax dollar than
7 that?

8 Just imagine 80 children in any
9 of our 130 day camps, 95 degrees and no
10 place to cool off. When they speak about
11 closing pools, it is not just about
12 losing services. There are summer jobs
13 attached to every facility and swimming
14 pool, so when the Administration closes
15 68 pools, that translates into 700 jobs.
16 And if you include the rest of the
17 seasonal positions being cut, the number
18 is over 1,000 jobs, mostly for teens and
19 young adults. Add these together and we
20 really think Mayor Nutter and the
21 Administration need to work much harder
22 to protect these services and not take
23 the easy way out. We believe that if
24 they spent as much time working on saving
25 these basic services as they did

1 11/19/08 - WHOLE - BILL 080853, etc.
2 defending their position that we have too
3 many rec centers, pools, libraries and
4 fire stations, that we would all be much
5 better off.

6 We understand Mayor Nutter's
7 dislike of being compared to the previous
8 Administration, but it's hard not to when
9 Doug Oliver used the famous Street term
10 "rightsizing" on two occasions in the
11 last several days, and rightsizing by any
12 other name or vehicle is just as
13 offensive.

14 Our message should be clear.
15 We all need to sacrifice. No exceptions.
16 Take care of your business in our own
17 house before you come after our basic
18 services. When you come after our kids,
19 you're coming after us, and that's just
20 simply not acceptable.

21 Thank you.

22 COUNCIL PRESIDENT VERNA: Thank
23 you very much.

24 Good afternoon. Please
25 identify yourself for the record.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 MS. SIMS: Donna Sims.

3 First I'd like to thank this
4 Council for allowing us to come and speak
5 on this issue, the Honorable Anna Verna
6 and, of course, my Councilwoman, who is
7 Jannie Blackwell. To every other Council
8 in this room, in this Council Chamber
9 today, we have tremendous respect for all
10 of you and we know your job is very, very
11 difficult. We know this is not something
12 that you're supporting. But I want to
13 get right to the point, because I was
14 told I have a few minutes.

15 Concerning the Laura Sims Skate
16 House in the Park, I want to know who
17 made the backroom deal to try to
18 sacrifice our facility. How in the world
19 can you justify closing all of the rinks
20 that are in the minority-based
21 communities and the only two that are
22 left open are in predominantly white
23 communities? How can you justify that?
24 I feel like I've stepped into a time
25 capsule when we came before Council in

1 11/19/08 - WHOLE - BILL 080853, etc.
2 the 1970s and we were told that black
3 children didn't ice skate and we were
4 offered more money for basketball courts.
5 It feels like the same thought is that
6 black children aren't ice skating.

7 These are the children that are
8 ice skating at Cobbs Creek. These are
9 the hockey teams that we have. The
10 majority of them are coming out of our
11 community.

12 The police district at the 18th
13 District stated to us -- this was under
14 Officer Riles -- that when our facility
15 opened, crime went down in that age
16 group.

17 You don't have a whole lot of
18 things for the girls to do out there, but
19 yet you have girls and families and
20 everyone coming, and they skate.

21 I don't know what people hear,
22 if they think that it's just people from
23 outside of the community. It is not.
24 These are pictures of children who are
25 coming and skating, learning for the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 first time, but they have something to
3 do. They come after school. They have
4 after-school programs. These are
5 pictures of the after-school homework
6 programs. You're going to turn these
7 children out.

8 It is not just about dollars
9 and cents. It's about people's lives,
10 and something has to be done just to find
11 the dollars in terms of what Mike said,
12 but even beyond that, who would have the
13 audacity to say that you're going to
14 close the rinks in all of the minority
15 communities and the only ones you leave
16 open is the Rizzo Rink in South
17 Philadelphia and the Tarken in Northeast?
18 Who has the audacity to put that before
19 the people of Philadelphia and think
20 we're going to accept it? We are not.

21 It is a disgrace that you would
22 even present something like that. It is
23 a disgrace. We have ranked consistently
24 number one or two, or in there, of all
25 the rinks in the City in terms of

1 11/19/08 - WHOLE - BILL 080853, etc.

2 attendance, in terms of revenue.

3 The other thing that I want to
4 put on the table concerning this backroom
5 deal, we know that three or four years
6 ago Ed Snider and his people came to our
7 rink. They came there with film crews.
8 They came there taking film of our
9 mechanics, of our engineering and all of
10 this, and they were escorted by the
11 Department of Recreation.

12 Who made this backroom deal to
13 try to take our rink? You're not going
14 to do it. Somebody is making a backroom
15 deal, and I'll bet you if something like
16 this were to go through, you all would
17 then -- he would jump up, these people
18 would jump up like saviors coming to save
19 our rink, and they'd buy it and privatize
20 it, and then our children would be
21 relegated to one or two days a week.

22 It's not going to happen. So
23 whoever it is that's making this deal,
24 you're on notice. It is not going to
25 happen.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Now, I thank you very much.

3 COUNCIL PRESIDENT Verna:

4 You're welcome.

5 (Applause.)

6 COUNCIL PRESIDENT Verna: Thank
7 you very much.

8 MS. Sims: Thank you.

9 COUNCIL PRESIDENT Verna: Our
10 next witness?

11 MR. McPherson: There are none.

12 COUNCIL PRESIDENT Verna: Do we
13 have anyone else to testify on these
14 bills?

15 COUNCILWOMAN Blackwell: Madam
16 President.

17 COUNCIL PRESIDENT Verna:
18 Councilwoman Blackwell.

19 COUNCILWOMAN Blackwell: Thank
20 you. I'm taken back to the days of
21 Lucien Blackwell when Laura Sims, who is
22 her mother, came here and Lou would talk
23 about how she called him on the
24 waterfront at 5:00 in the morning and he
25 would pick up the phone and she would

1 11/19/08 - WHOLE - BILL 080853, etc.

2 say, Mr. Blackwell, this is Mrs. Sims.

3 Well, now you know where Donna comes

4 from, and it was her mother who fought so

5 hard and in whose name the rink was

6 renamed. It's called the Laura Sims Ice

7 Rink in Cobbs Creek Park. And it just

8 fills me up to think of how far we've

9 come or maybe we haven't come.

10 But we do thank her for her

11 commitment, because her mother and her

12 father loved West Philadelphia, loved

13 that rink, and we're just proud that she

14 would come to maintain that legacy.

15 Thank you.

16 COUNCIL PRESIDENT VERNA: Thank

17 you.

18 (Applause.)

19 COUNCIL PRESIDENT VERNA: Thank

20 you very much.

21 MR. MCPHERSON: Our next bill

22 is Bill No. 080856, an ordinance amending

23 Section 9-305 of The Philadelphia Code,

24 entitled "Burglary, Theft and Robbery

25 Alarm Systems," by revising the amounts

1 11/19/08 - WHOLE - BILL 080853, etc.
2 of certain fees and penalties and the
3 number of permissible false alarms,
4 providing for collection of fees by alarm
5 companies, providing for administrative
6 adjudication, and making related changes,
7 all under certain terms and conditions.

8 And our first witness is Paula
9 Weiss.

10 (Witness approached witness
11 table.)

12 MS. WEISS: Good afternoon.

13 COUNCIL PRESIDENT VERNA: Good
14 afternoon.

15 MS. WEISS: Good afternoon,
16 Council President Verna, members of
17 Council. I am Paula Weiss, Executive
18 Director of the Office of Administrative
19 Review, which is a unit in the Office of
20 the Director of Finance. I'm here to
21 testify in support of Bill No. 080856,
22 which will amend Section 9-305 of The
23 Philadelphia Code, entitled "Burglary,
24 Theft and Robbery Alarm Systems."

25 The Office of Administrative

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Review is responsible for maintaining
3 alarm user registration and activation
4 data, as well as for billing, enforcement
5 and collection of annual registration
6 fees and excess false alarm fines.

7 The alarm ordinance in Section
8 9-305 of The Philadelphia Code with its
9 enforcement and fine provisions was
10 enacted in 1992. The current bill seeks
11 to update the fines and fees and to amend
12 enforcement requirements to improve the
13 City's effectiveness. It is based on
14 approximately 16 years of experience with
15 the Alarm Code provisions as currently
16 written.

17 There are three key components
18 that this bill addresses. The first is
19 alarm registration. The ordinance
20 requires that each alarm user in the City
21 register their alarm and provide certain
22 information on an annual basis.

23 This bill raises the annual \$35
24 alarm registration fee that has been in
25 place since 1992 to \$50. This annual fee

1 11/19/08 - WHOLE - BILL 080853, etc.
2 covers the cost to the City for the
3 annual billing, the data entry and the
4 management of this information.

5 There are currently over 75,000
6 registrations in the database that
7 receive a minimum of one billing per year
8 for the registration fee and many of
9 which receive more than one mailing
10 before the fee is received. In addition,
11 in Fiscal Year '08, 8,600 new
12 registrations were processed and added to
13 our database.

14 A recurring problem for the
15 City is attempting to identify
16 unregistered alarm users after a false
17 alarm activation has been reported.
18 There is a large cost to the City in
19 staff time spent trying to appropriately
20 maintain information and bill for excess
21 false alarms at locations where the alarm
22 has not been registered by the user
23 because ownership information is not
24 readily available to us when an alarm
25 activation has occurred. Many false

1 11/19/08 - WHOLE - BILL 080853, etc.
2 alarms that users should be billed for go
3 unbilled because we do not have the
4 responsible party information.

5 This bill provides two
6 mechanisms to address that problem. It
7 will allow the City to require alarm
8 companies who are in possession of the
9 alarm user information to collect and
10 remit the registration fees with the
11 responsible party information to the
12 City, and it will increase the penalty
13 for failing to register an alarm system
14 from \$100 to \$150.

15 The second component is false
16 alarms. This bill provides for a
17 decrease in the number of annual
18 fine-free false alarms from the current
19 three to two and increases the fine for
20 each excess false alarm from \$25 to \$75.

21 False alarm activations use
22 valuable police resources and are costly
23 to the City in many ways. An alarm
24 activation that is called into the 9-1-1
25 system results in a police response to

1 11/19/08 - WHOLE - BILL 080853, etc.
2 the premises. Our experience is that
3 over 97 percent of alarm activations turn
4 out to be false alarms. Obviously these
5 false alarms cause police resources to be
6 pulled from what may be actual
7 crime-related activities.

8 It has been estimated, again,
9 that the direct cost for this police
10 response is as high as \$4 million
11 annually. In addition, there are
12 indirect administrative costs that are
13 associated with monitoring and billing
14 accounts with excess false alarms.

15 The purpose of the false alarm
16 fine is twofold. First, it allows the
17 City to recover the direct costs for
18 providing police response, as well as the
19 associated costs for maintaining the
20 information. The current \$25 fine was
21 first established in 1992 and hasn't been
22 raised or looked at since.

23 Second, the fine encourages
24 alarm users to modify their behaviors so
25 as to avoid multiple false alarms. It is

1 11/19/08 - WHOLE - BILL 080853, etc.
2 meant to act as a deterrent to incurring
3 multiple false alarms in a year.

4 The third area this bill
5 tackles is enforcement. Critical to
6 improving enforcement of the provisions
7 of our program is the change in the
8 adjudication process from the current
9 code provision that requires the City to
10 file a code enforcement complaint in
11 Municipal Court.

12 Currently, the primary
13 enforcement action is through the
14 Municipal Court process and places a
15 heavy burden on the City. For every
16 excess false alarm violation, a code
17 enforcement complaint must be filed in
18 Municipal Court, served on the alarm user
19 as a precursor to a hearing before a
20 Municipal Court judge for a final
21 determination of the fine that the City
22 can then act to collect. This is a
23 costly, time-consuming and slow process.
24 There are service requirements, court
25 costs and a limited number of hearing

1 11/19/08 - WHOLE - BILL 080853, etc.
2 slots per week that the Court will allow
3 for these matters. Therefore, the City
4 can only pursue judgments for a small
5 number of the approximately 30,000 annual
6 excess false alarm activations,
7 particularly since the Municipal Court
8 slots have to be divided among false
9 alarm activations and other code
10 violations.

11 This bill provides an
12 administrative review process that is far
13 more streamlined and cost effective for
14 both the City and the person or entity
15 cited for a violation. An administrative
16 hearing of record before a hearing
17 examiner will be available and subject to
18 appeal by the person or entity found
19 liable following the hearing process.
20 The responsibility will rest on the alarm
21 user to request and appear at a hearing
22 to contest any false alarm charges. This
23 means that the City will not bear the
24 burden or expense of moving all cases
25 into the Municipal Court arena.

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2 At the end of the
3 administrative review process, if a
4 further appeal is not pursued by the
5 alarm user, the decision rendered at the
6 hearing becomes a final order, and any
7 fines, fees and penalties are a debt due
8 and owing to the City.

9 The administrative review
10 process will allow cases to move
11 expeditiously through the hearing process
12 so that both the City and the alleged
13 violator will have a final determination
14 in a more timely manner. For those found
15 liable at the end of the hearing process,
16 the City will be able to move more
17 quickly to the enforcement and collection
18 of outstanding fees and fines.

19 The changes offered in this
20 bill will provide more opportunity for
21 the City to recoup the costs associated
22 with the enforcement of the code
23 provisions for burglary, theft, robbery
24 and alarm systems, and provide needed
25 improvements to the enforcement and

1 11/19/08 - WHOLE - BILL 080853, etc.
2 collection mechanisms.

3 We are requesting a suspension
4 of the rules of Council so that this bill
5 may be considered on the First Reading
6 Calendar at the next session of Council.

7 Thank you. I'll be happy
8 answer any questions.

9 COUNCIL PRESIDENT VERNA: Thank
10 you.

11 Ms. Weiss, you are proposing
12 that the City increase its annual alarm
13 registration fee --

14 MS. WEISS: Yes.

15 COUNCIL PRESIDENT VERNA: --
16 from \$35 to \$50. When do you propose
17 that this increase will take effect?

18 MS. WEISS: I believe it
19 will -- I'm not sure what the bill says.
20 I'm sorry.

21 COUNCIL PRESIDENT VERNA: I
22 don't think there's any date.

23 MS. WEISS: There is no
24 timetable? I think that our expectation
25 is it would take effect immediately.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA:

3 Mr. Dubow, could you answer that
4 question? Isn't there a procedure that
5 would have to occur before you said
6 immediately?

7 (Witness approached witness
8 table.)

9 MR. DUBOW: For all of this
10 legislation, we were looking at getting
11 them implemented by January 1st.

12 COUNCIL PRESIDENT VERNA: I'm
13 sorry. I can't hear you.

14 MR. DUBOW: For all of this
15 legislation, we were looking at getting
16 things implemented by January 1st.

17 COUNCILMAN RIZZO: Point of
18 information.

19 COUNCIL PRESIDENT VERNA: Yes.
20 The Chair recognizes Councilman Rizzo.

21 COUNCILMAN RIZZO: In an effort
22 of fairness, are all alarms billed at the
23 same time?

24 MS. WEISS: No. Alarm users
25 are billed on a rolling one-year process

1 11/19/08 - WHOLE - BILL 080853, etc.
2 depending on when they first registered
3 their alarm. Each 12-month period -- so
4 we're sending out bills on a monthly
5 basis.

6 COUNCILMAN RIZZO: I think in
7 an effort to be fair, some people that
8 renewed now are paying one fee and if you
9 do this immediately, then the rest of the
10 constituents are paying a higher fee.
11 Isn't there a way that we could make sure
12 everybody renews that's eligible at least
13 in this calendar year to be able to renew
14 at the old fee?

15 MS. WEISS: We could certainly
16 look at that, yes.

17 COUNCILMAN RIZZO: Because
18 you're going to have some folks paying 35
19 and the new fee is 50, correct?

20 MS. WEISS: Yes.

21 COUNCILMAN RIZZO: So one
22 month, if you get your bill early, you
23 pay 35. If you're a month late or in
24 January, you're going to pay 50.

25 MR. DUBOW: That's a good

1 11/19/08 - WHOLE - BILL 080853, etc.

2 point. We will look at that.

3 COUNCILMAN RIZZO: Thank you.

4 Thank you, Madam President.

5 COUNCIL PRESIDENT VERNA: Thank
6 you.

7 Thank you, Mr. Dubow.

8 Ms. Weiss, what are the
9 additional revenues that these increases
10 will generate for the current budget and
11 Five-Year Plan?

12 MS. WEISS: Well, raising the
13 annual registration fees from \$35 to \$50
14 is projected to raise annually 393 --

15 COUNCIL PRESIDENT VERNA: I'm
16 sorry. I didn't hear you.

17 MS. WEISS: I'm sorry. Raising
18 the annual registration fees from 35 to
19 50, we're projecting that that will
20 result in an annual increase in revenue
21 of about \$393,000. Reducing the annual
22 fine-free false alarms going from three
23 to two allowable false alarms is
24 projected to add approximately \$184,000
25 in the first year of revenue. And

1 11/19/08 - WHOLE - BILL 080853, etc.
2 increasing the false alarm fines from \$25
3 to \$75 is projected to add approximately
4 \$305,000 annually.

5 MR. DUBOW: And for the first
6 year, I would say we'd expect about half
7 of that amount for each one of those.

8 COUNCIL PRESIDENT VERNA: Ms.
9 Weiss, in your testimony you state that
10 many false alarms that users should be
11 billed for go unbilled because we do not
12 have the responsible party information.

13 MS. WEISS: Yes.

14 COUNCIL PRESIDENT VERNA: What
15 does your office do to get the necessary
16 party information?

17 MS. WEISS: We actually spend a
18 lot of manual research time looking
19 through BRT records, City Revenue
20 records, real estate records in order to
21 attempt, because all of these are
22 obviously property-based, attempting to
23 determine correct property ownership so
24 that we can bill property owners or to
25 determine in some situations business

1 11/19/08 - WHOLE - BILL 080853, etc.
2 owners, because there are certainly times
3 when it's a landlord-tenant situation and
4 it's the tenant who is the responsible
5 alarm user, not the landlord. And so our
6 staff engages in researching available
7 databases that the City has to determine
8 who is at that property, as well as
9 sending out notices.

10 COUNCIL PRESIDENT VERNA: To
11 the extent that there are alarm systems
12 that are not registered and to which the
13 City nevertheless responds, are costs
14 incurred and who pays?

15 MS. WEISS: We all pay them.
16 Costs are incurred every time the police
17 respond to a false alarm, regardless of
18 whether the alarm user is registered or
19 not, and so that cost is incurred by the
20 City, in addition to our incurring costs
21 for the false alarms that we don't charge
22 for.

23 Everyone at this point is
24 provided three false alarms in a given
25 year that we don't charge for but that we

1 11/19/08 - WHOLE - BILL 080853, etc.
2 still incur a cost for, because the
3 police do respond and we do maintain that
4 information in our database.

5 COUNCIL PRESIDENT VERNA: Thank
6 you.

7 Councilman O'Neill.

8 COUNCILMAN O'NEILL: Thank you,
9 Madam President.

10 The revenue increase or the
11 registration fee increase from 35 to 50,
12 on what basis is that justified?

13 MS. WEISS: Well, number one,
14 we haven't -- it's been \$35 since 1992,
15 so --

16 COUNCILMAN O'NEILL: That's
17 irrelevant.

18 MS. WEISS: Well, I was
19 going --

20 COUNCILMAN O'NEILL: You can't
21 justify something because it's been a
22 long time since we raised it.

23 MS. WEISS: That our expenses
24 have certainly gone up since then. And
25 although it may seem at first glance that

1 11/19/08 - WHOLE - BILL 080853, etc.
2 in order to maintain the registration
3 information simply sending out a letter
4 is really all that's involved, in reality
5 we have a lot of research and staff time
6 in locating alarm users that this
7 registration fee can cover. For example,
8 the situation where there's a false alarm
9 activation, we don't know who the alarm
10 user is, before we can even bill that
11 alarm user that \$35 or that \$50, there's
12 staff time and research in trying to
13 locate who that alarm user is.

14 In addition, though --

15 COUNCILMAN O'NEILL: Wait a
16 minute. Stop. Stop. There's a lot more
17 important things than this, but this is
18 important. They're all important. I
19 don't follow that you can't -- if I
20 registered -- I've got a burglar alarm.
21 I register with you every year, or I go
22 to prison or something like that. I
23 don't know what it is.

24 MS. WEISS: No, no, no.

25 COUNCILMAN O'NEILL: But I

1 11/19/08 - WHOLE - BILL 080853, etc.
2 register. I pay my \$35. I have an alarm
3 that goes off. You have trouble looking
4 for me?

5 MS. WEISS: No, we don't have
6 trouble looking for you because you've
7 done what you're supposed to do, but
8 there are many, many alarm users in the
9 City who we don't find them until after
10 their alarm has gone off, and so we
11 don't -- we're not able to use their
12 registration information until the alarm
13 has gone off, the police have responded.

14 COUNCILMAN O'NEILL: See, I
15 don't want -- I don't care if the General
16 Fund pays for people violating the law,
17 but I don't want to be singled out paying
18 for somebody that violates the law on a
19 specific item that I'm complying with the
20 law.

21 First of all, I doubt that \$35
22 is needed to cover my registration fee.
23 Now, when you get into people who are not
24 registering their alarm and you don't
25 know where they are or who they are but

1 11/19/08 - WHOLE - BILL 080853, etc.
2 you know now that your alarm companies
3 that are collecting the money for you
4 under this know who they are, put it on
5 the alarm companies. If they want to be
6 in your collection pool or if you force
7 them, if they want to be eligible, they
8 do it.

9 It seems to me that one of the
10 reasons people might not be paying,
11 because they don't like paying a
12 registration fee for protecting their
13 house and family and protecting their
14 neighborhood. They're giving you
15 information. I don't care how much you
16 charge me if I have two alarms that are
17 bad. I mean, up to a certain point.
18 Whatever your costs are, recover them.
19 Whatever your costs are for the other,
20 recover them. But don't have your costs
21 to me being that four of my neighbors
22 didn't pay the \$35 for whatever reason.
23 Fine them when you do find them to pay up
24 for that cost.

25 There's something that we would

1 11/19/08 - WHOLE - BILL 080853, etc.
2 in layman's terms say is rational and
3 reasonable and makes common sense.
4 They're the people that should be paying
5 the cost of evading this registration
6 fee.

7 I just think on the back end,
8 on the behavior modification end, if I
9 violate it, knew what the rules were, no
10 matter what my excuse is, I'll have to
11 pay it. I don't care if you take it to a
12 hundred bucks or whatever. It's hard to
13 argue with somebody who has violated the
14 law. Somebody who is just paying a
15 registration fee, I mean, I could do this
16 online, as I said in the meeting the
17 other day. It really costs us virtually
18 nothing. It's the mail and the postage
19 and stuff and the hours and opening them
20 and the staff time. This investigation
21 thing, though, to me is for another place
22 and another time. Give me another bill
23 that you're going to fine me if I don't
24 register. If it says it on the bottom of
25 my registration fee, you're going to get

1 11/19/08 - WHOLE - BILL 080853, etc.
2 my payment quicker, too, if there's going
3 to be a fine for knowingly having an
4 alarm. I think these companies will --
5 because they're going to be collecting.
6 They're going to have to decide who they
7 collect and who they don't. No, no, no.
8 I go with a company -- all the companies
9 have to comply with this program or they
10 don't -- they're not part of -- they
11 can't sell alarms in the City if they
12 don't want to be -- however you do it,
13 make it reasonable, rational and adheres
14 to common sense, and I think we can get
15 this worked out.

16 MS. WEISS: Thank you. We're
17 going to look at that.

18 COUNCILMAN O'NEILL: Thank you.

19 COUNCIL PRESIDENT VERNA: The
20 Chair recognizes Councilman Rizzo.

21 COUNCILMAN RIZZO: Thank you,
22 Madam Chair.

23 To follow up on that, I think
24 on the bottom of that form, if it's not
25 registered, the alarm system, a little

1 11/19/08 - WHOLE - BILL 080853, etc.
2 blurb that you might not get service if
3 the alarm is not registered I think would
4 get people's attention to make sure that
5 they're registered. And I think what
6 Councilman O'Neill said is absolutely
7 correct, that most of these alarms report
8 to a central station and then the central
9 station call the police to provide the
10 service. So, in my opinion, we should
11 let them know that the next time they
12 call, we're going to deny service because
13 it's an unregistered alarm. And it's
14 very, very easy to identify alarms that
15 are registered versus not registered.

16 MS. WEISS: Well, I guess we
17 haven't made a policy statement as a city
18 to not respond, to not have police
19 response when an alarm goes off.

20 COUNCILMAN RIZZO: Well, guess
21 what, if you have an alarm system and the
22 registration process is to pay for the
23 luxury of having the -- what's the
24 purpose of the registration? What are
25 you trying to do? What is your goal?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 MS. WEISS: Well, our goal
3 overall for the program is by having the
4 alarms registered when there are excess
5 false alarms, we know who we can bill in
6 order to recoup the cost to the City so
7 that the public isn't paying for
8 everyone's mismanagement or anyone's
9 individual mismanagement of their alarm
10 system.

11 COUNCILMAN RIZZO: You really
12 need to develop a way to communicate with
13 these central stations and tell them the
14 next time they call, they may not get
15 service if they don't provide -- they
16 should be the ones responsible in the
17 event that the consumer isn't being
18 responsible in registering the system.

19 That leads me to ask you the
20 question about the adjudication process.
21 We have many very old senior citizens
22 that have alarm systems, not just for
23 burglary but for their health, the
24 pendants that call for emergency medical
25 care. A 90-year-old person that has

1 11/19/08 - WHOLE - BILL 080853, etc.
2 difficulty with that, even though you're
3 going to reduce it from three to two,
4 there should be some consideration given,
5 and I'm sure in the adjudication process
6 to have to have a 90-year-old constituent
7 come down and say, Look, I fell or I
8 bumped the pendant or I couldn't see to
9 put the proper security code in to
10 disable the alarm, I think we have to be
11 a little sensitive, and I'm sure you are
12 over there, from what I understand, on
13 how you deal with people that may be
14 very, very old or frail and just can't
15 negotiate these sophisticated panels, et
16 cetera, that are associated with central
17 station security systems.

18 MS. WEISS: Well, we actually
19 do that currently. Although we don't
20 have a formal administrative review
21 process that creates the final order, we
22 do provide an administrative review
23 process as a settlement hearing, and we
24 hear from those people even today in my
25 office. And for the people who are

1 11/19/08 - WHOLE - BILL 080853, etc.
2 housebound, who are elderly or who having
3 these problems, number one, we're able
4 to, if they cannot come in, use a paper
5 review process. They can write us a
6 letter, they can tell us the situation.
7 We allow them to send a family member or
8 a neighbor, if that's an easier way of
9 having them come in to explain what
10 happened, and we do provide courtesy
11 responses for people who have those
12 extenuating circumstances. So that's
13 actually something we already have in
14 place.

15 COUNCILMAN RIZZO: Well, that's
16 good to hear, because just a quick
17 example before I end, a constituent
18 called that the UPS or Fed Ex person came
19 to the door and pounded very forcibly on
20 the door and it tripped the alarm. It
21 wasn't their fault.

22 So there's got to be really a
23 very forgiving, I think, policy when it's
24 not -- the ones that you want to go after
25 are the ones that have an old system that

1 11/19/08 - WHOLE - BILL 080853, etc.
2 malfunctions every other day, not some
3 nice little senior citizen, extremely
4 senior citizen, that might have some
5 difficulty with it.

6 MS. WEISS: No. We don't want
7 to penalize anyone who is actually doing
8 their best and making an effort, and
9 that's why there would still be even with
10 this bill two false alarm activations
11 that we wouldn't charge for, by taking
12 into account that there are times
13 throughout a year where someone will
14 accidentally trip their alarm for
15 whatever reason.

16 COUNCILMAN RIZZO: And that
17 also needs to be tied into their cycle.
18 If they renewed and they have three, they
19 should have those three until their next
20 renewal.

21 MS. WEISS: Yes. That is how
22 it works now.

23 COUNCILMAN RIZZO: Thank you.

24 Thanks, Madam Chair.

25 COUNCIL PRESIDENT VERNA:

1 11/19/08 - WHOLE - BILL 080853, etc.

2 You're welcome.

3 The Chair recognizes Councilman
4 Greenlee.

5 COUNCILMAN GREENLEE: Thank
6 you, Madam President.

7 Real quick. Ms. Weiss, I don't
8 think you said this. Maybe you did. The
9 actual number of false alarms per year,
10 have they gone up, down, stayed about the
11 same?

12 MS. WEISS: It's gone down
13 since the '90s.

14 COUNCILMAN GREENLEE: I would
15 think it did, both because of your
16 enforcement and the system. I was just
17 wondering that. I would think it would.

18 I said I'd be quick. Thank
19 you.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 The Chair recognizes Councilman
23 Green.

24 COUNCILMAN GREEN: Thank you,
25 Madam Chair.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Just a point of information for
3 Councilman Greenlee. We actually have
4 93,000 false alarm activations every
5 single year. Responding to false alarms
6 is the equivalent of 50 full-time police
7 officers doing nothing but responding to
8 false alarms. And so working with the
9 Director of Finance and people in his
10 office and others since April, we have
11 been trying to come up with a
12 comprehensive bill to reduce the number
13 of activations so that we can have people
14 on the street, and we did introduce such
15 a bill and I would like to -- so I guess
16 in answer to -- getting back to
17 Councilman O'Neill's question, really
18 this is simply a revenue enhancement
19 measure and is not intended to have any
20 impact on whether or not there are fewer
21 or more false alarms; is that correct?

22 MS. WEISS: Well, actually,
23 we're hopeful that -- well, increasing
24 the fines from \$25 to \$75 and lowering
25 the allowable false alarms from three to

1 11/19/08 - WHOLE - BILL 080853, etc.
2 two actually we'll have a behavior
3 modification effect. We would really
4 like to see the number of false alarms
5 continue to go down.

6 COUNCILMAN GREEN: Right. And
7 we asked the Finance Department in the
8 spring to conduct a study of what the
9 appropriate fees and different measures
10 might be to reduce the number of false
11 alarms that would have borne that out one
12 way or the other. Can you tell us why we
13 haven't done that study so that we have
14 full information before we act on
15 something?

16 MS. WEISS: Excuse me just a
17 second.

18 Well, Councilman,
19 unfortunately, we didn't have the
20 resources to engage in a full study of
21 the question, but in looking at our own
22 experience, as well as doing some looking
23 at other cities, we determined that these
24 were the compromises and the increases
25 that we felt would both help us to recoup

1 11/19/08 - WHOLE - BILL 080853, etc.

2 our increased costs as well as deter
3 behavior in this area.

4 COUNCILMAN GREEN: I
5 understand. So what other cities did you
6 look at?

7 MS. WEISS: Excuse me.

8 I'm sorry, Councilman. I don't
9 have that with me, but I'd be happy to
10 provide it to you later.

11 COUNCILMAN GREEN: Please
12 provide that information to the Chair, if
13 it exists.

14 MS. WEISS: Yes.

15 COUNCILMAN GREEN: We did have
16 comprehensive hearings on this in this
17 body in April where we provided a quite
18 detailed PowerPoint presentation from my
19 office, which did include comparisons of
20 other cities, and so you might refer to
21 that.

22 Are you aware that there's a
23 model false alarm code and did you look
24 at it when you were considering modifying
25 this code?

1 11/19/08 - WHOLE - BILL 080853, etc.

2 (Witness approached witness
3 table.)

4 MS. WEISS: This is Eileen
5 O'Brien.

6 MS. O'BRIEN: Eileen O'Brien
7 from the Office of Administrative Review.

8 I'm familiar with the model
9 ordinance that's come out of an
10 organization of alarm ordinance
11 administrators throughout the country.
12 They do make some suggestions and they
13 are along the lines that we are
14 suggesting as well, and I don't think our
15 ordinance is widely different from what
16 the model ordinance suggests.

17 COUNCILMAN GREEN: It is
18 extraordinarily different. The purpose
19 of those codes is to reduce the number of
20 activations and not simply to increase
21 revenue. And I submit that this bill is
22 not thoughtful enough. It is designed to
23 increase revenue. I understand we need
24 to do that and I'm going to support it,
25 but hopefully we can work together on the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 kind of comprehensive reforms that we
3 need to reduce the number of false alarms
4 and keep more policemen on the street,
5 which was one of the original intended
6 purposes of our cooperation of working
7 together last spring.

8 MS. O'BRIEN: Yes. I
9 understand and I agree, Councilman. The
10 goal of our efforts today is to recover
11 the cost to providing police response,
12 whether it be from the registration fees
13 or the fines alone. We're currently
14 bringing in about \$3.2 million, which
15 does not cover the full cost. With these
16 additional modifications, we might be
17 able to get closer to the cost.

18 COUNCILMAN GREEN: But we don't
19 know what our current costs are because
20 we didn't do a new study. We have not
21 done a new study. So we actually don't
22 know if this covers our costs; is that
23 correct?

24 MS. O'BRIEN: Yes, I would
25 agree. We're using a figure that was

1 11/19/08 - WHOLE - BILL 080853, etc.
2 obtained from a study done in 1995. That
3 \$4 million figure came from a study done
4 by Dr. Simon Hakim, Professor of Economy
5 at Temple University.

6 COUNCILMAN GREEN: Right. And
7 we have not updated that study, so we
8 don't even know if these fees do cover
9 our costs. Really what we're doing is a
10 revenue enhancement measure and then
11 we'll work on the details later; is that
12 correct?

13 MS. O'BRIEN: Well, we want to
14 modify behavior as well. I mean, I think
15 it's a combined impact.

16 COUNCILMAN GREEN: Well, we
17 don't know that this covers our costs.

18 MS. O'BRIEN: Well, it seems
19 unlikely that our costs have gone down
20 dramatically --

21 COUNCILMAN GREEN: Well, I
22 agree with that.

23 MS. O'BRIEN: -- since 1995.

24 COUNCILMAN GREEN: Well, those
25 are all my questions, Madam Chair. Thank

1 11/19/08 - WHOLE - BILL 080853, etc.

2 you.

3 COUNCIL PRESIDENT VERNA: Thank

4 you.

5 The Chair recognizes

6 Councilwoman Blackwell.

7 COUNCILWOMAN BLACKWELL: Thank

8 you, Madam President.

9 I remember when we had these
10 hearings before and company providers
11 came. One of the major ones in the City
12 was one that we used, Lucien and I used,
13 and we found that all they did was
14 continue to give you emergency fines,
15 send the police to your house, which
16 would frighten seniors, and give you all
17 these fines that you pay to the company.
18 So after paying three, five, six times a
19 month, I had to do away with that, after
20 replacing doors and all that.

21 So there's more to this issue
22 than just the registration fee. I think
23 people could understand that. But when
24 companies start billing you three, four,
25 five, six times a month and having the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 police come to your house and they get
3 more revenues, major companies in the
4 City, then the question is a different
5 one, and certainly is for me.

6 Thank you very much.

7 COUNCIL PRESIDENT VERNA:

8 You're welcome.

9 The Chair recognizes
10 Councilwoman Miller.

11 COUNCILWOMAN MILLER: Thank
12 you, Madam President.

13 One of my constituents called
14 actually. If you have an alarm, if your
15 alarm goes off and twice the police never
16 showed up, is that counted as a false
17 alarm or what?

18 MS. O'BRIEN: Well, all the
19 incidents that my database maintains all
20 have what we call dispositions, which
21 indicate the police did respond to
22 determine the alarm activation to either
23 be false or not false. If the police
24 failed to arrive and/or make a
25 disposition, then I would not have that

1 11/19/08 - WHOLE - BILL 080853, etc.

2 record in my database.

3 COUNCILWOMAN MILLER: Okay. So

4 it's the police that actually helps

5 create your database?

6 MS. O'BRIEN: Yes. They

7 determine upon response to the activation

8 whether the incident is a false alarm or

9 a not false.

10 COUNCILWOMAN MILLER: Okay.

11 All right. Well, that's good to know. I

12 just wanted to make sure that they

13 weren't -- that the two times that it

14 happened, I wanted to make sure it wasn't

15 counted for their three.

16 MS. O'BRIEN: I'd be happy to

17 look into the particular incident if you

18 would like me to.

19 COUNCILWOMAN MILLER: All

20 right. Thank you.

21 MS. O'BRIEN: Sure.

22 COUNCILWOMAN MILLER: Thank

23 you, Madam President.

24 COUNCIL PRESIDENT VERNA:

25 You're welcome.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 The Chair recognizes Councilman
3 O'Neill.

4 COUNCILMAN O'NEILL: Yes.

5 Without prolonging this a lot longer than
6 it has to -- and welcome back into the
7 herd, Ms. O'Brien. I'm glad we didn't
8 lose you forever.

9 If Mr. Dubow could just get a
10 little meeting together at some point in
11 the future. I have another idea about
12 annual -- not annual, but a one-time fee
13 for registration and maybe go through the
14 alarm company, and that only if you
15 change alarm companies or something like
16 that, you would have to -- also, the
17 collection of this fee, if I'm paying the
18 alarm company \$35 a month and they charge
19 me \$37 a month, or whatever it is,
20 instead and they collect it, we don't
21 have any of that to deal with. Plus,
22 they make you whole. Anybody that
23 they're covering with protection of these
24 devices, they tell them, By the way, in
25 addition to what you're paying us, this

1 11/19/08 - WHOLE - BILL 080853, etc.
2 is what the City charges you, and they
3 just tack it on to their bill. So we do
4 get everybody that has an alarm company
5 dealing in the City of Philadelphia. I
6 think we can really get our arms around
7 this, as well as -- and maybe we can
8 reduce that registration fee a little bit
9 or make it a one-time fee like we did
10 with the BP --

11 MS. WEISS: Business privilege
12 license.

13 COUNCILMAN O'NEILL: The
14 license.

15 Okay. Thank you.

16 MR. DUBOW: We'll set that
17 meeting up.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 The Chair recognizes Councilman
21 Green.

22 COUNCILMAN GREEN: Thank you.

23 Just a quick point of
24 information related to the most recent
25 discussion. We estimate that about half

1 11/19/08 - WHOLE - BILL 080853, etc.
2 of the alarm companies that do business
3 in the City have not registered with
4 business privilege licenses, and so that
5 is an area that we need to pursue, both
6 on the registration of the companies and
7 also with respect to Councilman O'Neill's
8 suggestion.

9 I will just add that the \$35
10 fee really is for free responses. So
11 were we to eliminate it, we might want to
12 consider providing only one free response
13 and then charging a fine on the second.

14 Thank you.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 Any further questions?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: Thank
20 you very much.

21 MS. WEISS: Thank you very
22 much.

23 MS. O'BRIEN: Thank you.

24 COUNCIL PRESIDENT VERNA: Is
25 there anyone that would like to testify

1 11/19/08 - WHOLE - BILL 080853, etc.

2 on this bill?

3 (No response.)

4 COUNCIL PRESIDENT Verna:

5 Seeing no one, I would ask Mr. McPherson

6 to please read the title of Bill No.

7 080857.

8 MR. McPHERSON: An ordinance
9 amending Title 12 of The Philadelphia
10 Code, entitled "Traffic Code," to revise
11 the fees for the use of parking meters in
12 certain locations; to revise fees and
13 charges for the immobilization and
14 impoundment of vehicles for parking and
15 other violations; and to revise the
16 penalties for various parking violations;
17 all under certain terms and conditions.

18 Our first witness is Rina
19 Cutler.

20 (Witness approached witness
21 table.)

22 COUNCIL PRESIDENT Verna: Good
23 afternoon.

24 DEPUTY MAYOR CUTLER: Good
25 afternoon. Just checking.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA: It's
3 still afternoon.

4 DEPUTY MAYOR CUTLER: It is.

5 Rina Cutler, Deputy Mayor for
6 Transportation and Utilities.

7 Thank you for giving us the
8 opportunity to testify for Bill 080857.
9 I have written testimony which I provided
10 the Councilwoman, the other Council Chair
11 and members for the briefing, but I think
12 I'm going to need to read it either way
13 because there were not -- everyone was
14 not present.

15 The problem I'd like to
16 outline. Over the last 15 years, Center
17 City has enjoyed a remarkable
18 revitalization. More than 10,000 new
19 housing units were built since 1997.
20 Vacancy rates continue to decline.
21 Restaurants, shops and hotels have been
22 flourishing with a net increase of 50
23 retail establishments alone in 2007. An
24 indicator of this success is increased
25 traffic congestion in Center City.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Congestion threatens to make Center City
3 a less desirable destination. As Yogi
4 Berra said, "No one goes there anymore.
5 It's too crowded."

6 Congestion delays buses,
7 bicycles, pedestrians, deliveries and
8 emergency vehicles. It also makes for a
9 less safe environment for all users.
10 Congestion caused by needless traffic
11 unacceptably contributes to air pollution
12 and fuel consumption. Recognize that I
13 am referencing needless traffic. A key
14 cause of needless traffic is vehicles
15 cruising for on-street parking spaces
16 instead of being able to quickly find a
17 space or driving directly into a garage
18 or parking lot. In some studies, around
19 30 percent of downtown traffic is
20 attributable to cruising for an on-street
21 parking space.

22 The curb space that provides
23 on-street parking is one of the local
24 government's most important assets. For
25 the most part, we can't create more curb

1 11/19/08 - WHOLE - BILL 080853, etc.
2 space, and the number of competing
3 interests that require its use continues
4 to grow. Public transit riders,
5 pedestrians, bicyclists, deliveries,
6 through traffic, parkers and emergency
7 responders all demand a piece of the
8 street. In addition, sidewalk space for
9 pedestrians is also being constrained by
10 a variety of uses, such as newspaper
11 stands, outdoor dining, trash
12 receptacles, bus shelters and other
13 street furniture.

14 Our outdated parking fees and
15 fines encourage cruising and increase
16 congestion. A recent Philadelphia
17 Parking Authority survey found that as
18 few as two percent of on-street parking
19 spaces are available in Center City
20 during peak periods. A 2000 Planning
21 Commission study on off-street parking
22 showed availability at the time of about
23 20 percent. So there is capacity in
24 off-street garages and very little
25 currently for on-street parking.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 The irresistibly inexpensive
3 meter rates have on-street spots used for
4 all day and long-term visits while
5 occupants feeding the meter -- with
6 occupants feeding the meter. Ignoring
7 the law and incurring a fine is too often
8 cheaper and easier than abiding by
9 regulations.

10 The Office of Transportation
11 has several initiatives underway to
12 improve mobility, accessibility,
13 livability and sustainability in the
14 City. One key element of this plan is
15 the restructuring of our parking fees and
16 parking fines to encourage parking space
17 turnover and improve compliance with
18 parking regulations.

19 The intent of this legislation
20 is to improve curb space management. The
21 results will have both an economic and
22 environmental benefit for the citizens of
23 Philadelphia. With this legislation we
24 want to encourage more vehicles to use
25 parking garages for long-term visits,

1 11/19/08 - WHOLE - BILL 080853, etc.
2 which will increase availability for
3 on-street parking; reduce cruising for
4 parking, which contributes to congestion
5 and air pollution; encourage people to
6 ride transit into Center City; reduce
7 congestion-causing behavior, such as
8 blocking lanes and bus zones, with an
9 increase in fine; and improve mobility
10 for travelers on all modes.

11 If we're going to decrease our
12 congestion problem, we need to get people
13 to rethink their parking choices. We
14 should acknowledge that the very best
15 parking spaces that exist are on the
16 street directly in front of where the
17 patron wants to go. They are also the
18 least expensive spaces in the parking
19 inventory. The goal of the parking meter
20 increases is to bring on-street parking
21 rates closer to off-street rates and to
22 make it inconvenient to feed the parking
23 meter all day. The result is to
24 encourage longer-term parkers to move
25 into garages or consider coming into the

1 11/19/08 - WHOLE - BILL 080853, etc.

2 City on transit.

3 Our plan has the following
4 components: Adjust meter rates to match
5 demand. We have identified three zones
6 within the City. We're looking to raise
7 the rates to \$3 an hour in the core area
8 of Center City, which we'll call Zone 1,
9 bounded by 4th and 20th Streets, Arch and
10 Locust Streets. Please note that the \$3
11 an hour rate in Zone 1 will not be raised
12 until the purchase of new technology is
13 in place in order for these meters to
14 accept credit cards, debit cards, Smart
15 Cards and cash as payment options.

16 Two dollar an hour in the
17 non-core Center City but equally
18 congested University City district, which
19 would be Zone 2, bounded roughly by the
20 Schuylkill River to 40th Street and South
21 Street to Vine. Rates in the remainder
22 of the City will remain the same. Those
23 would be Zone 3. We would also look to
24 eliminate meter charges for Sunday meter
25 parking because the demand is less. We

1 11/19/08 - WHOLE - BILL 080853, etc.
2 want to increase fines for violations
3 that are most responsible for congestion,
4 such as double parking. We want to
5 increase fines in proportion to their
6 impact on congestion with higher fines in
7 the Center City/University City area and
8 more modest increases outside those
9 areas. We're also looking to increase
10 the towing fees and storage fees to
11 provide greater deterrents and to cover
12 rising costs.

13 These actions are a single
14 component of a broader mobility
15 enhancement initiative which will have
16 the following elements: There will be a
17 pilot program to decrease hourly rates at
18 certain Parking Authority garages to
19 approach an on-street rate to encourage
20 the use of excess capacity in those
21 garages. So the Parking Authority will
22 set the hourly rate to match the
23 on-street rate in front of those garages.

24 Revise and expand loading zones
25 to provide additional short-term parking

1 11/19/08 - WHOLE - BILL 080853, etc.
2 opportunity for delivery vehicles. It
3 has been our experience that the delivery
4 vehicles are the vehicles most commonly
5 double parked on major roadways.

6 On-street bicycle, scooter and
7 motorcycle parking to encourage the use
8 of other modes and to remove parking
9 clutter from sidewalks; increase
10 enforcement of regulations against
11 blocking the box at intersections;
12 evaluating options for improving valet
13 parking operations, with an eye toward
14 moving from individual restaurant zones
15 to multiple user zones; and to continue
16 to explore new technology to allow for
17 electronic payment for parking. These
18 might include integration into the SEPTA
19 new Smart Card system, cell phone
20 payments, which are currently being
21 piloted in certain select U.S. cities, as
22 well as technology which communicates to
23 the drivers on parking availability.

24 These policies will also
25 complement a reenergized Transit First

1 11/19/08 - WHOLE - BILL 080853, etc.
2 Program and a new Complete Streets
3 Program that will further improve the
4 vitality and livability of the City. We
5 expect to have details on those other
6 initiatives within the next several
7 weeks.

8 In conclusion, while these
9 initial efforts alone won't solve the
10 congestion problem, our current approach
11 to managing operations on City streets is
12 simply not acceptable. Current street
13 conditions undermine the attractiveness
14 of Center City as a place to visit or do
15 business. These proposed changes will
16 help us clear our streets of unnecessary
17 congestion and, in doing so, will improve
18 the Center City experience for residents,
19 drivers, transit users and pedestrians.

20 My office will continue to
21 monitor the best practices of other
22 cities and will continue to import what
23 we believe are the most innovative and
24 effective practices to better manage our
25 streets.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 In closing, I think it's
3 important to reiterate what this program
4 is not. It is not about increasing
5 revenue. It does not assist the City in
6 solving the current budget shortfall.
7 State law dictates that any new parking
8 revenues above the City's payment cap
9 will go to the School District. This
10 does, however, align with the Mayor's
11 support for and emphasis on education as
12 one of his priorities.

13 As I have stated before, we are
14 not trying to get into people's wallets.
15 Instead we want to get into their minds
16 and change their behavior. Our proposed
17 adjustments are aimed at the behaviors
18 that cause needless congestion.

19 Thank you for allowing me to
20 testify before you today. I respectfully
21 request that this bill be reported out of
22 Committee and that the rules of Council
23 be suspended to allow first reading at
24 the next session of Council.

25 We will be happy to answer any

1 11/19/08 - WHOLE - BILL 080853, etc.

2 questions you may have.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 Thank you, Mr. Fenerty.

6 MR. FENERTY: Thank you, Madam
7 President and members of City Council.

8 The bill before the Committee
9 is part of a larger plan developed by the
10 Mayor's Office of Transportation and the
11 Philadelphia Parking Authority to improve
12 mobility and access in Center City. City
13 Council members have been given other
14 elements of the plan, which include
15 better management of loading activities,
16 providing on-street parking for
17 motorcycles, scooters and bicycles,
18 short-term parking rate reduction in two
19 of the Parking Authority garages and
20 improved intersection control activities.

21 The bill increases the parking
22 meter rates to improve parking
23 availability and increases fines for
24 those violations which contribute to
25 congestion. Recent surveys conducted by

1 11/19/08 - WHOLE - BILL 080853, etc.
2 the Parking Authority staff have
3 demonstrated that there is less than a
4 two percent parking meter rate vacancy in
5 the core of Center City Philadelphia, and
6 turnover rates have dropped dramatically
7 over the last five years. In real life,
8 that means that the odds of finding a
9 parking space near Center City
10 destinations are slim to none. That
11 environment does not help support a
12 vibrant commercial core.

13 Additionally, lower parking
14 meter rates encourage motorists to circle
15 the block in search of that elusive
16 parking space, contributing to increased
17 congestion and increased pollution. It
18 also provides an incentive for people to
19 feed the meter all day rather than
20 parking in an off-street facility. As a
21 result, the most valuable parking for
22 retailers is taken out of the mix in
23 Philadelphia.

24 The Parking Authority is
25 committed to supporting the City's

1 11/19/08 - WHOLE - BILL 080853, etc.
2 proposal to increase the rate to \$2 an
3 hour and investing in new technology
4 before moving to the rate to \$3 an hour,
5 as permitted under this bill. That new
6 technology, currently in use in the South
7 Street area, will permit flexible rates
8 and time limits and will accept credit
9 cards and dollar bills in addition to
10 coins and Smart Cards, increasing
11 convenience for the customer. In
12 addition, it will allow us to adjust
13 rates and time limits to serve the
14 varying parking demands by time of day or
15 day of week. For example, time limits
16 can be set for two hours to support
17 retail demand during the day and increase
18 it to four hours for restaurant and
19 theatre-goers in the evening.

20 As an additional step to
21 provide additional short-term parking,
22 the Parking Authority will implement a
23 pilot program at our garages at the
24 Gallery and at 2nd and Sansom Streets to
25 reduce short-term parking rates to the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 same level as the on-street meter rates.
3 That will provide another option for
4 shoppers or those who are making short
5 visits.

6 The ticket fine increases are
7 tailored to address the most serious
8 parking violations. They also take into
9 account the penalty for violation should
10 be higher in the most congested areas of
11 the City where they cause the most
12 disruption to other motorists.

13 Therefore, we propose that fines in
14 Center City and University City be higher
15 than those in less congested areas.

16 Without significant fines, we will not
17 deter motorists from parking illegally
18 and we will not create an improved
19 environment for both those who live, work
20 and visit our city.

21 The comprehensive plan to
22 address these issues is an important step
23 towards improving access and management
24 for our scarce parking resources. It is
25 designed to be implemented in stages with

1 11/19/08 - WHOLE - BILL 080853, etc.
2 measurable benchmarks, opportunities for
3 feedback and flexibility to adjust as
4 conditions change. The bill to adjust
5 meter rates and some ticket fines is an
6 important element to make the other parts
7 of the plan work.

8 While it is easy to assume that
9 this is just a revenue measure, the
10 reality is that not adequately adjusting
11 these fees and fines has resulted in
12 reduced parking availability and
13 increased congestion. These changes will
14 create additional revenue for the City
15 and School District. However, more
16 important is the improved economic
17 climate that will be created by
18 increasing parking opportunities,
19 shortening commuting times and reducing
20 pollution and an overall improvement in
21 the quality of life.

22 And as Ms. Cutler said, we are
23 here to answer any questions.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 The Chair recognizes Councilman
3 Rizzo.

4 COUNCILMAN RIZZO: Thank you,
5 Madam President.

6 I have a question in reference
7 to parking enforcement. Here's listed
8 parking at a bus stop. I don't see SEPTA
9 police doing much enforcement, and I
10 understand enforcement of illegally
11 parked vehicles is primarily SEPTA's
12 responsibility. I don't see any system,
13 and I understand talking to some of the
14 SEPTA officers, they never get 9-1-1
15 calls about vehicles impeding the flow of
16 traffic or parked in a bus stop that
17 would permit the bus from making its turn
18 in one of our Center City streets. And I
19 would appreciate it, since our police are
20 so busy, that the SEPTA police somehow be
21 engaged to do what they're supposed to
22 do, enforce illegal parking in bus stops.

23 MR. FENERTY: Councilman, the
24 SEPTA Transit Police, as well as SEPTA
25 route supervisors are trained by the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 Parking Authority to give tickets, and
3 have that authority to do so. In the
4 districts where -- in the core districts
5 and in the outside business districts
6 where the Parking Authority normally
7 enforces, we do enforce bus zones,
8 trolley zones and all transit stops. We
9 do that 24 hours a day in Center City and
10 we do it on weekends.

11 As how I could engage SEPTA
12 into doing that activity more frequently,
13 I would be glad to contact their Public
14 Relations Office, as well as their
15 General Manager and speak to them about
16 some ideas how we could do that.

17 COUNCILMAN RIZZO: Add the
18 police chief to that list, SEPTA's police
19 chief.

20 MR. FENERTY: Yes.

21 COUNCILMAN RIZZO: Thank you.

22 MR. FENERTY: Thank you.

23 COUNCIL PRESIDENT VERNA: Are
24 you finished?

25 COUNCILMAN RIZZO: Thank you,

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Madam President.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 Can you tell us what the
6 additional revenues that these increases
7 will generate for the City's current
8 budget and Five-Year Plan?

9 MR. FENERTY: Okay. Madam
10 President, the Parking Authority works on
11 a little bit of a different fiscal year
12 than the City. We go from April 1st to
13 March 30th.

14 We expect -- we estimate in
15 this current year, which ends March 30th
16 of next year, that we will generate
17 \$26,200,000 for the City Fund and
18 \$5,541,000 for the School District.
19 We've done some preliminary estimates
20 over the next couple of years and --
21 excuse me. Did I miss something here? I
22 just went through that. Twenty-six two
23 hundred and 5.5.

24 For further years --

25 COUNCIL PRESIDENT VERNA: I'm

1 11/19/08 - WHOLE - BILL 080853, etc.

2 sorry. That's 5.5 for the School
3 District?

4 MR. FENERTY: 5.541 for the
5 School District.

6 DEPUTY MAYOR CUTLER: In
7 addition for this current fiscal year.

8 MR. FENERTY: For this current
9 fiscal year.

10 And then for the estimates for
11 the Parking Authority's next fiscal year,
12 which would be 2010, we would estimate
13 that the City would receive \$33,311,000
14 and the School District would receive
15 \$13,164,000. And if we carry that out to
16 2011 -- and these are very preliminary
17 estimates -- the City would receive
18 approximately \$35,984,000 and the School
19 District, \$18,724,000. And, Madam
20 President, they are very preliminary
21 predictions.

22 COUNCIL PRESIDENT VERNA: Thank
23 you so much.

24 The Chair recognizes
25 Councilwoman Blackwell.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCILWOMAN BLACKWELL: Thank
3 you, Madam President.

4 I had an amendment to this bill
5 that I've agreed to hold pending -- I
6 don't support the bill, but I hold the
7 amendments pending the availability of
8 the City to meet with the people in my
9 district, University of Pennsylvania,
10 Drexel University and the Science Center,
11 with regard to the parking issues they
12 complained about. These institutions do
13 not support this.

14 Nobody has ever told us. They
15 told me about students and student blocks
16 who can't afford the increases, and I'm
17 hearing today there's some other issues
18 about students parking and not moving in
19 front of business areas, and information
20 nobody has mentioned before.

21 I've said it each time I've had
22 the opportunity, if we're contacted about
23 these things, we wouldn't have these
24 problems. We work closely with these
25 people. We pass them. We deal with them

1 11/19/08 - WHOLE - BILL 080853, etc.
2 every day. And we don't like to be put
3 in a position where we have to, after
4 we've made agreements with our
5 institutions, to have to change our
6 position. However, if we can have a
7 meeting before next week, because
8 obviously we could be on second reading
9 by then, then I'm willing to hold up
10 posting my amendment. So if I get that
11 commitment, then I will not submit my
12 amendment today.

13 DEPUTY MAYOR CUTLER: Yes. I
14 will be happy to arrange a meeting.

15 COUNCILWOMAN BLACKWELL: Thank
16 you.

17 Thank you, Madam President.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 The Chair recognizes Councilman
21 Clarke.

22 COUNCILMAN CLARKE: Thank you,
23 Madam President.

24 Good afternoon. Quick
25 question. I don't know if you can answer

1 11/19/08 - WHOLE - BILL 080853, etc.
2 it, because I didn't give you a heads-up.
3 On part of the district that has the
4 additional fees, that's called the core
5 Center City area --

6 DEPUTY MAYOR CUTLER: Zone 1.

7 COUNCILMAN CLARKE: Zone 1,
8 okay. There is a part of that area in my
9 district that has a significant
10 residential row home population, not like
11 most of that area that has the high rise
12 and people have off-street parking.

13 To your knowledge -- and I just
14 can't remember -- are there parking
15 meters -- and it's called basically Logan
16 Square community. Are there parking
17 meters within that area? It's
18 essentially from around 20th to 23rd,
19 24th from, I guess, the --

20 MR. FENERTY: There are some on
21 the Parkway, yes.

22 COUNCILMAN CLARKE: Just only
23 on the Parkway, not within the --

24 MR. FENERTY: To my
25 recollection, there's nothing on the side

1 11/19/08 - WHOLE - BILL 080853, etc.
2 streets.

3 COUNCILMAN CLARKE: I don't
4 know.

5 MR. FENERTY: It's hourly
6 parking with residential permit parking.

7 COUNCILMAN CLARKE: And the
8 residential permit parking, if there are
9 meters within those areas, they are not
10 subject to those regulations?

11 DEPUTY MAYOR CUTLER: That's
12 correct.

13 COUNCILMAN CLARKE: They don't
14 have to put money in the meters?

15 DEPUTY MAYOR CUTLER: Right.
16 They're exempt from the meters.

17 COUNCILMAN CLARKE: I just
18 wanted to make sure. I mean, I thought I
19 knew it, but they would have expected me
20 to ask that question.

21 MR. FENERTY: The only place,
22 Councilman, that there are meters is on
23 the circle.

24 COUNCILMAN CLARKE: All right.
25 Okay. Thank you.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 Thank you, Madam President.

3 COUNCIL PRESIDENT VERNA:

4 You're welcome.

5 The Chair recognizes Councilman
6 Green.

7 COUNCILMAN GREEN: Thank you,
8 Madam Chair.

9 Good afternoon.

10 DEPUTY MAYOR CUTLER: Good
11 afternoon.

12 COUNCILMAN GREEN: In our first
13 meeting with you, Deputy Mayor, you may
14 recall that we raised this issue and the
15 issue of the Center City District report
16 that talked about traffic congestion.

17 DEPUTY MAYOR CUTLER: I'm
18 sorry, Councilman. I can't hear you.
19 Could you speak up.

20 COUNCILMAN GREEN: I'm sorry.
21 Is that better?

22 DEPUTY MAYOR CUTLER: Yes.
23 Thank you.

24 COUNCILMAN GREEN: Usually
25 people don't want to hear me.

1 11/19/08 - WHOLE - BILL 080853, etc.

2 In our first meeting when you
3 were kind enough to come by my office and
4 introduce yourself to me, we raised the
5 issue of increased on-street parking, and
6 so I commend you for looking at that,
7 looking at the Center City District
8 report. And I think some acknowledgment
9 should go to them for the hard work
10 they've done on traffic congestion in
11 this area, in Zone 1, in order to provide
12 some solutions.

13 And also in our meeting,
14 Mr. Fenerty, you and I discussed this.
15 And so obviously I am in favor of it, and
16 I commend you for doing hard work on
17 this. I think this is going to be a
18 great measure to reduce congestion.

19 I just have one question that I
20 didn't understand. Why are we doing this
21 as part of the budget package and rushing
22 it now rather than having different
23 hearings in the actual Committee on
24 Transportation where we could sort of
25 spend more time and look at these issues

1 11/19/08 - WHOLE - BILL 080853, etc.
2 more thoroughly since it really does not
3 impact the City General Fund?

4 DEPUTY MAYOR CUTLER: Yes.

5 And, in fact, this bill is not part of
6 the budget package, but for a variety of
7 reasons, all of the fee increase bills
8 went in together. So I'm more than happy
9 to testify in terms of its support. It's
10 not clear that it requires a tremendous
11 amount of additional discussion. I think
12 there are a variety of people that will
13 come next, the Transit First policies,
14 the Complete Streets policies, that I
15 think will be widely applauded by the
16 constituents in the City, but they will
17 be reasonably new for a lot of folks, so
18 I think there will be some opportunities
19 to have some discussions about it. They
20 don't relate to the fee package.

21 So while this isn't part of the
22 City budget fee package, it is certainly
23 a fee increase, and if we're going to do
24 it, we'd prefer to do it the same time
25 the rest of the fees go up, January 1st,

1 11/19/08 - WHOLE - BILL 080853, etc.
2 and we think the providing of an
3 additional almost \$5 million to share
4 with the School District makes it useful
5 to move forward with it now.

6 COUNCILMAN GREEN: Thank you
7 very much.

8 COUNCIL PRESIDENT VERNA: Are
9 there any other questions of these
10 witnesses?

11 (No response.)

12 COUNCIL PRESIDENT VERNA:
13 Seeing none, I thank you.

14 DEPUTY MAYOR CUTLER: President
15 Verna, if I may just remind the Committee
16 that we've asked for an amendment in
17 order to do this for first reading.
18 Suspension of the rules.

19 COUNCIL PRESIDENT VERNA: Do
20 you have an amendment?

21 DEPUTY MAYOR CUTLER: I'm
22 sorry. In my testimony I reference that
23 we're looking for suspension of the
24 rules. My apologies.

25 COUNCIL PRESIDENT VERNA:

1 11/19/08 - WHOLE - BILL 080853, etc.

2 That's all right. Thank you.

3 DEPUTY MAYOR CUTLER: Thank
4 you.

5 MR. FENERTY: Thank you.

6 COUNCIL PRESIDENT VERNA: Thank
7 you very much.

8 Do we have anyone to testify on
9 this bill?

10 (No response.)

11 COUNCIL PRESIDENT VERNA:

12 Seeing none, I would ask Mr. McPherson to
13 please read the titles of Nos. 080858 and
14 080859.

15 MR. MCPHERSON: Bill No.
16 080858, an ordinance amending Title 6 of
17 The Philadelphia Code ("Health Code") by
18 revising permitting provisions and
19 license and permit fees related to
20 asbestos work, under certain terms and
21 conditions.

22 Bill No. 080859, an ordinance
23 amending certain Sections of Title 3
24 ("Air Management Code") and Title 6
25 ("Health Code") of The Philadelphia Code

1 11/19/08 - WHOLE - BILL 080853, etc.
2 related to license and permit fees and
3 other charges by modifying the amount of
4 such fees, under certain terms and
5 conditions.

6 (Witness approached witness
7 table.)

8 COUNCIL PRESIDENT VERNA: Good
9 afternoon. Thank you. You've been very
10 patient.

11 MS. FEYLER: Thank you.

12 COUNCIL PRESIDENT VERNA:
13 Please identify yourself and proceed with
14 your testimony.

15 MS. FEYLER: Certainly. Good
16 afternoon, President Verna and members of
17 the Council. I am Nan Feyler. I'm the
18 Department of Public Health's Chief of
19 Staff. Thank you for this opportunity to
20 present testimony today on our request to
21 adjust the fees for certain licenses,
22 permits and user fees of the Department
23 and to establish two new fees for
24 services we currently provide.

25 Duties of the Department

1 11/19/08 - WHOLE - BILL 080853, etc.
2 related to the portion of our mission to
3 protect and promote the health of all
4 Philadelphians include keeping
5 Philadelphia's air as free as possible
6 from harmful pollutants and maintaining
7 clean and safe environments at food
8 service and other commercial businesses
9 that serve the public. The services of
10 the Department related to air and
11 environmental protection are regulatory
12 in nature, and the real costs of
13 providing these services adjusts
14 frequently as a result of increases in
15 personnel costs and changes in the levels
16 of technological expertise needed to
17 perform them. It follows that the
18 reimbursements for the costs related to
19 the performance of field inspections,
20 tests and reviews of pre-operative plans
21 needed to ultimately bring regulated
22 establishments into compliance must also
23 adjust periodically. The Department
24 recently conducted cost analyses of many
25 of the services we provide, and we have

1 11/19/08 - WHOLE - BILL 080853, etc.
2 concluded that adjustments to certain
3 license, permit and user fees are needed
4 to cover the current costs of providing
5 them. We have also concluded that new
6 service fees are needed to be established
7 to cover the rising costs of providing
8 services in two areas.

9 Fees that would need to be
10 increased to cover the actual FY08 costs
11 of providing the respective services
12 include those for the pre-operative plan
13 review of certain classes of permanent
14 food vending and special event food
15 vending operations, the initial annual
16 inspections of commercial swimming pools,
17 certain air pollution control licenses
18 and certain asbestos removal permits.
19 Establishing a new fee for minor removal
20 permits for small to moderate quantities
21 of asbestos and an additional fee for any
22 asbestos permit that uses an alternate
23 method of removal would also be needed to
24 cover the increasing costs to the
25 Department in these two areas. A listing

1 11/19/08 - WHOLE - BILL 080853, etc.
2 of the existing and proposed Department
3 license permit and user fees is attached,
4 included in your notebook, I believe.

5 Thank you for the opportunity
6 to present testimony today and for your
7 consideration of these two important
8 bills that will authorize the Department
9 of Public Health to adjust its user fees
10 to a level commensurate with the real
11 costs of providing the respective
12 services.

13 I respectfully request that
14 Bill Nos. 080858 and 080859 be reported
15 out of Committee and that the rules of
16 Council be suspended so as to allow first
17 reading at the next session of Council.

18 This concludes my testimony,
19 and I would be pleased to answer any
20 questions you have.

21 COUNCIL PRESIDENT VERNA: Thank
22 you. I just have a couple questions.

23 The fees relating to
24 installation permits for boilers,
25 incinerators, crematories, tar and

1 11/19/08 - WHOLE - BILL 080853, etc.
2 asphalt kettles, et cetera, are to be
3 increased substantially.

4 MS. FEYLER: Correct.

5 COUNCIL PRESIDENT VERNA: In
6 some cases, the increase is over 200
7 percent. Can you tell us why there is
8 such a request? It's a rather large
9 increase.

10 MS. FEYLER: Yes, they are
11 large increases, and in order to make
12 this recommendation, we not only looked
13 at our costs but also other cities. And
14 while I wasn't here at the time, my
15 understanding is that the fees the last
16 time they were increased were considered
17 sort of artificially low to not cover all
18 the costs. So that at this point, we're
19 looking to capture the costs and be in
20 line with other cities.

21 These are relatively few --
22 there's about between 30 a year of the
23 boiler permit inspections, and 100 is the
24 maximum of the chemical processing and
25 others. So we felt that in light of

1 11/19/08 - WHOLE - BILL 080853, etc.
2 these being commercial permits, that we
3 were capturing our costs and we felt were
4 fair in light of other cities.

5 COUNCIL PRESIDENT VERNA: Thank
6 you.

7 Can you tell us what are the
8 additional revenues that these increases
9 will generate for the City's current
10 budget and the Five-Year Plan?

11 MS. FEYLER: Yes. For the
12 current budget or a six-month -- well,
13 basically each year, assuming that these
14 requests continue to be made, people
15 continue to have special events at our
16 current rate, we expect a total of
17 231,775 new dollars, of which the
18 Department of Public Health would receive
19 57,925, primarily the permitting fees,
20 and that the Department of License and
21 Inspections would receive 173,850. And
22 that's for a year.

23 COUNCIL PRESIDENT VERNA: What
24 is the effective date?

25 MS. FEYLER: Immediately. We

1 11/19/08 - WHOLE - BILL 080853, etc.
2 also would be looking at, I believe,
3 January 1st.

4 COUNCIL PRESIDENT VERNA: I
5 don't believe that is specified in the
6 bill.

7 MS. FEYLER: I apologize.

8 COUNCIL PRESIDENT VERNA: Is
9 it? Maybe I did not see it.

10 MS. FEYLER: I don't know.

11 COUNCIL PRESIDENT VERNA:
12 Mr. Dubow.

13 (Witness approached witness
14 table.)

15 COUNCIL PRESIDENT VERNA: The
16 effective date of this bill.

17 MR. DUBOW: We would look to
18 implement January 1st.

19 COUNCIL PRESIDENT VERNA:
20 January 1st?

21 MR. DUBOW: Yes.

22 COUNCIL PRESIDENT VERNA:
23 Should that be specified for the bill? I
24 don't think it's specified.

25 MR. DUBOW: Yeah, it probably

1 11/19/08 - WHOLE - BILL 080853, etc.

2 should be.

3 MS. FEYLER: I can follow up.

4 I don't know the next steps, but we'll

5 make sure it is.

6 MR. DUBOW: We'll amend it,

7 yes.

8 MS. FEYLER: We'll amend it.

9 COUNCIL PRESIDENT VERNA:

10 You'll amend it?

11 MR. DUBOW: Yes.

12 COUNCIL PRESIDENT VERNA: So

13 you're going to amend it at the public

14 meeting.

15 Do we have any questions of

16 this witness?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: Thank

19 you. Thank you.

20 Anyone to testify on these

21 bills?

22 (No response.)

23 COUNCIL PRESIDENT VERNA:

24 Seeing no one, that will conclude our

25 public hearing. We will now go into our

1 11/19/08 - WHOLE - BILL 080853, etc.
2 public meeting, and the Chair recognizes
3 Councilwoman Tasco regarding Bill No.
4 080853.

5 COUNCILWOMAN TASCO: Madam
6 President, I offer an amendment for Bill
7 080853. It has been circulated.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and seconded that the
11 amendment be adopted.

12 All in favor will say aye.

13 (Aye.)

14 COUNCIL PRESIDENT VERNA: Those
15 opposed?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: The
18 ayes have it and the amendment is
19 adopted.

20 Again, the Chair recognizes
21 Councilwoman Tasco.

22 COUNCILWOMAN TASCO: Madam
23 President, I move that Bill 080853 be
24 reported out of Committee with a
25 favorable recommendation and that the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 rules of Council be suspended so this
3 bill can be read at Council's next
4 session.

5 (Duly seconded.)

6 COUNCIL PRESIDENT Verna: It
7 has been moved and seconded that Bill No.
8 080853 be reported out of Committee with
9 a favorable recommendation, as amended;
10 further, that the rules of Council be
11 suspended so as to permit first reading
12 at our next session of Council.

13 All in favor will say aye.

14 (Aye.)

15 COUNCIL PRESIDENT Verna: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT Verna: The
19 ayes have it --

20 COUNCILWOMAN Blackwell: Nay.

21 COUNCIL PRESIDENT Verna: --
22 and the motion carries. Oh, I'm sorry.

23 Councilwoman Blackwell, you're
24 voting no?

25 COUNCILWOMAN Blackwell: I'm

1 11/19/08 - WHOLE - BILL 080853, etc.

2 voting no.

3 COUNCIL PRESIDENT VERNA: Okay.

4 COUNCILMAN JONES: Nay.

5 COUNCIL PRESIDENT VERNA: Two

6 nays. The nays are --

7 COUNCILMAN RIZZO: I'm a no.

8 COUNCIL PRESIDENT VERNA: Oh.

9 Roll call.

10 MR. MCPHERSON: Councilwoman

11 Blackwell.

12 COUNCILWOMAN BLACKWELL: No.

13 MR. MCPHERSON: Councilman

14 Clarke.

15 COUNCILMAN CLARKE: Aye.

16 MR. MCPHERSON: Councilman

17 DiCicco.

18 COUNCILMAN DiCICCO: Aye.

19 MR. MCPHERSON: Councilman

20 Goode.

21 COUNCILMAN GOODE: Aye.

22 MR. MCPHERSON: Councilman

23 Green.

24 COUNCILMAN GREEN: I would like

25 to vote aye and have all of --

1 11/19/08 - WHOLE - BILL 080853, etc.

2 COUNCIL PRESIDENT VERNA: I'm
3 sorry. You wanted to be recognized
4 before the vote.

5 COUNCILMAN GREEN: Yes. Thank
6 you, Madam Chair. I would like to be
7 recorded as voting aye on this bill and
8 any other bill that may come before the
9 Committee today and ask your leave. I
10 would like the record to reflect that
11 these votes are because obviously we have
12 to do the financially responsible thing
13 for the City of Philadelphia on these
14 revenue enhancement measures, and I trust
15 that as the Administration has indicated
16 today, the information we have requested
17 will be forthcoming by the end of this
18 week.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 COUNCILMAN GREEN: Thank you,
22 Madam Chair.

23 COUNCIL PRESIDENT VERNA: Leave
24 will be granted.

25 We will do a roll call, but

1 11/19/08 - WHOLE - BILL 080853, etc.
2 before I forget, I would like my
3 colleagues to be informed of very sad
4 news, that Carol Ann Campbell passed away
5 this afternoon. When we get whatever
6 arrangements are made, I'll be more than
7 happy to let you all know.

8 Thank you.

9 Can I have roll call on Bill
10 No. 080853, please.

11 MR. McPHERSON: Councilman
12 Greenlee.

13 COUNCILMAN GREENLEE: Aye.

14 MR. McPHERSON: Councilman
15 Jones.

16 COUNCILMAN JONES: No.

17 MR. McPHERSON: Councilman
18 Kelly.

19 COUNCILMAN KELLY: Aye.

20 MR. McPHERSON: Councilman
21 Kenney.

22 COUNCILMAN KENNEY: Aye.

23 MR. McPHERSON: Councilwoman
24 Krajewski.

25 COUNCILWOMAN KRAJEWSKI: Aye.

1 11/19/08 - WHOLE - BILL 080853, etc.
2 MR. McPHERSON: Councilwoman
3 Miller.
4 COUNCILWOMAN MILLER: Aye.
5 MR. McPHERSON: Councilman
6 O'Neill.
7 COUNCILMAN O'NEILL: Aye.
8 MR. McPHERSON: Councilwoman
9 Reynolds Brown.
10 COUNCILWOMAN BROWN: Aye.
11 MR. McPHERSON: Councilman
12 Rizzo.
13 COUNCILMAN RIZZO: No.
14 MR. McPHERSON: Councilwoman
15 Sanchez.
16 (No response.)
17 MR. McPHERSON: Councilwoman
18 Tasco.
19 COUNCILWOMAN TASCO: Aye.
20 MR. McPHERSON: Council
21 President Verna.
22 COUNCIL PRESIDENT VERNA: Aye.
23 MR. McPHERSON: The ayes are 13
24 and the no's are three.
25 COUNCIL PRESIDENT VERNA: Thank

1 11/19/08 - WHOLE - BILL 080853, etc.

2 you.

3 The Chair now recognizes
4 Councilwoman Tasco regarding Bill No.
5 080854.

6 COUNCILWOMAN TASCO: Madam
7 President, I move that the amendment to
8 Bill 080854 be adopted.

9 (Duly seconded.)

10 COUNCIL PRESIDENT VERNA: It
11 has been moved and seconded that the
12 amendment circulated earlier be adopted.

13 All in favor will say aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it. The motion carries. And,
20 again, the Chair recognizes Councilwoman
21 Tasco.

22 COUNCILWOMAN TASCO: Madam
23 President, I move that Bill 080854 be
24 reported out of Committee with a
25 favorable recommendation and a

1 11/19/08 - WHOLE - BILL 080853, etc.
2 recommendation that the rules of Council
3 be suspended so this bill can be heard at
4 the next Council session.

5 (Duly seconded.)

6 COUNCIL PRESIDENT VERNA: It
7 has been moved and seconded that Bill No.
8 080854 be reported out of Committee with
9 a favorable recommendation, as amended;
10 further, that the rules of Council be
11 suspended so as to permit first reading
12 at our next session of Council.

13 All in favor will say aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it. The motion carries.

20 We will now consider Bill No.
21 080855.

22 COUNCILWOMAN TASCO: Madam
23 President, I move that Bill 080855 be
24 reported out of Committee with a
25 favorable recommendation and that the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 rules of Council be suspended so that
3 this bill can be read at Council's next
4 session.

5 (Duly seconded.)

6 COUNCIL PRESIDENT VERNA: It
7 has been moved and seconded that Bill No.
8 080855 be reported out of Committee with
9 a favorable recommendation; further, that
10 the rules of Council be suspended so as
11 to permit first reading at our next
12 session of Council.

13 All in favor will say aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it. The motion carries.

20 We will now consider Bill No.
21 080856.

22 COUNCILWOMAN TASCO: Madam
23 President, I move that Bill 080856 be
24 reported out of Committee with a
25 favorable recommendation and that the

1 11/19/08 - WHOLE - BILL 080853, etc.
2 rules of Council be suspended so that
3 this bill can be read at Council's next
4 session.

5 (Duly seconded.)

6 COUNCIL PRESIDENT VERNA: It's
7 been moved and seconded that Bill No.
8 080856 be reported out of Committee with
9 a favorable recommendation; further, that
10 the rules of Council be suspended so as
11 to permit first reading at our next
12 session of Council.

13 All in favor will say aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 COUNCILWOMAN BLACKWELL: Nay.

18 COUNCIL PRESIDENT VERNA: The
19 record will reflect that Councilwoman --

20 COUNCILMAN JONES: Nay.

21 COUNCIL PRESIDENT VERNA: Any
22 other nays?

23 (No response.)

24 COUNCIL PRESIDENT VERNA: The
25 record will reflect that Councilwoman

1 11/19/08 - WHOLE - BILL 080853, etc.
2 Blackwell and Councilman Jones voted nay.
3 All other members have voted in the
4 affirmative.

5 We will now consider Bill No.
6 080858.

7 MR. McPHERSON: 57.

8 COUNCIL PRESIDENT Verna: Oh,
9 57. I'm sorry.

10 COUNCILWOMAN TASC0: Madam
11 President, I move that Bill 080857 be
12 reported out of Committee with a
13 favorable recommendation and that the
14 rules of Council be suspended --

15 COUNCIL PRESIDENT Verna: I'm
16 sorry. Charlie got me off track.

17 COUNCILWOMAN TASC0: What are
18 we doing?

19 COUNCIL PRESIDENT Verna:
20 080858.

21 COUNCILWOMAN TASC0: I move
22 that Bill 080858 be reported out of
23 Committee with a favorable recommendation
24 and that the rules of Council be
25 suspended so that this bill can be read

1 11/19/08 - WHOLE - BILL 080853, etc.

2 at Council's next session.

3 (Duly seconded.)

4 COUNCIL PRESIDENT VERNA: It
5 has been moved and seconded that Bill No.
6 080858 be reported out of Committee with
7 a favorable recommendation; further, that
8 the rules of Council be suspended so as
9 to permit first reading at our next
10 session of Council.

11 All in favor will say aye.

12 (Aye.)

13 COUNCIL PRESIDENT VERNA: Those
14 opposed?

15 COUNCILWOMAN BLACKWELL: Nay.

16 COUNCILMAN JONES: Nay.

17 COUNCIL PRESIDENT VERNA: The
18 record again will reflect that
19 Councilwoman Blackwell and Councilman
20 Jones voted nay. All other
21 Councilmembers voted in the affirmative.
22 Therefore, the motion carries.

23 We will now consider the final
24 bill, 080859.

25 COUNCILWOMAN TASCO: Madam

1 11/19/08 - WHOLE - BILL 080853, etc.

2 President, I move that Bill 080859 be
3 reported out of Committee with a
4 favorable recommendation and a
5 recommendation that the rules of Council
6 be suspended so that this bill may be
7 read at Council's next session.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and seconded that Bill No.
11 080859 be reported out of Committee with
12 a favorable recommendation; further, that
13 the rules of Council be suspended so as
14 to permit first reading at our next
15 session of Council.

16 All in favor will say aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 COUNCILWOMAN BLACKWELL: Nay.

21 COUNCIL PRESIDENT VERNA:
22 Councilman Jones, are you aye or nay for
23 59?

24 COUNCILMAN JONES: Nay.

25 COUNCIL PRESIDENT VERNA: Now,

1 11/19/08 - WHOLE - BILL 080853, etc.

2 I was kind enough to ask.

3 COUNCILMAN JONES: I appreciate
4 your kindness.

5 COUNCIL PRESIDENT Verna: The
6 record will reflect that Councilmembers
7 Blackwell and Jones voted nay on Bill No.
8 080859. All other members voted in the
9 affirmative. Therefore, the motion
10 carries.

11 Thank you all very much.

12 (Committee of the Whole
13 adjourned at 4:40 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on November 19, 2008, and
that this is a true and correct transcript of
same.

MICHELE L. MURPHY
RPR-Notary Public

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