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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

BEFORE THE COMMITTEE OF THE WHOLE

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6

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, April 28, 1998
12:40 p.m.

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9 BILL 970403 - Amending Section 9-601 of the
Philadelphia Code entitled Garages, Parking Lots,
10 Sales Lots and Sales Showrooms by deleting the
existing provisions and enacting new provisions
11 regulating valet parking.

BILL 970843 - Requesting City Commissioners to
12 submit to the qualified registered electors of
Philadelphia the question whether an electronic
13 voting system shall be used.

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15 PRESENT:

16

COUNCILMAN JOHN F. STREET, Chair
COUNCILWOMAN ANNA C. VERNA, Vice-Chair

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COUNCILWOMAN HAPPY FERNANDEZ

19

COUNCILMAN DAVID COHEN

20

COUNCILMAN FRANK RIZZO

21

COUNCILMAN FRANK DiCICCO

22

COUNCILMAN MICHAEL A. NUTTER

23

COUNCILWOMAN JOAN L. KRAJEWSKI

24

COUNCILMAN RICHARD T. MARIANO

25

COUNCILWOMAN DONNA REED MILLER

- - -

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1		
2	I N D E X	
3	BILL 970843	PAGE
4	Alex Talmadge, City Commissioner-----	4
5	BILL 970403	
6	Joseph Zuritsky, President, Parkway Corp.-----	10
7	Harvey Spear, President E-Z Park-----	12
8	Richard DiPiero, DLC Management, Inc.-----	14
9	Judith Eden, Officer, Center City Residents Association-----	17
10	Brian Lipkin, Vice-President, Operations, Park America-----	18
11	Ed Sullivan, Manager, Valet Services, Park America-----	31
12	Rina Cutler, Executive Director, PPA-----	40
13	Richard Dixon, Director, Parking Management----	59
14	Edward McLaughlin, Commissioner, Department of Licenses & Inspections-----	109
15	John Campbell, Manager, Legislative Regulatory Affairs-----	109
16	- - -	
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 BILL 970843

2 PRESIDENT STREET: Good afternoon,
3 ladies and gentlemen. This is a Public Hearing of
4 the Council Committee of the Whole.

5 Today we are scheduled to have a
6 Public Hearing on two bills, Bill No. 970403, which
7 is an Ordinance amending Section 9-601 of the
8 Philadelphia Code entitled "Garages, Parking Lots,
9 Sales Lots and Sales Showrooms," by deleting the
10 existing provisions and enacting new provisions
11 regulating valet parking.

12 We also are scheduled to hear
13 Resolution No. 970843, requesting the City
14 Commissioners, in their capacity as the Philadelphia
15 Board of Elections, to submit to qualified
16 registered electors of Philadelphia the question
17 whether an electronic voting system shall be used at
18 polling places in Philadelphia.

19 It is my understanding that on the
20 resolution, we have Alex, Commissioner Alex Talmadge
21 and Commissioner Joseph Duda. Are they here?

22 Commissioner, would you please
23 identify yourself for the record.

24 COMMISSIONER TALMADGE: City
25 Commissioner Alexander Talmadge, Jr.

1 BILL 970843

2 PRESIDENT STREET: Please proceed
3 with your statement.

4 COMMISSIONER ALEXANDER TALMADGE, JR.:
5 Council President Street, members of City Council,
6 ladies and gentlemen, I am City Commissioner
7 Alexander Talmadge, Jr.

8 And as one of three duly elected
9 Commissioner of Elections, which also constitutes
10 the Board of Elections here in Philadelphia, I come
11 before you representing my colleagues, Chairwoman
12 Tartaglione and Commissioner Duda.

13 I am pleased that the City Council
14 has proposed Resolution No. 970843 requesting
15 submission to qualified registered electors of
16 Philadelphia the question whether an electronic
17 voting system shall be used at the polling places in
18 Philadelphia.

19 We in our capacity as the
20 Philadelphia County Board of Elections have
21 discussed the matter, and we are in full agreement
22 with Resolution No. 970843.

23 We will do whatever we can, within
24 the boundaries of the law, to support this
25 resolution.

1 BILL 970843

2 Indeed, I have no doubt that this
3 legislation will win overwhelming support by the
4 registered voters across the City of Philadelphia.

5 Thank you very much.

6 PRESIDENT STREET: Thank you very
7 much.

8 The Chair recognizes Councilwoman
9 Verna.

10 COUNCILWOMAN VERNA: Thank you,
11 Mr. President.

12 Commissioner, can you tell us, if
13 this question is approved by the voters, when we
14 could anticipate that the machines would be
15 purchased?

16 COMMISSIONER TALMADGE: In speaking
17 with the other Commissioners, what we will do first
18 is hold a mini forum, which will demonstrate all of
19 the possible available machines that the Secretary
20 of the Commonwealth has already approved and we may
21 be willing and can purchase here in the City of
22 Philadelphia. That's the first thing.

23 Following that, I believe we have 103
24 weeks to implement the system itself.

25 COUNCILWOMAN VERNA: Do we have any

1 BILL 970843

2 indication as to what the cost of the machines would
3 be?

4 COMMISSIONER TALMADGE: Purchasing
5 machines for 1,681 divisions across the City of
6 Philadelphia, it will cost between 22 and 28 million
7 dollars.

8 COUNCILWOMAN VERNA: All right. It
9 is my understanding that Mr. Vignola has identified
10 \$15 million.

11 Do you know if that is specifically
12 set aside for voting machines? Or is it monies that
13 are merely available that could be used for any
14 number of items?

15 COMMISSIONER TALMADGE: Well, it is
16 my understanding in my last conversation with
17 Mr. Vignola that that is not specifically set aside
18 for voting machines.

19 COUNCILWOMAN VERNA: I thank you.

20 Thank you, Mr. President.

21 PRESIDENT STREET: Thank you very
22 much.

23 The Chair recognizes Councilman
24 Nutter.

25 COUNCILMAN NUTTER: Thank you,

1 BILL 970843

2 Mr. President. Just to follow up on a couple of the
3 questions raised by Councilwoman Verna.

4 Circulated in the materials yesterday
5 in anticipation of this hearing, and I think it was
6 circulated back at the time, Mr. Vignola from PICA
7 did say in a letter on December 3, 1997, that PICA
8 could possibly make available, should the city
9 decide to pursue it, up to \$15 million for the
10 voting machines.

11 These are capital funds that were
12 allocated to projects that were deemed at the time,
13 in 1992, to be of an emergency nature. Those
14 projects were never completed, and those dollars,
15 actually more than \$15 million, are still sitting at
16 PICA.

17 My colleague may recall that we in
18 City Council back on December 11, 1997, passed a
19 resolution asking the Council President and the
20 Mayor to officially request that PICA affirmatively
21 review capital dollars which were borrowed in 1992
22 and remain unspent, and to make a determination if
23 they would reallocate those dollars for the voting
24 machine purpose.

25 In addition, the city Administration

1 BILL 970843

2 in the Capital Budget and program that we recently
3 passed in March put in the Capital Program, I
4 believe, starting in FY 2000, in excess, I believe,
5 of \$20 million, spread out over a two- or three-year
6 time period, for the purchase of voting machines.

7 I think internally we have an issue
8 to work out between the Council and the
9 Administration as to whether or not that timetable
10 could be moved up.

11 But dollars have been identified on a
12 short-term basis to be able to procure the machines
13 once the City Commissioners have the authority to go
14 forward.

15 PRESIDENT STREET: Any other
16 questions?

17 Thank you very much, Commissioner.

18 COMMISSIONER TALMADGE: Thank you,
19 President Street.

20 PRESIDENT STREET: Is there anyone
21 else here to testify on Resolution No. 970843?

22 The Chair recognizes Councilman
23 Nutter.

24 COUNCILMAN NUTTER: Thank you.

25 From the City Solicitor's Office, if

1 BILL 970843

2 there were any questions, there was a memo attached
3 to the package distributed yesterday regarding the
4 process that has to be followed in order to secure
5 the voting machines.

6 The Solicitor's Office did send over
7 Mr. Michael Echert, if anyone had any questions for
8 him, although I am not trying to generate questions
9 for him.

10 PRESIDENT STREET: Now that we know
11 he is here --

12 COUNCILMAN NUTTER: Right. The
13 opinion may stand on its own.

14 Lastly, I did want to correct myself
15 slightly.

16 In the recommended 1999 to 2004
17 Capital Program, the city Administration did
18 allocate in Line Item No. 67, on Page 33, a total of
19 \$21 million for new voting machines spread out over
20 three fiscal years.

21 PRESIDENT STREET: Thank you.

22 Any other questions?

23 Thank you very much.

24 Is there anyone else to testify on
25 Resolution No. 970843?

1 BILL 970403

2 Thank you very much. At this time
3 the committee will consider Bill No. 970403.

4 Now, there are a number of
5 representatives here. What I would like to do is
6 hear from the representatives from the private
7 sector who are here, Mr. Zuritski, Mr. DiPiero, and
8 Mr. Spear, all of whom have an interest, and I think
9 Mr. Malley is here.

10 If these men would like to come up
11 now at the witness table, I would like to hear from
12 you first.

13 I know you have very, very busy
14 schedules. And we would like to try to accommodate
15 the general public, as best as we can, first. And
16 then the rest of us can stay and argue about the
17 details later.

18 Please identify yourself for the
19 record.

20 MR. JOSEPH ZURITSKI: Joe Zuritski,
21 President of Parkway Corporation, Acting President
22 of the Philadelphia Parking Association.

23 PRESIDENT STREET: Thank you very
24 much.

25 MR. ZURITSKI: Good afternoon. I am

1 BILL 970403

2 here today to speak in favor of the valet parking
3 bill introduced by Councilman Frank DiCicco.

4 Valet parking from the street needs
5 to be regulated by the City of Philadelphia. People
6 who use a valet service assume that their car will
7 be parked safely off the street in a licensed
8 parking facility, that the valet driver is licensed,
9 and the valet operator is a legitimate tax-paying
10 company with adequate insurance.

11 While on the subject of taxes -- not
12 a favorite topic of mine -- the parking industry is
13 the highest taxed of any industry in the entire
14 city, with most private facilities paying between 20
15 and 35 percent of their gross receipts to the city
16 in the way of various city taxes.

17 Back to valet parking. We have all
18 heard the many horror stories over the past few
19 years of cars being damaged, ticketed, or stolen
20 while in the care, custody, and control of
21 fly-by-night valet operators.

22 When the owners of these cars sought
23 compensation for their loss, they were usually
24 frustrated, when they tried to go to court against
25 the valet operator, when they were unable to serve

1 BILL 970403

2 them because they found they had no registered
3 address.

4 Obviously the city cannot permit a
5 situation like this to continue unchecked because it
6 defeats all of the city's efforts to bring people
7 downtown to its restaurants and other attractions.

8 The city must bring responsible
9 management to the street valet business by passing
10 this bill, and we respectfully request that you do
11 so.

12 Thank you.

13 PRESIDENT STREET: Thank you very
14 much.

15 Any questions?

16 Please identify yourself for the
17 record.

18 MR. HARVEY SPEAR: I am Harvey Spear,
19 President of E-Z Park, and a member of the Parking
20 Association.

21 PRESIDENT STREET: Mr. Spear, just
22 before you get to your statement, are you still
23 running?

24 MR. SPEAR: I am still running.

25 PRESIDENT STREET: Thank you very

1 BILL 970403

2 much. Please proceed.

3 MR. SPEAR: I wanted to say I am in
4 favor of the bill, also.

5 And I wanted to say that there's been
6 numerous problems in the city over this valet issue
7 because, as it is today, almost anybody can put a
8 sign out and park cars all over the city streets.

9 And we have had numerous problems
10 with valet, so-called valet companies that are not
11 responsible to pay taxes, as we are.

12 We also have had problems with
13 insurance issues. And one company in particular
14 used our parking facility to park cars when there
15 was no space left on the street.

16 We found they didn't have proper
17 insurance. And three years later, after defending
18 the claim, we ended up settling the claim because
19 the valet company didn't have the proper insurance.

20 So instead of repeating what Joe just
21 said, we are in favor of the bill and strongly
22 suggest it passes.

23 Thank you.

24 PRESIDENT STREET: Thank you very
25 much.

1 BILL 970403

2 Please identify yourself for the
3 record.

4 MR. RICHARD DiPIERO: Richard
5 DiPiero, DLC Management, Incorporated.

6 DLC Management is a
7 Philadelphia-based company which has been providing
8 parking and transportation services over the last 20
9 years.

10 Valet parking has become an important
11 part of the customer service provided by various
12 types of entities; such as hospitals, retail
13 establishments, and restaurants. Valet parking
14 service, when properly provided, can enhance the
15 customer's overall experience.

16 As the City of Philadelphia enters
17 the 21st century, its economy has become
18 increasingly dependent on service-based businesses.
19 The quality of those services will impact
20 Philadelphia's ability to gain prominence as a
21 destination city.

22 Our company provides valet parking
23 services at several locations in the area, including
24 many hospitals and medical centers.

25 Bill No. 970403 attempts to regulate

1 BILL 970403

2 curbside valet parking services which have become
3 important service enhancements offered primarily by
4 our city's restaurants and night clubs.

5 The proposed amendments will
6 establish control of curbside valet parking drop-off
7 areas by requiring companies to secure permits for
8 this type of activity and, therefore, establishing
9 standards for curbside valet services by eliminating
10 confusion to police officers, parking enforcement
11 officers, and most importantly the public, by
12 establishing valet parking zones which will be
13 clearly defined with appropriate signage, minimizing
14 traffic congestion by encouraging that vehicles be
15 expeditiously removed from the street and stored in
16 a legitimate parking facility, enforcing better
17 handling of damage claims by requiring valet
18 operators to furnish proof of insurance.

19 In summary, I am pleased to appear
20 before you today to give favorable consideration to
21 the legislation pending before you.

22 Thank you.

23 PRESIDENT STREET: Thank you very
24 much.

25 Any questions of the witnesses?

1 BILL 970403

2 The Chair recognizes Councilman
3 Rizzo.

4 COUNCILMAN RIZZO: Thank you,
5 Mr. President.

6 Could you describe for me how the
7 valet, these reserved areas for valet parking, will
8 be handled when the valet operation is not active,
9 not in operation?

10 What happens to that space at 10
11 o'clock or 9 o'clock in the morning, if it is a
12 restaurant that uses it in the evening? Is parking
13 going to be allowed in those areas?

14 MR. SPEAR: I would think the Parking
15 Authority would be able to answer that better.

16 PRESIDENT STREET: We would
17 appreciate it, Councilman, if you could address
18 those kind of technical questions to the
19 representatives from the Parking Authority. They
20 are the ones who have that. I mean, they are --

21 COUNCILMAN RIZZO: I thought they
22 would know, since it is their business.

23 PRESIDENT STREET: Well --

24 COUNCILMAN RIZZO: But I will wait
25 and have the Parking Authority answer the question.

1 BILL 970403

2 Thank you, Mr. President.

3 PRESIDENT STREET: Anyone else?

4 Gentlemen, thank you very much. We appreciate it.

5 Judith Eden Eden.

6 MS. JUDITH EDEN: My name is Judith
7 Eden. I am an officer in the Center City Residents
8 Association, and we are here today to support the
9 valet parking bill.

10 Our members are very interested,
11 particularly in the provisions that the cars be
12 parked in licensed off-street public parking
13 facilities.

14 As the industry is currently
15 operating, the cars are often parked at illegal,
16 on-street parking spaces, or at legal on-street
17 parking spaces from which the general public is
18 prevented from parking.

19 There are also instances where there
20 are vacant lots or private or accessory parking.
21 The cars are also being parked there, and it is
22 disruptive in a mixed-use neighborhood.

23 Thank you.

24 PRESIDENT STREET: Thank you very
25 much.

1 BILL 970403

2 Is there any other member of the
3 general public that's here whose name I might not
4 have?

5 Please come forward, identify
6 yourself for the record.

7 MR. BRIAN LIPKIN: My name is Brian
8 Lipkin. I am the Vice-President of Operations for
9 Park America.

10 I have been asked by Manayunk
11 Development Corporation to come down and address the
12 ordinance.

13 Certainly a lot of the concerns that
14 have been brought up today about valet parking are
15 right, but they don't apply to all the locations in
16 the city.

17 Manayunk Development has started
18 valet parking with the thought in mind as to create
19 additional parking for Manayunk, the Manayunk
20 Development District.

21 All the cars in Manayunk that are
22 valeted are taken to a parking area. The parking
23 area is not on street; it is a lot that is not a
24 licensed parking lot, but it is a lot that they were
25 able to obtain as a place to store some 150 to 200

1 BILL 970403

2 cars a night.

3 Probably many people are aware of
4 some of the problems that Manayunk has right now
5 with their parking issues.

6 And if this ordinance was passed the
7 way it is, you would remove that area for us to
8 valet park cars to. And all those cars would end up
9 going in the parking lots that have already been
10 surfaced and licensed. And that would take about
11 200 spaces away from Manayunk on a peak night,
12 usually on a Friday or Saturday night.

13 We also, we support this ordinance,
14 but not the way it stands, the way it is. We feel
15 it is just a little too restrictive.

16 We do understand the problem with
17 fly-by-night valet parking operations, operations
18 that either are underinsured or not insured, and it
19 makes it difficult for people to file claims against
20 these companies. They either don't have a face or
21 they don't have an office.

22 However, we feel that if you license
23 these people and they are legitimate operators, that
24 some of those problems will go away.

25 But when you look at some of the

1 BILL 970403

2 restrictive parts of the ordinance, a lot of these
3 issues are fine on paper, but, in actuality, they
4 are going to be a little more difficult to actually
5 stand by.

6 One of the issues that we feel, that
7 valet parking has really come a long way in helping
8 the growth in the City of Philadelphia, including
9 Manayunk.

10 Many people who come to the city come
11 there because they know they can give their car to
12 somebody who will at least take care of it and be
13 somewhat responsible for it, and the convenience of
14 being able to step out of their car and go right
15 into a restaurant.

16 Many of these people drive very
17 expensive vehicles, and they really don't want to
18 put that vehicle into somebody's hands.

19 According to this ordinance, these
20 cars are now going to have to be removed to some
21 area, a licensed parking lot.

22 As a valet operator, we are very
23 aware of the liability issues. That if some of
24 these cars need to be repaired, it can get very
25 costly.

1 BILL 970403

2 So many of these cars are actually
3 kept in what's known as the runway. This is done
4 not so much by our request, but our unwillingness to
5 handle that type of vehicle, in addition to the
6 person's car, the person who owns that car, not
7 wanting that car to be moved.

8 So what's going to happen is, these
9 people are not going to bring their cars down to the
10 city and they are also not going to patronize these
11 restaurants.

12 We also looked at how this ordinance
13 is going to be policed. And we're already policed
14 by the City of Philadelphia Police Department, and
15 as well as the Parking Authority.

16 Personally in Manayunk, we receive
17 many tickets, usually anywhere from 50 to 100
18 dollars worth of tickets a week. And that's because
19 we are unable to remove all the cars at the peak
20 time.

21 If we were to staff up to the
22 necessary levels to remove every single car as it
23 drives up that somebody wants to have dinner, you
24 would have an increased staff that would really not
25 justify doing valet parking in the city.

1 BILL 970403

2 There really needs to be an area
3 where these cars can be stored while the valets run
4 back and forth and get these cars off the street.

5 One of the other advantages to valet
6 parking that I think many people will realize is
7 that it enables many more people to frequent these
8 restaurants, many people who may be handicapped or
9 elderly, do not wish to park in parking lots and
10 then walk several blocks to their restaurants. So
11 they will also stop patronizing these restaurants.

12 I guess the bottom line is, we were
13 wondering why it is completely necessary to have
14 fines and a special ordinance, because we are
15 already really very regulated in the city. And the
16 police already regulate what goes on, as well as the
17 Parking Authority.

18 We were wondering if there is going
19 to be an additional person added to the city budget
20 that needs to police the valet parking areas.

21 Because when you look at how much
22 revenue is really going to be generated by the
23 licensing fees, the fines, and the permits for the
24 valet zones, there is really not a lot of money
25 there.

1 BILL 970403

2 And I think once this ordinance is
3 passed, there really will probably be very few
4 companies in the valet parking business.

5 One of the other things valet parking
6 is very good for is, it creates jobs in the city.
7 Many of these people that come to work for us, they
8 are low-skilled individuals. All they really need
9 to know is how to speak well, drive a car, and look
10 nice.

11 So that it creates a lot of jobs for
12 people who might not ordinarily have a stepping
13 stone into the workplace.

14 That's about all I have to add.
15 Thank you.

16 PRESIDENT STREET: Thank you very
17 much.

18 The Chair recognizes Councilman
19 DiCicco.

20 COUNCILMAN DiCICCO: Thank you,
21 Mr. President. Good afternoon.

22 Sir, I didn't get your full name.

23 MR. LIPKIN: It is Brian Lipkin.

24 PRESIDENT STREET: Spell your last
25 name.

1 BILL 970403

2 MR. LIPKIN: L-I-P-K-I-N.

3 COUNCILMAN DiCICCO: And the company
4 that you represent?

5 MR. LIPKIN: Park America.

6 COUNCILMAN DiCICCO: And they are in
7 the business of valet parking?

8 MR. LIPKIN: Well, we are in the
9 business of managing garages and parking lots. We
10 have about 100 locations.

11 This is really just something that's,
12 because there has been a big growth in valet
13 parking, a number of places seem to find that this
14 is something they require to help them out.

15 COUNCILMAN DiCICCO: Are you
16 connected in any way to the people who are doing
17 valet parking on Main Street in Manayunk?

18 MR. LIPKIN: Yes. We are the company
19 that's doing valet parking.

20 COUNCILMAN DiCICCO: So you are doing
21 valet parking?

22 MR. LIPKIN: Yes.

23 COUNCILMAN DiCICCO: All right. I
24 know this because I go to Manayunk pretty
25 regularly. Restaurant Sinoma, Kansas City Prime,

1 BILL 970403

2 Kansas City Beef or Kansas City Prime, whatever it
3 is called.

4 And I notice that a lot of these
5 restaurants have meters in front of their
6 establishments, most of which have an orange bag
7 over the meter.

8 By whose authority are those bags
9 placed on the meters?

10 MR. LIPKIN: Well, we only have two
11 meters in the entire Manayunk Main Street area that
12 we use for valet parking. Not one of them is
13 covered by a bag. We never use bags.

14 At one time there was a complaint
15 that traffic cones were used, and we removed them
16 from the street. That was at least a year ago.

17 COUNCILMAN DiCICCO: Of all the
18 meters along Main Street, there are only two
19 establishments that have meters?

20 MR. LIPKIN: The two meters in front
21 of Kansas City Prime, that is a loading zone, and I
22 believe it starts at 6 o'clock.

23 COUNCILMAN DiCICCO: And they are
24 bagged?

25 MR. LIPKIN: They aren't bagged. We

1 BILL 970403

2 don't put bags there. We have been told not to put
3 bags there.

4 COUNCILMAN DiCICCO: Would you happen
5 to know who is putting bags on there?

6 MR. LIPKIN: I have no idea.

7 COUNCILMAN DiCICCO: When I pull up,
8 there is a valet employee who is standing next to
9 the meters that are generally bagged.

10 And you pay them to take the car, I
11 mean, and park it someplace.

12 And my other question to you is, what
13 does your company do to ensure that the people who
14 are working for you, the valet parkers, to be
15 specific, that they are licensed, have a valid
16 driver's license?

17 MR. LIPKIN: Each valet has to fill
18 out a complete application. And we get a xeroxed
19 copy of their driver's license, and then we run a
20 background check on their license.

21 It is also required by our insurance
22 company.

23 COUNCILMAN DiCICCO: How often do you
24 do the background check?

25 MR. LIPKIN: We do the background

1 BILL 970403

2 check every year.

3 COUNCILMAN DiCICCO: Once a year for
4 that employee?

5 MR. LIPKIN: Yes.

6 And we check their licenses, you
7 know, not with any regularity, but we check them
8 every quarter.

9 COUNCILMAN DiCICCO: Every quarter?

10 MR. LIPKIN: Yes.

11 But we hope that our people aren't
12 losing their driver's licenses.

13 COUNCILMAN DiCICCO: It is very
14 possible for an applicant to fill out an application
15 today, you run a check on their driver's license,
16 and it comes up as being valid.

17 But within ten days, it may turn out
18 to be a suspended driver's license because it had
19 not reached the Pennsylvania Department of
20 Transportation yet.

21 I don't know if quarterly is the way
22 I would go. I mean, I would suggest that it be done
23 at least on a monthly. And I don't know if we
24 address it in this legislation. But quarterly?

25 And I am familiar with this, because

1 BILL 970403

2 I was the Court Administrator of Philadelphia
3 Traffic Court. And licenses are constantly being
4 recommended for suspension or, in fact, suspended.

5 MR. LIPKIN: I am going to say that
6 when we run the background check, it gives you a
7 three-year check on the person. And if that person
8 comes up with frequent violations, we don't hire
9 them. And.

10 I am not clear as to what the law is,
11 what somebody has to do to lose their license. But
12 usually you have to have quite a few violations
13 before you lose your license, or you don't respond
14 to a single --

15 COUNCILMAN DiCICCO: You can lose
16 your license for not responding to one moving
17 violation, and you will lose your license if you
18 don't respond. It will be suspended.

19 And I don't know if quarterly, if
20 that's what you are suggesting that your company is
21 doing, I would certifiably suggest you do it on a
22 more regular basis, at least monthly.

23 I will yield to Councilman Nutter.

24 MR. LIPKIN: This is Ed Sullivan, by
25 the way. He is our Special Events and Valet

1 BILL 970403

2 Manager. He might be able to address the issue of
3 the bags.

4 COUNCILMAN DiCICCO: Councilman
5 Nutter has a question first.

6 COUNCILMAN NUTTER: Thank you for the
7 yield from my colleague.

8 In the same area, the only sense that
9 I have been able to make of that issue that my
10 colleague appropriately raises about background
11 checks and the like appears to be addressed on Point
12 No. 7 on Page 5, which only talks somewhat vaguely
13 about a certification that each such employee or
14 agent possesses a valid driver's license.

15 I have not found any particular
16 provision that talks about regular updating, regular
17 background checks, or even who this certification
18 would come from.

19 It may be rather obvious, but it is
20 not listed in the legislation. And so even with the
21 bill, to my colleague Councilman DiCicco, while some
22 operators may have their own internal systems about
23 checking on their employees -- and I think that we
24 should check on them, and it is something that
25 should be addressed in the bill -- the bill

1 BILL 970403

2 presently does not require any periodic checking,
3 that I can determine from reading the bill, or
4 future checking once the person has, apparently,
5 been checked upon their initial employment.

6 I have not found such a provision
7 that requires monthly, quarterly, yearly, every ten
8 years, or anything else.

9 COUNCILMAN DiCICCO: I think --

10 COUNCILMAN NUTTER: I think there is
11 a provision that talks about the need for the
12 operator or the person that receives the permit to
13 provide some update to us. "Licensee shall notify
14 the department within ten days of any change in the
15 information required by Subsections 8(a) and 8(b)."
16 But I don't think it is covered.

17 COUNCILMAN DiCICCO: I think,
18 Councilman Nutter, that when Ms. Culter gets up to
19 testify, we will have some answers to those
20 questions. I am not really clear. It's been a
21 while.

22 COUNCILMAN NUTTER: I understand.

23 COUNCILMAN DiCICCO: But I know those
24 are some of the issues we spoke about at our
25 meetings.

1 BILL 970403

2 COUNCILMAN NUTTER: Right. Okay.

3 MR. ED SULLIVAN: My name is Ed
4 Sullivan. I am the Manager for Valet Services of
5 Park America.

6 I specifically work day-to-day on all
7 the valet operations, and I am familiar with the
8 bags on the meters.

9 And I believe it was September of '96
10 that our company had taken over the services in
11 Manayunk. And we were specifically directed by the
12 Parking Authority and the Police Department on what
13 was expected of us, and we try to live up to that.

14 The bags on the meters which you are
15 speaking about, there is one other vender in town
16 that's waiting on Loading Zone signs to be
17 delivered.

18 I know that the Parking Authority
19 person has a letter in his vehicle that states that
20 that area is designed and has been approved for
21 valet loading zone, but the signs are on order.

22 So, in the interim, the person is
23 using cones and bags over the meters to let the
24 patrons know before they pull up that they can't use
25 the metered spaces.

1 BILL 970403

2 Because we specifically --

3 COUNCILMAN DiCICCO: And they were
4 given authority to do that?

5 MR. SULLIVAN: From what I
6 understand. I have the person's name at the Parking
7 Authority that has the letter. And day-to-day we
8 know everything.

9 So he has the letter in the car. And
10 when someone were to pull up at the meter, there are
11 three meters, and they have bags on them. It is not
12 us as a vender. And they use cones also in the
13 street.

14 COUNCILMAN DiCICCO: Maybe I can get
15 a letter for my car, because I have been getting
16 ticketed.

17 I will have to speak to this company
18 when he comes to the table to testify. Thank you.

19 Thank you, Mr. President.

20 PRESIDENT STREET: Any other
21 questions of these witnesses?

22 The Chair recognizes Councilwoman
23 Fernandez.

24 COUNCILWOMAN FERNANDEZ: Thank you,
25 Mr. President. I will hold my question.

1 BILL 970403

2 PRESIDENT STREET: Thank you very
3 much.

4 The Chair recognizes Councilman
5 Cohen.

6 COUNCILMAN COHEN: In the past, when
7 we have dealt with Parking Authority regulations, we
8 have found that when there were statements such as a
9 driver getting three tickets, we found that in the
10 mind of the then Parking Authority some years ago --
11 because I am going to want to know what the
12 interpretation is now -- that three violations could
13 be obtained within two or three hours.

14 In other words, the Parking Authority
15 could ticket a car now, return in 30 minutes to half
16 an hour, put a second ticket on because nobody moved
17 the car, and within 30 minutes, another hour, they
18 could come around again and put on a third ticket.
19 So I am concerned.

20 I notice on Page 6 that it says if a
21 valet parking operator fails to comply with any
22 provision, there will be a written notice. And if
23 there are three written warnings, that then a
24 request may be made to the Parking Authority's
25 Executive Director, makes the request, I guess, to

1 BILL 970403

2 Commissioner of L & I to hold a hearing which may
3 result in a suspension.

4 And that during the suspension
5 period, the valet operator may be replaced by
6 another valet operator. It's all in one section.

7 Is there anything in the bill, do I
8 miss it, which says over what period of time these
9 three written violations must occur, or these
10 written warnings to the person may be given?

11 Could they be given in one day?

12 MR. LIPKIN: We have been known to
13 get about four or five a night.

14 COUNCILMAN COHEN: What's that?

15 MR. LIPKIN: We have been known to
16 get about four or five a night, in some cases.

17 COUNCILMAN COHEN: Speak directly
18 into the microphone. My guess is three or four?

19 MR. LIPKIN: Parking Authority has
20 been known to come down and give us anywhere from
21 two to four tickets a night.

22 COUNCILMAN COHEN: On the same
23 violation?

24 MR. LIPKIN: No; it is usually
25 different cars.

1 BILL 970403

2 And the reason is that they come down
3 at a time where 70 percent of the vehicles are
4 coming to Manayunk, trying to get parked.

5 So we use the runway as a storing
6 area for the car, while the runner is coming to move
7 it to the parking lot.

8 Generally what happens is that they
9 come down and at 8 o'clock, and they will write us a
10 number of tickets. And sometimes it's, you know,
11 they don't really even give us a chance to get the
12 car off the runway.

13 And I guess that's, with this
14 ordinance, we could get three or four of these
15 violations in that loading area in ten minutes.

16 COUNCILMAN COHEN: Well, I think your
17 example might even be better than mine. I think
18 each ticket could be a separate violation to support
19 a written notice.

20 I am just urging, because I think the
21 purpose of the bill is a good purpose, and I'm just
22 urging that there be real specificity as to when
23 these violation penalties can be imposed, for
24 everybody's sake.

25 Parking Authority ought to know, the

1 BILL 970403

2 valet operator ought to know, and we ought to know,
3 you know, what the law is that is being passed.

4 There is a similar provision in the
5 general provisions dealing with getting a valet
6 parking permit. It deals with repeated violations.
7 I don't know what a "repeated violation" is.

8 PRESIDENT STREET: Councilman Cohen,
9 can I interrupt you?

10 I mean, these are all good concerns.
11 What I would like for you to could is address them
12 to Ms. Cutler from the Parking Authority.

13 COUNCILMAN COHEN: I wanted to know
14 whether these are realistic concerns of the people
15 involved.

16 COUNCILMAN DiCICCO: Point of order.

17 I think what Councilman Cohen is
18 referring to -- I kind of think we are mixing apples
19 can oranges here -- you, I believe, are referring to
20 the issue of citations to a vehicle.

21 And I think the ordinance addresses
22 the operator, the valet operator, failing to comply
23 with certain provisions of this chapter, of this
24 ordinance. And they are not necessarily one in the
25 same.

1 BILL 970403

2 PRESIDENT STREET: Councilman, I have
3 to take some responsibility for the confusion that
4 exists here.

5 Under ordinary circumstances what we
6 would do is have testimony from the representatives
7 of the Parking Authority, the Streets Department,
8 and other people, get a clearer understanding of
9 what is intended by the bill, and then once a member
10 has that, then other members of the general public
11 could come to testify.

12 But, I mean, we are going to have to
13 bifurcate this hearing today. I do not like having
14 members of the general public come, and then sit
15 here for an hour or two, and then we not be able to
16 hear them.

17 We are going to have to, because the
18 Council Committee on Transportation really ran over
19 a bit, we were supposed to start this hearing at 12
20 o'clock.

21 And out of respect for both the
22 Committee Chairperson and the subject matter, which
23 is very important, we didn't say anything, and
24 Councilwoman went over some time.

25 There are some of us who have a

1 BILL 970403

2 commitment to attend the funeral services for a dear
3 friend, and we will only be about 30 minutes.

4 But we are going to have to recess
5 the hearing, and run and pay our respects, and come
6 right back.

7 But I didn't want to have the general
8 public sitting here and not be able to express its
9 feelings on the bill, so we wanted to get them.

10 What I would like to do is, if
11 anybody has any other questions of these witnesses,
12 you know, who are here, we appreciate their coming,
13 and we know that they have other work to do, I would
14 like for you to get them.

15 We will have an opportunity to talk
16 at some length with representatives of the Parking
17 Authority.

18 But what I would like to do is have
19 the committee now stand in recess until 2 o'clock,
20 give us an opportunity to pay our respects and come
21 back. And then we can take as much time as we need,
22 you know, with a representative of the Authority.

23 We apologize for this, but we didn't
24 have any clue that the other hearing was going to
25 run over. And it happens. It is just the way

1 BILL 970403

2 legislative bodies work.

3 But we appreciate the attendance of
4 the members of the general public. We invite you to
5 stay or come back at 2 o'clock.

6 We know some of you are very very
7 interested in this. It will be an interesting
8 discussion, I'm sure.

9 But at this time the committee will
10 stand in recess until 2 o'clock, at which time we
11 will hear from the Parking Authority and, I think,
12 the Streets Department, and anyone else from the
13 city that we think we need in order to understand
14 the bill.

15 Is there any question from any member
16 of Council?

17 Thank you very much. This committee
18 stands in recess.

19 (Hearing stands in recess.)

20 PRESIDENT STREET: At this time our
21 next witness will be Rina Cutler of the Philadelphia
22 Parking Authority.

23 If I could have your attention,
24 please, our next witness will be Rina Cutler of the
25 Philadelphia Parking Authority.

1 BILL 970403

2 Good afternoon. Please identify
3 yourself for the record and proceed with your
4 statement.

5 MS. RINA CUTLER: Good afternoon,
6 President Street, members of Council. My name is
7 Rina Cutler. I am the Executive Director of the
8 Philadelphia Parking Authority.

9 I come to give testimony on Bill No.
10 970403, which was introduced by Councilmembers
11 DiCicco, Kenney, and Nutter as a result of numerous
12 meetings held with a variety of business owners,
13 valet parking operators, garage operators, and
14 members of the public.

15 It amends the ordinance approved and
16 signed into law in 1995 to regulate valet parking
17 operations.

18 With the growth of hotel, restaurant
19 and entertainment industry in Philadelphia over the
20 last several years, valet parking has become an
21 important and necessary amenity for those businesses
22 to attract and keep customers.

23 However, this has resulted in a
24 disruption of traffic flow and increased parking
25 congestion in several areas of the city which have

1 BILL 970403

2 been impacted by this growth.

3 In the last year, we are aware of
4 five additional restaurants in Center City which
5 have begun valet parking operations. This is in
6 addition to at least 20 others already in place.

7 These numbers do not include those of
8 hospitals, hotels, and other businesses. The
9 phenomenon is not unique to Center City, as there
10 are several areas in Manayunk and on Christopher
11 Columbus Boulevard which also have experienced this
12 growth.

13 The need to regulate the valet
14 industry has become apparent due to resident
15 complaints that valet operators were taking patrons
16 cars and parking them not in off-street parking
17 facilities, but in residential areas.

18 In fact, some valet attendants, with
19 or without the approval of the valet company, have
20 used on-street public parking spaces to park patrons
21 cars, often having charged them 10 to 15 dollars to
22 valet park.

23 Residents are then forced to park
24 several blocks from their home because the on-street
25 spaces are being used for valet parking -- as a

1 BILL 970403

2 valet parking lot for the valet.

3 Even worst, complaints have been
4 received from valet customers who received a Notice
5 of Violation for a ticket they never saw. This
6 occurs when a valet driver moves the car to an
7 illegal parking space and the vehicle is ticketed.

8 To avoid a confrontation with the
9 customer, the valet driver removes the ticket from
10 the car.

11 Of course, by the time the customer
12 knows about the ticket, not only is the fine due,
13 but late penalties have been applied.

14 They then call the Parking Authority,
15 indicating that it is not possible for them to have
16 received a ticket because they valet parked the
17 car.

18 I would like to point out that not
19 every valet parking company operates in this
20 manner. Most are serious businesspeople who try to
21 do a good job.

22 It is, in fact, unfair to them that
23 other operators are able to charge lower rates
24 because they do not conduct themselves in a
25 professional manner.

1 BILL 970403

2 We also have an obligation to the
3 people who live in the neighborhoods close to
4 entertainment areas who are already dealing with the
5 spillover of additional traffic, noise, and parking
6 problems.

7 They have a right to expect us to
8 make whatever effort we can to mitigate against
9 those things which diminish the quality of their
10 lives.

11 At the same time, when we invite
12 people to our city to take advantage of the many
13 opportunities which exist for dining and
14 entertainment, they expect we will do everything in
15 our power to ensure that businesses act
16 responsibly.

17 In this case, it means that when they
18 turn their car over to a valet, it will be parked by
19 a licensed driver, operated in a safe manner, parked
20 in a facility that is licensed and insured, and will
21 be secure while it is in the valet company's care.

22 The requirements of this bill are
23 straightforward. Anyone wishing to operate a valet
24 license must be registered and licensed by the
25 Department of Licenses & Inspections.

1 BILL 970403

2 A license will be issued if the
3 applicant has a Business Privilege License, is
4 current in all taxes and fees due the city, has
5 adequate liability insurance, and pays an annual fee
6 of \$75.

7 The legislation also establishes a
8 new parking violation, Valet Parking Zone, setting
9 aside a portion of the curb for the exclusive use of
10 valet parking operators for specific hours.

11 Applications for these zones will be
12 made by the business wishing to establish valet
13 parking services for its customers.

14 They will be reviewed by the Parking
15 Authority, and approval will be based on an
16 evaluation of existing parking regulations, current
17 property use, and other relevant factors.

18 The Authority will determine the
19 length of the zone, as well as the days and hours of
20 operation in consultation with the business.

21 The law also establishes fees for
22 Valet Parking Zones. It recognizes that a higher
23 fee is appropriate in those areas of highest parking
24 demand.

25 That area includes the existing

1 BILL 970403

2 boundaries for Center City and University City, plus
3 the Manayunk Business District and the Delaware
4 Avenue Entertainment District.

5 Penalties are established for
6 violations of parking regulations related to the new
7 zone.

8 If a motorist parks in a zone for a
9 purpose other than to turn the car over to the valet
10 operator, they are subject to a \$20 fine.

11 If the valet operator fails to remove
12 the vehicle from the zone to an off-street parking
13 facility, the valet operator is subject to a \$25
14 fine.

15 In order for the valet operator to
16 provide the service at a specific location, a plan
17 must be submitted which includes a copy of the
18 contract with a licensed parking facility, proposed
19 pattern of discharge and pickup of vehicles,
20 estimated number of vehicles to be parked, and the
21 number of employees to be used in valeting
22 vehicles.

23 This information will be evaluated to
24 determine if the service can be provided at that
25 location with the staff proposed and with sufficient

1 BILL 970403

2 off-street parking capacity.

3 Finally, the ordinance provides for
4 suspension or revocation of the licenses for those
5 operators who consistently violate the provisions of
6 the law.

7 I have submitted to you, President
8 Street, amendments to the bill requested by the
9 sponsors. I support the amendments as submitted and
10 urge the favorable consideration of this bill.

11 PRESIDENT STREET: Thank you very
12 much.

13 The Chair recognizes Councilman
14 Rizzo.

15 COUNCILMAN RIZZO: Thank you,
16 Mr. President.

17 Going back to the question, I think
18 you answered it, but I want to ask it again, when
19 the valet operator is not in operation, could you
20 clarify again what happens to the space?

21 MS. CUTLER: Yes, Councilman. Rina
22 Cutler.

23 In most cases, given the scarcity of
24 on-street parking, it is my sense, other than for
25 hotels, that most valet zones will be part time, as

1 BILL 970403

2 the current loading zones are, evenings primarily.
3 So in those cases, we will do mixed regulations.

4 For instance, during the day hours,
5 they're metered, and at 6:31, hypothetically, they
6 could turn into a Valet Zone. In cases like that we
7 would not remove the meter, and there would be a
8 dual regulation.

9 In other cases, like Valet Zone for a
10 hotel, where they would need it 24 hours a day, we
11 would remove the meter and make it a full-time Valet
12 Parking Zone.

13 COUNCILMAN RIZZO: My next question
14 is, in the bill, how many valet parking operations
15 could exist?

16 Let's use one that I know well -- and
17 I hate to keep picking on Manayunk -- but let's say
18 that five or six more restaurants would want valet
19 parking. That would pretty much cancel the
20 on-street parking on Main Street.

21 Is there going to be a lottery? How
22 will the process be? First come, first serve? Or
23 are you going to have an allotment of how many valet
24 operations can exist in one business district?

25 MS. CUTLER: It is actually the case

1 BILL 970403

2 currently on Walnut Street, where we have a
3 tremendous number of restaurants within a
4 three-block area, all of whom requested what is now
5 a Loading Zone, which I'm sure all will be converted
6 to Valet Parking Zones.

7 We basically took a look at the
8 street and indicated to the restaurants that we were
9 prepared to give them the block, but that they
10 needed to share it as a valet operation for more
11 than one establishment, and that we would only allow
12 one valet operator to operate it.

13 So, in many cases, that will be the
14 model that we will use.

15 It is likely we will not be able to
16 set up an individual zone for everybody who wants
17 one in a very limited area. There is just not
18 enough curb space.

19 So, in that case, we will try to
20 merge and create common zones, with one operator, in
21 order to manage more than one restaurant parking.

22 COUNCILMAN RIZZO: My final question
23 is pretty much motivated at this legislation, the
24 problems that you just described with the
25 irresponsible operators.

1 BILL 970403

2 My question is, when this legislation
3 becomes law, the oversight, will it be the Parking
4 Authority?

5 Now, if an operator doesn't do all
6 the things, they're busy, the lot is full, and now
7 they have cars that they need to deal with, if they
8 do start doing the same things again, parking the
9 car at a meter, parking it in a residential area,
10 whose responsibility will it be, or is there no
11 oversight at that point?

12 MS. CUTLER: The responsibility for
13 the enforcement of the on-street regulation will be
14 the Parking Authority.

15 The enforcement for the licensing of
16 the valet operators and to hear the complaints
17 relative to the operations of that company will
18 actually be with L & I. So it is a split
19 supervision.

20 For instance, if you are a valet
21 operator, you take a car, take \$15 to put that car
22 off-street, and then park it at a meter and it gets
23 a ticket, and through the process of noticing for
24 that ticket you contact my agency and indicate you
25 shouldn't have received the ticket because you were

1 BILL 970403

2 valet parked at such and such a restaurant, we will
3 then go back to the company.

4 Basically, that would be sort of a
5 friendly warning. Let's say you need to deal with
6 this ticket, this is not the customer's
7 responsibility, you had the car in your possession
8 and you parked it at a meter, don't do that. So
9 eventually they will come.

10 If it is an on-street parking
11 enforcement issue, the Parking Authority will have
12 jurisdiction.

13 COUNCILMAN RIZZO: My concern is that
14 I know valet parking operations that are smart
15 enough to pay the ticket. Okay? There are many of
16 them that, rather than face the music, will just pay
17 the ticket.

18 Now, my question is, if a valet
19 operator, after this passes, that moves a car to a
20 meter and drops the appropriate change in the meter,
21 is that, in this ordinance, legal for that operator
22 to do or not?

23 If he is observed parking at a meter
24 and dropping the appropriate --

25 MS. CUTLER: It is not legal, no.

1 BILL 970403

2 COUNCILMAN RIZZ0: And what could
3 happen?

4 MS. CUTLER: Well, first of all, I
5 would need some level of proof that he was behaving
6 in a manner that was inappropriate. We would
7 probably send somebody out to observe the
8 operation.

9 And at that point, if that, in fact,
10 is true, under this bill, he could be fined \$25, the
11 operator -- not the owner of the vehicle, the valet
12 operator would be fined \$25 -- because that would be
13 one of the restrictions to operate at the curb.

14 You cannot use a legal public parking
15 space or an illegal public parking space to park
16 those vehicles.

17 Once you move them from in front of
18 the restaurant, you need to put them in an
19 off-street facility.

20 COUNCILMAN RIZZ0: You mentioned L &
21 I, you mentioned the Parking Authority.

22 Does the Police Department have no
23 role in the enforcement of this at all?

24 MS. CUTLER: They, like any other
25 parking violation, could also write the citation,

1 BILL 970403

2 yes.

3 COUNCILMAN RIZZO: But not from what
4 you just described.

5 If I am a valet operator and park it
6 in front of a meter and drop the money in the meter,
7 that is not a violation.

8 MS. CUTLER: If this ordinance is
9 passed, that would become part of the parking
10 ticket. Those violations will be added to the
11 current parking ticket.

12 So, yes, the Police Department could
13 write them the same as the Parking Authority.

14 COUNCILMAN RIZZO: So, in other
15 words, the Police Department can enforce it if there
16 is a complaint that four meters are taken up by a
17 valet operator, that the police could come out. And
18 it wouldn't be fair to ticket the car.

19 MS. CUTLER: That's correct.

20 COUNCILMAN RIZZO: Who gets the
21 violation?

22 MS. CUTLER: The valet company, the
23 valet operator.

24 COUNCILMAN RIZZO: By the police?

25 MS. CUTLER: By either the Parking

1 BILL 970403

2 Authority or the Police Department.

3 COUNCILMAN RIZZO: Well, you can
4 tell.

5 Councilwoman Verna indicated, how
6 would you know that the car was parked improperly by
7 a valet operator?

8 MS. CUTLER: We would have had to
9 receive a complaint, and at that point we would send
10 somebody out.

11 COUNCILMAN RIZZO: Especially when
12 you see a person with a red jacket jump out of a car
13 with "Valet" written across the back. And you see
14 it all the time.

15 MS. CUTLER: Most of the complaints
16 we currently get, they will be required to have
17 valet ticket and numbers in the dashboards.

18 But most of the complaints now that
19 we get from the public relative to valet operators
20 using public parking spaces, the residents are
21 reasonably vigilant in these areas because they are
22 the people being displaced.

23 And while I'm not comfortable taking
24 their word for it, a complaint to my office about it
25 will have somebody go out and observe their

1 BILL 970403

2 operation.

3 And if they do it one night, they
4 will do it the next night, as well.

5 COUNCILMAN RIZZO: So there is going
6 to be some monitoring of the valet parking operators
7 by the Parking Authority --

8 MS. CUTLER: Right.

9 COUNCILMAN RIZZO: -- if there is a
10 complaint? No just normal observation without
11 complaints?

12 MS. CUTLER: Well, there are
13 several. As you know, we have been doing this for
14 some period of time under the current Loading Zone
15 regulation which exists.

16 And, so, over the years we have a
17 fairly good sense of the number of complaints that
18 come in on any particular establishment.

19 So there are locations now that my
20 folks monitor regularly on weekends just because I
21 know there will be complaints, and I would prefer to
22 be a little preemptive about it.

23 COUNCILMAN RIZZO: Thank you.

24 Thank you, Mr. President.

25 PRESIDENT STREET: Thank you very

1 BILL 970403

2 much.

3 The Chair recognizes Councilman
4 Nutter.

5 COUNCILMAN NUTTER: Thank you,
6 Mr. President.

7 Ms. Cutler, I didn't want to start
8 with this, but there has been so much discussion
9 about valet operators parking cars, if I am
10 understanding the previous discussion, parking cars
11 in on-street locations.

12 Was that the nature of the earlier
13 exchange?

14 MS. CUTLER: That's correct. Both in
15 legal spaces and in illegal spaces.

16 COUNCILMAN NUTTER: And, currently,
17 is that a legal practice?

18 MS. CUTLER: Well, there is no law
19 that prohibits it.

20 PRESIDENT STREET: Wait a minute. Of
21 course there is a law that prevents people from
22 parking cars in illegal places.

23 MS. CUTLER: I am sorry. You are
24 correct, President Street.

25 There is a law that prohibits them

1 BILL 970403

2 from parking illegally, but there is no law that
3 prohibits them from driving up the street and
4 parking at a meter and putting money in that meter,
5 no.

6 COUNCILMAN NUTTER: All right.
7 Because I was reading from the '95 law that was
8 passed. And it does seem to indicate that you can
9 park in a legal on-street parking location.

10 MS. CUTLER: That's correct.

11 COUNCILMAN NUTTER: Is that correct?
12 Okay.

13 And apparently you run into the
14 problem where if it is a legal on-street parking
15 location which may have a meter, the person could
16 put money in the meter, space is now legal, time
17 runs out, Parking Authority comes along, tags the
18 person for an expired meter?

19 MS. CUTLER: That's correct.

20 COUNCILMAN NUTTER: So it was legal
21 when it went in the space, potentially.

22 MS. CUTLER: That's correct.

23 COUNCILMAN NUTTER: An hour or two
24 hours, three hours later, depending on what the
25 signs say, it could become illegal?

1 BILL 970403

2 MS. CUTLER: Well, under that
3 scenario, you are absolutely correct.

4 I think the more serious problem is,
5 should a valet operator who has just been paid 10 to
6 15 dollars to valet park the car get to use a public
7 parking space in a public meter to provide that
8 service. I believe the answer is no.

9 COUNCILMAN NUTTER: According to the
10 1995 bill, the answer is yes.

11 MS. CUTLER: That is correct. It is
12 one of the amendments that we are seeking.

13 COUNCILMAN NUTTER: Okay.

14 Now, what's the current
15 implementation of the '95 bill? Is it being
16 utilized?

17 MS. CUTLER: Not to my knowledge, no.

18 COUNCILMAN NUTTER: Well, that was
19 passed three years ago. Why wasn't it ever
20 implemented?

21 MS. CUTLER: There were operational
22 problems. And the ordinance as passed did not
23 address the issues relative to the problems.

24 The proliferation of zones has caused
25 it to be even more problematic. But neither the

1 BILL 970403

2 Department of Licenses and Inspections nor the
3 Parking Authority could operationally make the
4 previous ordinance work.

5 COUNCILMAN NUTTER: So should we
6 understand that for the past three years, you have
7 been trying to figure that out?

8 MS. CUTLER: No. Actually, I believe
9 I had indicated prior to the law being passed in
10 1995, that there were going to be operational
11 problems with it, and that there were certain
12 portions of it that I recommended needed to be
13 amended. And I think it has been pretty much under
14 discussion since then.

15 COUNCILMAN NUTTER: Okay. And why
16 don't we talk about those discussions.

17 Who has it been under discussion
18 with?

19 MS. CUTLER: Originally we went to, I
20 believe it was, Councilman DiCicco and Councilman
21 Kenney, who did the initial bill. Your office was
22 brought in, at the request of several
23 Councilpeople.

24 We met for the last year with the
25 Restaurant Association, the Hotel Association, a

1 BILL 970403

2 variety of valet parking operators, a variety of
3 garage operators, and tried to figure out what the
4 better balance was.

5 And those amendments, I believe, are
6 what you have in front of you today.

7 COUNCILMAN NUTTER: Well, could you
8 tell me which of the amendments -- because your
9 testimony seemed to indicate that the amendments
10 were being put forward at the request of the
11 sponsors.

12 Now, I haven't had a chance to talk
13 to Councilman Kenney. I did chat briefly with
14 Councilman DiCicco. He can certainly speak for
15 himself; he is here today.

16 Can you tell me which of the
17 amendments address any of the issues that may have
18 been raised by my office or by me directly?

19 MR. RICHARD DIXON: My name is
20 Richard Dixon. I am the Director of Parking
21 Management.

22 We met with a member of your staff
23 and members of the staff the Councilman DiCicco,
24 President Street, and Councilman Kenney.

25 Some questions were raised at that

1 BILL 970403

2 time. Specifically from your office there was an
3 omission in the bill concerning whether multiple
4 businesses could request a zone. And we amended
5 each of the sections of the bill to indicate that a
6 business or businesses could together apply for
7 zones.

8 I mean, do you want me to go through
9 each of the amendments that are on here?

10 COUNCILMAN NUTTER: There aren't that
11 many. And I don't you have addressed many of my
12 concerns, so I think this will be a very brief
13 conversation.

14 COUNCILWOMAN VERNA: Are the
15 amendments circulated?

16 COUNCILMAN NUTTER: I got them
17 yesterday.

18 COUNCILWOMAN VERNA: I don't have
19 them.

20 MR. DIXON: I have copies,
21 Councilwoman Verna.

22 PRESIDENT STREET: Can I get a
23 Sergeant At Arms here, please, to distribute the
24 amendments.

25 MR. DIXON: We met with those staff

1 BILL 970403

2 people about six weeks ago and circulated to each of
3 the sponsors, each of the staff people of the
4 sponsors with whom we discussed it, the amendments
5 that we had discussed in that meeting and what the
6 revisions to the bill were, probably at least four
7 weeks ago.

8 COUNCILMAN NUTTER: Right. All
9 right.

10 So you think you have addressed the
11 concerns?

12 MR. DIXON: Well, based on the
13 meeting that we had with the staff people from those
14 Councilmembers, we think that we addressed the
15 things that were raised at that meeting.

16 COUNCILMAN NUTTER: And tell me, who
17 did you meet with in either the restaurant or
18 business community or the parking community in
19 Manayunk?

20 MS. CUTLER: We met with the
21 business -- I'm sorry, Councilman, the restaurant
22 association, who put together a task force of
23 restaurateurs, which were represented by,
24 essentially, restaurants in each of the key
25 corridors.

1 BILL 970403

2 And we met with that group, I
3 personally met with them, at least a half a dozen
4 times. But we allowed the restaurant association to
5 set up that membership.

6 COUNCILMAN NUTTER: Well, I
7 appreciate the response.

8 But could you tell me who from the
9 Manayunk business community specifically
10 participated in any of those meetings?

11 MS. CUTLER: I believe the Manager of
12 Kansas City Prime was on the committee.

13 COUNCILMAN NUTTER: And you have
14 addressed their concerns, as well, or any issues
15 that were raised?

16 MS. CUTLER: Well, there were many
17 issues that they raised -- not many. There were
18 several issues that they raised, as well as some
19 issues raised by your staff in the meeting four or
20 five weeks ago --

21 COUNCILMAN NUTTER: Right.

22 MS. CUTLER: -- that we did not
23 support, and in fact explained why we did not
24 support them.

25 Obviously --

1 BILL 970403

2 COUNCILMAN NUTTER: Explained them in
3 the meeting or explained them in a subsequent memo?

4 MS. CUTLER: Explained them in the
5 meeting.

6 COUNCILMAN NUTTER: Okay.

7 MS. CUTLER: And many of the
8 restaurants issues actually were articulated,
9 particularly in Manayunk, by the Park America
10 gentleman, who testified earlier, at the earlier
11 hearing, meeting.

12 They had concerns relative to not
13 being able to handle the influx of vehicles. For
14 me, that was a staffing issue.

15 The problem with not being able to
16 move the vehicles from the curb, particularly on
17 Main Street, creates double and triple parking up
18 there during prime time. That was not an acceptable
19 alternative for us, to have people leave the car in
20 the running lane.

21 And they raised the issue of
22 currently parking vehicles in an unlicensed parking
23 lot. I do not believe that I have the authority,
24 nor the inclination, to think that that parking lot
25 cannot be regulated.

1 BILL 970403

2 So while I have heard a lot of issues
3 that are not addressed in these amendments, and
4 there obviously may be amendments added to this list
5 by members of Council, I think we explained, at
6 least, whether they agreed with us or not, why we
7 couldn't support some of the other pieces that they
8 were looking for in this bill.

9 COUNCILMAN NUTTER: One last
10 preliminary question.

11 The person that you made reference to
12 who participated in the earlier part of this
13 hearing, a valet parking operator, were they a part
14 of this task force?

15 MS. CUTLER: They were not.

16 COUNCILMAN NUTTER: Let's talk about
17 the bill.

18 On Page 3, letter F reads, "A valet
19 parking operator's license may be suspended,
20 revoked, or not renewed on the following grounds,"
21 and then there is a list, Items No. Point 1 through
22 Point 4.

23 ForPoint No. 3, repeated violations
24 of the Philadelphia Code in the operation of the
25 business, how many is "repeated"?

1 BILL 970403

2 MS. CUTLER: I'm sorry, Councilman,
3 how many what?

4 COUNCILMAN NUTTER: How many is
5 defined by the word "repeated"?

6 MS. CUTLER: Oh, I'm sorry; I was in
7 the wrong place.

8 Well, it seems to -- and I'm not sure
9 that's defined. Although as normally what happens
10 in the course of actions by the City Council, we
11 will write an internal set of regulations for the
12 law.

13 I suppose my own personal opinion is,
14 if you have had discussions with an operator three
15 or four times, and nothing has changed, that that
16 would qualify for "repeated."

17 That doesn't necessarily mean if I
18 request a hearing in front of the L & I Commissioner
19 on violations, that at that point their operation
20 will be suspended, but certainly they will get
21 written warnings from us.

22 COUNCILMAN NUTTER: I understand
23 about written warnings. But this is going to go in
24 the Philadelphia Code.

25 And I think any rational, reasonable

1 BILL 970403

2 person should be able to pick up the Philadelphia
3 Code and have a pretty decent understanding of what
4 the rules and regulations are, and not have to go
5 running around Aunt Sally's hat band trying to
6 figure out what something means.

7 So if someone says "repeated
8 violations," I know that "a couple" is two and "a
9 few" is three, and I don't know what goes beyond
10 that. But most agencies have a number.

11 You get three violations, you get
12 this. You have five violations, you get that.

13 So I am not familiar with the notion
14 of "repeated violations of the Philadelphia Code,"
15 which, I believe, has at least 21 sections. And I
16 don't know what qualifies under the concept of
17 "repeated violations of the Philadelphia Code."

18 And all of that same questioning
19 would then go to Point 4, repeated instances of
20 violations of the Pennsylvania Vehicle Code, which I
21 assume starts to get into how many tickets they have
22 received.

23 And an issue raised by Councilman
24 Cohen in the earlier hearing, you can get a ticket
25 at 1:00, you can get a ticket at 3:00, you can get a

1 BILL 970403

2 ticket at 5:00, you can get a ticket at 7:00, you
3 can get a ticket at 9:00, that sounds like it is
4 fairly repeated, which could lead to some problems.

5 MS. CUTLER: Councilman, if I may,
6 the original bill passed by Council, the original,
7 if you look at the pink, I believe it says, "three,"
8 Page 6.

9 COUNCILMAN NUTTER: That's item No.
10 D; that's your process. Right. That talks about
11 three written warnings. That's later on in the
12 bill.

13 This is talking about what leads to
14 suspension, revocation, or not renewed. On Page 4
15 all I am asking you, for Point No. 3 and Point No.
16 4, what qualifies as "repeated violations"? It is
17 undefined. It is unclear.

18 You come back on Page 6, Item E, and
19 say, "If a valet parking operator fails to comply
20 with any provision of this chapter," which I assume
21 includes Points 3 and Point 4 on the previous pages,
22 "or regulations issued pursuant thereto, the
23 Authority shall send a written warning to the valet
24 parking operator and to the business with which the
25 valet parking operator has a contract.

1 BILL 970403

2 "After three such written warnings
3 are issued, the Authority's executive director may
4 request the Commissioner of L & I, or his or her
5 designee, to hold a hearing on whether the
6 suspension" -- and there apparently is no other
7 reference made to revocation or nonrenewal, but
8 there only appears to be a process set up for
9 suspension -- "to hold a hearing on whether
10 suspension of the valet parking permit for a period
11 of up to one year. No suspension is effective until
12 at least 20 days notice has been provided to the
13 business."

14 I guess my experience, mostly with L
15 & I, is that you usually get 30 days to cure
16 whatever your problem is, unless it is an imminently
17 dangerous building. And so it goes on and on to
18 talk about expansion.

19 Again, in the example laid out by
20 Councilman Cohen earlier, I don't know what the time
21 period is during which you would get three such
22 written warnings.

23 Is it back to repeated violations,
24 which could happen multiple times in the course of a
25 day? Is it repeated instances of violations of the

1 BILL 970403

2 Pennsylvania Motor Vehicle Code?

3 MS. CUTLER: Let me see if I can
4 clarify it.

5 Because I think we are confusing, at
6 least I think Councilman Cohen this morning, was
7 referencing parking, multiple parking tickets in one
8 day.

9 COUNCILMAN NUTTER: He may or may not
10 have been talking about multiple parking tickets in
11 a day.

12 But if you are saying in here, in
13 Items No. 3 or 4, that repeated instances of
14 violations can make you subject to suspension,
15 revocation, or nonrenewal, and if your suspension
16 process says --

17 MS. CUTLER: Three or more. Three?

18 COUNCILMAN NUTTER: -- if a valet
19 parking operator fails to comply with any provision
20 of this chapter or regulations, then it seems to me
21 that Points 3 and Point 4 are part and parcel to
22 your provision on Page 6 that says that you are
23 failing to comply with any provision of this
24 chapter.

25 Right?

1 BILL 970403

2 MR. DIXON: Our intention in this
3 section was that each of those provisions on Pages 3
4 and 4 would provoke a written warning. Any one of
5 those could initiate a written warning.

6 COUNCILMAN NUTTER: Exactly.

7 MR. DIXON: And then after three
8 written warnings, the process for suspension would
9 kick into place.

10 COUNCILMAN NUTTER: Well --

11 MS. CUTLER: May.

12 MR. DIXON: May.

13 COUNCILMAN NUTTER: Unfortunately,
14 you still haven't answered the question.

15 You are saying to me that repeated
16 violations of the Philadelphia Code, whatever they
17 may be, 22 titles in the Code, or repeated instances
18 of violations of the Pennsylvania Vehicle Code make
19 you subject to suspension, revocation, or
20 nonrenewal.

21 And your suspension process says that
22 if you fail to comply with any provision of this
23 chapter. So let me take you back through it.

24 If you get repeated tickets on your
25 cars that you are responsible for, it would seem to

1 BILL 970403

2 me that you are now in noncompliance with this
3 particular provision of the chapter. That initiates
4 a warning from you today.

5 MS. CUTLER: Today.

6 COUNCILMAN NUTTER: You are found to
7 be subject to having repeated instances of
8 violations of the Motor Vehicle Code later on
9 today. That gets a warning from you on that
10 violation.

11 And later on today, you have repeated
12 violations of the Motor Vehicle Code, which gets you
13 another notice. You have now three.

14 In the course of the day you have
15 three written warnings from the Parking Authority,
16 you are now subject to suspension.

17 I'm just trying to understand that
18 Items No. 3 and 4 are a part of the suspension
19 process, which immediately lead to three warnings.

20 Because in the one instance you have
21 not defined what "repeated violations of the
22 Philadelphia Code" are, or what are "repeated
23 instances of violations of the Motor Vehicle Code."

24 And there is no discussion about any
25 other process except suspension.

1 BILL 970403

2 MS. CUTLER: Or at least the request
3 for a hearing of one.

4 Let me say --

5 COUNCILMAN NUTTER: I haven't even
6 gotten to the hearing and what happens at the
7 hearing.

8 MS. CUTLER: Let me see if I can try
9 to clarify this.

10 Written warnings to a valet operator
11 are not parking tickets.

12 COUNCILMAN COHEN: Are not what?

13 MS. CUTLER: Are not parking
14 tickets.

15 COUNCILMAN NUTTER: But they could be
16 for parking tickets.

17 MS. CUTLER: For a violation. They
18 are, in fact, a written notice to the operator and
19 the restaurant which has hired that company that
20 they are doing something that is against the
21 regulations; i.e., parking cars illegally, not
22 removing them from the curb on such and such a
23 date.

24 It is not my expectation that you
25 could ever get -- I shouldn't say "ever."

1 BILL 970403

2 It is not my expectation that you
3 would get a warning for operational reasons, as the
4 operator, more than once in a 24-hour period.

5 Because I assume, in most cases, even
6 now under current Loading Zone regulations, if we
7 tell you there is a problem, you generally will
8 clear it up.

9 So it is not my sense. No, it is not
10 specific enough. And I understand what you are
11 saying, and I have no problem with putting
12 specificity in.

13 But I want to differentiate between a
14 notice to a valet operator who is not behaving under
15 the rules of engagement and a parking citation for
16 parking illegally.

17 One could generate the other. But
18 seven illegally parked cars on a block on a Thursday
19 night, in my opinion, would generate a warning to
20 the operator.

21 COUNCILMAN NUTTER: That's your
22 theory, or that's your hope?

23 MS. CUTLER: Well, that is my sense
24 of how these regulations will get written.

25 So, yes, it is not only my theory or

1 BILL 970403

2 hope, but will be written in regulations.

3 COUNCILMAN NUTTER: Well, I hope you
4 can certainly appreciate, at least for myself and
5 some other members may share this concern,
6 notwithstanding whatever your best intentions are,
7 we don't usually get to write regulations, we write
8 with goes in the Code.

9 And then it goes off to wherever it
10 goes off. I have no involvement in that particular
11 process. And I'm not saying that I want to.

12 And I think that I should have said
13 this earlier. I think that we need a valet system.
14 I'm not particularly pleased at some of the things
15 that I see going on out there.

16 Having said that, that doesn't
17 alleviate any concerns I have about this particular
18 bill.

19 PRESIDENT STREET: Excuse me.
20 Council, couldn't that ambiguity be cleared up by
21 just simply saying, on Page 4, at the top, strike
22 "repeated," and just put "violations of the
23 Philadelphia Code in the operation of the business
24 as defined under Section 9(e) of this bill," or
25 something?

1 BILL 970403

2 I mean, isn't that what is really
3 intended here?

4 COUNCILMAN NUTTER: And put what the
5 violations are in 9(e)?

6 PRESIDENT STREET: Yes. And then
7 when you get to 9(e), you say how the process, what
8 the violations are, and how they work.

9 COUNCILMAN NUTTER: You could deal
10 with it there.

11 Although I would ask the director
12 again, let me ask you this question: How will you
13 find out if a person has violations or repeated
14 violations of the Philadelphia Code --

15 PRESIDENT STREET: Excuse me,
16 Councilman Cohen. I would appreciate it if you
17 would lower your voice just a little bit. We are
18 trying to hear this.

19 COUNCILMAN NUTTER: How will the
20 Parking Authority find out if a person has one or
21 repeated violations of the Philadelphia Code, and
22 which do you care about?

23 And how will you find out if they
24 have repeated instances of violations of the
25 Pennsylvania Vehicle Code, and which ones do you

1 BILL 970403

2 care about?

3 And what's your process for getting
4 that information?

5 MS. CUTLER: If they have violations
6 of the Vehicle Code, Councilman, I have, obviously,
7 access to those violations.

8 And so when somebody files an
9 application for, currently, a loading zone, in the
10 future potentially a Valet Parking Zone, there will
11 be a file attached and a computer record. That is
12 where we will eventually log in the complaints.

13 Mostly how I know about violations of
14 the Code, other than for parking, is somebody has
15 complained, and the appropriate agency will go out.

16 So it is an easy share of information
17 at this point, I think, for L & I relative to a
18 Valet Parking Zone, or the Police Department
19 relative to a Parking Zone, or the Parking Authority
20 to be able to share that information.

21 And I would certainly hope it would
22 all be in a file, and that's how I would know.

23 I suppose I care about them all.
24 Obviously I think some are more egregious than
25 others.

1 BILL 970403

2 But they are all violations, and all
3 would constitute a notice or ticket, if they are
4 found to be guilty of them.

5 COUNCILMAN NUTTER: But it sounds
6 like you are primarily going to rely on a
7 complaint-driven system, as opposed to any proactive
8 methodology?

9 MS. CUTLER: For the most part.
10 Although, as I referenced earlier, we are very
11 aware, at least based on a historical number of
12 complaints, where there are more problems than
13 others.

14 And as I explained earlier, my
15 supervisors are aware that, particularly on weekend
16 nights, they need to make sure that those operators
17 are behaving appropriately.

18 So, I mean, I think it is both
19 proactive and reactive, depending on how long you
20 have been in business and how many issues we have
21 had with you in the past.

22 COUNCILMAN NUTTER: Let me just ask
23 this last question for this round. The Chair has
24 been most accommodating. I know some of my
25 colleagues have questions, as well.

1 BILL 970403

2 Bottom of Page 4 leading into Page 5,
3 we are now in No. 9, Valet Parking Permit, you have
4 talked about a plan, valet parking plan, submitted
5 in the form required by the Authority.

6 I would be intrigued if there is an
7 actual form developed at this point, but that's not
8 my question.

9 Then you talk later on about a copy
10 of the agreement with the business to operate valet
11 parking at the particular location.

12 I would be intrigued to know whether
13 there is a standard agreement form that's going to
14 be required.

15 But my question goes to Point No. 4,
16 which talks about the proposed pattern of discharge
17 and pick-up of vehicles, including the estimated
18 number of vehicles that will be valet parked during
19 each hour of operation and the number of agents or
20 employees that will provide valet parking during
21 each hour of operation.

22 Now, how many agents or employees
23 will the valet operator have to have?

24 MS. CUTLER: Well, it will really
25 depend on the volume. Rick, do you want to -- there

1 BILL 970403

2 is a formula.

3 MR. DIXON: Well, the difficulty in
4 putting specific numbers in, as we discussed in the
5 meeting with staff, is that each business has a
6 different level of activity at different times of
7 the day.

8 The number of employees necessary is
9 going to vary depending on the distance from the
10 business to the lot or garage where the vehicles are
11 being parked, the duration of the length of stay
12 that a customer would stay in different
13 establishments. For a hotel, it is much quicker
14 turnover than a restaurant.

15 So that you know that over periods of
16 time, different businesses have different needs.

17 So it is almost impossible to create
18 an exact formula which would say, for this business,
19 if you are going to have 100 cars during this period
20 of time, you need five valet operators.

21 COUNCILMAN NUTTER: So how will you
22 decide?

23 MR. DIXON: By visiting the
24 locations, following, determining the amount of time
25 that it takes to get from the business to the

1 BILL 970403

2 garage, the volume of activity that's there, the
3 average length of stay that a patron would stay in
4 any of these establishments, and run through it to
5 see exactly how much time it takes to get back and
6 forth, and then make a determination --

7 COUNCILMAN NUTTER: So you are going
8 to send one of your people out, and you are going to
9 do mock valet parking, and you are going to drive up
10 ten cars at a location on a Friday night --

11 MR. DIXON: We are not going to drive
12 ten cars up.

13 COUNCILMAN NUTTER: -- to see what
14 happens?

15 MR. DIXON: We will drive the route
16 to see how long it takes during the peak hours of
17 operation.

18 If it is on Main Street at 8 o'clock
19 on a Friday night, the amount of time it takes to
20 get from the restaurant to a parking lot is going to
21 be much greater than it is at 3 o'clock on Tuesday
22 afternoon.

23 COUNCILMAN NUTTER: Who is going to
24 do all this?

25 MR. DIXON: The staff of the

1 BILL 970403

2 Authority.

3 COUNCILMAN NUTTER: And if you make a
4 determination that a person needs ten people to run
5 this particular operation -- and I guess it is also
6 a function of how many contracts they have with
7 different businesses -- and they think they only
8 need eight, they won't be able to get a license
9 unless they meet your ten requirement based on how
10 you figured out what goes on out there?

11 MR. DIXON: There is a provision in
12 the code which says if we deny the license, that we
13 have an obligation to tell them why.

14 And they can come back to us to
15 correct deficiencies or convince us that we are
16 wrong, at which time we will grant the license.

17 MS. CUTLER: Councilman, if I may --

18 COUNCILMAN NUTTER: They have no
19 other recourse but to come back to the Parking
20 Authority?

21 MR. DIXON: Yes.

22 MS. CUTLER: Most of what I envision
23 happening is, all of the current restaurants that
24 are operating Passenger Loading Zones as valet
25 operations will be, obviously, the first group to

1 BILL 970403

2 apply for a new Valet Parking Zone. Many of them
3 have been in existence for some period of time.

4 And based on a variety of factors, we
5 have a really good sense now as to how they handle
6 the Passenger Loading Zone, whether we think they
7 have enough staff to accommodate rushes.

8 Those are not different than the
9 criteria that we look at now, with the exception of
10 requiring you to park in an off-street lot.

11 If you request a Passenger Loading
12 Zone and you use it for a valet operation, we have a
13 fairly good sense of it, based on how you operate
14 the current zone.

15 So while I find it difficult to
16 believe that we would deny somebody a permit based
17 on the difference between eight or ten employees, if
18 we believed they needed ten, and they convinced us
19 they could do this with eight, then my theory is,
20 they would get to do it by eight.

21 But I can assure you through
22 monitoring of it, they may be required to add staff
23 if they cause traffic or parking problems in that
24 corridor.

25 So it is not an exact science. This

1 BILL 970403

2 was written in order to be flexible, so that each
3 business was not held to very strict numbers, but
4 could determine it based on a variety of factors,
5 and that's why it was left this way.

6 We did not want to mandate specific
7 numbers, because there are too many variables.

8 COUNCILMAN NUTTER: Mr. Chairman, I
9 will come back for another round.

10 PRESIDENT STREET: The Chair
11 recognizes Councilwoman Fernandez.

12 Thank you, Mr. President.

13 Just briefly, I understand how you
14 are trying to balance the needs to allow businesses
15 and to encourage the business by allowing valet
16 parking, balance that with the needs of other
17 citizens who need to use our streets and parking
18 spaces for their uses if they are not valet
19 parkers.

20 One of the questions I had was on the
21 fines for -- there's two designations. One is for
22 addressing citizens who might accidentally park in a
23 Valet Zone, and they get a ticket of \$20; is that
24 right? The park Valet Zone on Page 10?

25 MS. CUTLER: That's correct.

1 BILL 970403

2 COUNCILWOMAN FERNANDEZ: And then you
3 have Overtime Valet Zone, which is, that's if the
4 valet parker leaves a car in the zone longer; is
5 that right?

6 MS. CUTLER: No. The second
7 penalties is --

8 MR. DIXON: That's right.

9 MS. CUTLER: That is correct. Okay.

10 COUNCILWOMAN FERNANDEZ: And I guess
11 what I am wondering is, how did you arrive at the
12 amount of the fine?

13 And, again, my concern would be, a
14 little bit followed up by what some of the other
15 questions were, some companies could say the cost of
16 doing business is just to pay these fines. I'd
17 rather get a \$50 tip from one of these people to
18 keep their nice car in the zone, than to, you know,
19 move it off somewhere.

20 So it might be tempting to overtime
21 park in the Valet Zone because, you know,
22 financially and customerwise, you know, you may
23 think it was okay.

24 I am wondering how did you arrive at
25 the \$25 fee? And, again, what do you do as a

1 BILL 970403

2 disincentive for the valet companies? Because you
3 hear some of them, they don't want to take these
4 nice cars off to a garage.

5 So if by the law you are saying they
6 have to go to a garage, what is your plan to deal
7 with that possible reason to try to get around it?

8 MS. CUTLER: Well, I think there are
9 two different issues.

10 The \$25 fine for overtime parking in
11 the zone goes to the operator.

12 The \$20 fine for parking your car in
13 a Valet Zone, it would be very difficult to
14 mistakenly do that, because the valet company will
15 have staff on-site at the beginning of their
16 operation.

17 If there is a sign, for example, that
18 says, you know, two-hour parking from 8:00 in the
19 morning until 6:30 at night, and then valet parking
20 only 6:30 p.m. to 2:00 a.m., if you're parking there
21 during the day and you stay over, then you are
22 subject to the fine, the same as you would be if you
23 parked in a tow-away zone.

24 COUNCILWOMAN FERNANDEZ: I don't have
25 a problem with the fine for the citizen.

1 BILL 970403

2 MS. CUTLER: Because you raised that
3 issue, as well.

4 COUNCILWOMAN FERNANDEZ: No. I was
5 concerned more about, how do you make sure that
6 there are strong disincentives for valet parking
7 companies?

8 MS. CUTLER: The disincentive in the
9 end, Councilwoman, is that we will, under these
10 amendments, have the ability to bring the company in
11 for a suspension or revocation of their license to
12 operate that Valet Zone.

13 And while I don't think that \$25 is
14 enough of a financial penalty to stop them from not
15 behaving the way we would like them to behave on the
16 public roadway, it is also not exorbitant enough to
17 cause a problem.

18 It is, in fact, for us, a reminder
19 that they have agreed to behave by certain rules,
20 and they have not done so.

21 I think in the end, the threat and/or
22 hearing on a revocation of their license is actually
23 the only thing that will bring them into
24 compliance.

25 COUNCILWOMAN FERNANDEZ: So you are

1 BILL 970403

2 keeping the fee low.

3 I mean, I think the \$25 is low. For
4 a valet company to leave a nice car there overtime,
5 that's a knowing, deliberate violation. It wasn't
6 like it just accidentally happened.

7 MS. CUTLER: It was really a
8 consensus figure based on all of those meetings. It
9 was sort of the middle point between what was too
10 high from their perspective and what was too low
11 from my perspective. So it really was the consensus
12 figure.

13 But I agree with you, I think it is
14 low.

15 COUNCILWOMAN FERNANDEZ: I would, for
16 the record, say I think so much of this is going to
17 depend upon effective enforcement by the
18 department.

19 MS. CUTLER: That's correct.

20 COUNCILWOMAN FERNANDEZ: I may be
21 incorrect, there may be a technicality on Page 5.

22 It appears, unless I am misreading
23 it, that it goes, starting on Page 4, 9 in parens is
24 valet parking permit, then you have A in parens, and
25 you go onto the next page, but then then there is no

1 BILL 970403

2 B parens towards the bottom of the page.

3 MS. CUTLER: I see. There is an A
4 and a C.

5 COUNCILWOMAN FERNANDEZ: And then in
6 C --

7 PRESIDENT STREET: There is no B?

8 COUNCILWOMAN FERNANDEZ: No B.

9 PRESIDENT STREET: All right. That's
10 it. We're getting out of here.

11 COUNCILWOMAN FERNANDEZ: And then in
12 C --

13 PRESIDENT STREET: Just kidding.

14 COUNCILWOMAN FERNANDEZ: -- in C you
15 refer to 9(b). So I think some renumbering is in
16 order.

17 MS. CUTLER: Thank you,
18 Councilwoman. We shall clean that up.

19 COUNCILWOMAN FERNANDEZ: When I
20 looked for 9(b), I couldn't find it.

21 That is good staff work, also.

22 PRESIDENT STREET: The Chair
23 recognizes Councilman Cohen.

24 COUNCILMAN COHEN: Is the fact, Ms.
25 Cutler, that the penalty, say, of \$25 or \$20 is only

1 BILL 970403

2 part of what the person would have to pay, that's
3 the fine?

4 There are costs and fees set forth,
5 aren't there, in addition?

6 MS. CUTLER: There are fees which are
7 currently charged for Passenger Loading Zones which
8 will be charged for Valet Parking Zones.

9 I also believe --

10 COUNCILMAN COHEN: What would the
11 violator actually get to pay?

12 MR. DIXON: Only if it was paid late,
13 Councilman.

14 Under the provisions of the Code, if
15 they pay the ticket as soon as it is received, these
16 are the fines they would pay.

17 COUNCILMAN COHEN: There would be no
18 costs added to it?

19 MR. DIXON: Not until after eight
20 days.

21 COUNCILMAN COHEN: Eight days?

22 MR. DIXON: Right.

23 COUNCILMAN COHEN: And how quickly do
24 those costs mount? What happens after eight days?

25 MR. DIXON: Eight days, there is an

1 BILL 970403

2 additional \$23 penalty.

3 COUNCILMAN COHEN: And then?

4 MR. DIXON: And then after 30 days,
5 there is an additional \$15 penalty.

6 COUNCILMAN COHEN: So that a \$25 one
7 can become \$50 or more if it is not paid within a
8 month?

9 MR. DIXON: If it is not paid within
10 the guidelines established in the code.

11 COUNCILMAN COHEN: That seems to me
12 to be a kind of substantial amount, unless the
13 business is paid within the eight days.

14 Do you have any figures on the
15 percentage of fines that are paid, tickets that are
16 paid, within eight days?

17 MS. CUTLER: I probably could get
18 it. We call that the off-the-windshield pay rate.

19 Yes, I probably could figure out how
20 many people pay a ticket before penalty.

21 COUNCILMAN COHEN: Yes, that would be
22 an interesting fact. Because my experience has been
23 that when I get complaints from people, the figure
24 is way up.

25 MS. CUTLER: Yes.

1 BILL 970403

2 COUNCILMAN COHEN: People spend the
3 first eight days trying to figure out how they can
4 avoid paying it, and do they know anybody that could
5 help them in this problem.

6 MS. CUTLER: They could always
7 schedule a hearing, Councilman.

8 COUNCILMAN COHEN: They could, but I
9 think they don't.

10 But I would like to know the
11 percentages.

12 MS. CUTLER: And I could give it to
13 you. But I don't believe, off the top of my head,
14 my guess would be 30 to 40 percent of people pay
15 their tickets without penalties.

16 COUNCILMAN COHEN: Could you get a
17 figure on that?

18 MS. CUTLER: I sure could.

19 COUNCILMAN COHEN: Now, what is the
20 zone? Is that where, say, if I want to go a
21 restaurant, I drive, I believe my car, is that where
22 I leave the car?

23 MS. CUTLER: That's correct. There
24 would be signs that indicate that.

25 COUNCILMAN COHEN: It would be a very

1 BILL 970403

2 small area; right?

3 MS. CUTLER: Valet Parking Zone,
4 that's correct. Anywhere from 2 to 4 metered
5 spaces, the size of a metered space.

6 COUNCILMAN COHEN: I have trouble
7 understanding why an operator would ever violate the
8 zone.

9 Doesn't the operator feel that this
10 is an area he needs for cars?

11 MS. CUTLER: Well, you heard the
12 gentleman this morning from Park America indicate
13 that many times they feel the need to leave cars at
14 the curb.

15 COUNCILMAN COHEN: In the parking
16 zone?

17 MS. CUTLER: That's correct. But
18 never remove it to an off-site location.

19 COUNCILMAN COHEN: Never remove it?

20 MS. CUTLER: Never. It's pretty
21 common.

22 COUNCILMAN COHEN: Ms. Cutler, let me
23 tell you, I view every granted power to the Parking
24 Authority as the creation of a whole new set of
25 tragedies about to occur.

1 BILL 970403

2 And that's been so because I think
3 the Parking Authority is distinguished among many
4 agencies for the way in which they are non-user
5 friendly.

6 And I assume every interpretation
7 will, by the Parking Authority, be adverse to people
8 that are affected.

9 And since we are devoting a lot of
10 energy to trying to build up these downtown areas,
11 the Manayunk area and many other areas, I think my
12 general conclusion is that the revenue we get from
13 the Parking Authority is offset, maybe two or three
14 or four times, by the loss of what other revenue
15 would be if we really invited people to come to
16 Philadelphia and shop.

17 And that's one reason why I am so
18 interested in the kind of questions that Councilman
19 Nutter raised.

20 It is not your own personal judgment,
21 but you have a lot of other folks making on-the-spur
22 decisions. And we get horror stories.

23 There is a certain member of this
24 body who has as recently three months ago got a
25 ticket while standing next to his car. And when he

1 BILL 970403

2 addressed the parking enforcement officer, saying,
3 "This is my car," the same answer was given as was
4 given years ago, "Well, I have already started to
5 write a ticket. I have got to finish it."

6 And I remember the long dispute I had
7 with you one night when you were recently just
8 coming into Philadelphia --

9 MS. CUTLER: It was a very long time
10 ago.

11 COUNCILMAN COHEN: -- on Kelly
12 Drive.

13 That drives everything, because I
14 just think there has got to be a user-friendly
15 atmosphere.

16 On the one hand we urge people to
17 come into the city to do their shopping, and on the
18 other we look upon them, the victims are here, what
19 can we extract from them.

20 As a penalty for their believing us
21 that Philadelphia is going to be a friendly area, we
22 will really zing them good.

23 MS. CUTLER: Councilman, if I may
24 respond to that --

25 COUNCILMAN COHEN: You can respond,

1 BILL 970403

2 because I am really very concerned about that.

3 MS. CUTLER: -- series of comments.

4 We invite people to come into the
5 city often. And we prefer, I assume, when we invite
6 them in, that they abide by the rules and the laws
7 of Philadelphia.

8 While parking violations may not seem
9 to be a big deal, it would actually depend on where
10 you sit.

11 If you are stuck in traffic on Walnut
12 Street because everything is double and triple
13 parked by people waiting to valet their car, you
14 want a tow truck to show up and remove those
15 vehicles.

16 PRESIDENT STREET: Or if the bus
17 can't turn left because an idiot parks his car, you
18 know, too close to the curb, and then the bus can't
19 turn, and then everybody is sitting there for hours
20 and hours and hours.

21 COUNCILMAN COHEN: Well, we hear
22 those terrible stories.

23 But the complaints that we get happen
24 to be not from people who park too close to a curb,
25 but people who park in ordinary places.

1 BILL 970403

2 MS. CUTLER: And I want to finish
3 responding.

4 I am certainly cognizant of the fact
5 that there are very few people in the world who like
6 what I do. And some days I don't much like it,
7 either, but for very different reasons.

8 The balance of trying to figure out
9 how to appropriately move traffic, how to
10 appropriately deal with public safety, making sure
11 that ambulances can get down the street and making
12 sure that there is an adequate legal parking supply
13 available to people who are in the city and who come
14 into the city is what the mission is.

15 While I understand that it appears
16 sometimes that people parked ordinarily at a meter,
17 and the meter expires, they should not be able to
18 get a ticket, that is why that program was
19 implemented three years ago.

20 And I will happy to get you the
21 rescission numbers from that ticket, those tickets,
22 since the day we started.

23 But if you come back to your vehicle
24 while a car is parked at a meter, and that meter is
25 in violation, the parking officer has the authority

1 BILL 970403

2 to rescind that ticket.

3 We have done thousands and thousands
4 of them in the last three years.

5 COUNCILMAN COHEN: Are they
6 required --

7 PRESIDENT STREET: Excuse me,
8 Councilman Cohen.

9 I mean, I know how strongly you feel
10 about this. And, Ms. Cutler, I know that you would
11 like to respond.

12 But we really are going to have to go
13 on to some of these other Councilmembers who have
14 questions.

15 Councilman Rizzo.

16 COUNCILMAN RIZZO: Thank you,
17 Mr. President.

18 Ms. Cutler --

19 COUNCILMAN COHEN: Would you
20 distribute that rule fairly and evenly,
21 Mr. President. I have a sense that that rule is a
22 very special rule.

23 PRESIDENT STREET: Councilman Rizzo,
24 would you please just yield.

25 The Chair recognizes Councilman

1 BILL 970403

2 Cohen.

3 COUNCILMAN COHEN: I waited very
4 patiently for a long time.

5 PRESIDENT STREET: The Chair
6 recognizes Councilman Cohen. Please continue.

7 COUNCILMAN COHEN: What is your
8 position with respect to specifying very
9 specifically in the bill what violations will be the
10 basis of getting a written notice or written
11 warning?

12 MS. CUTLER: I would be happy to
13 specify them, Councilman.

14 COUNCILMAN COHEN: You say you what?

15 MS. CUTLER: I will be happy to
16 specify them.

17 COUNCILMAN COHEN: Well, can we have
18 that in a fashion that can enable us to draft an
19 amendment to present?

20 MS. CUTLER: Yes.

21 COUNCILMAN COHEN: So that people
22 reading the Code will be able to understand their
23 rights?

24 MS. CUTLER: Yes.

25 COUNCILMAN COHEN: Because it seems

1 BILL 970403

2 to me reading the Code, a parking ticket is, in
3 fact, something that can lead, under the language of
4 this ordinance, to the process of written notices.

5 MS. CUTLER: Right.

6 And I believe earlier the President
7 recommended some change to that language, which I
8 support and will be happy to deal with, which will
9 identify the violations in the numbers of
10 violations.

11 COUNCILMAN COHEN: All right.

12 I yield to Councilman Nutter. Is
13 that what you were seeking?

14 COUNCILMAN NUTTER: Yes.

15 COUNCILMAN COHEN: Go ahead.

16 COUNCILMAN NUTTER: Councilman Cohen,
17 it is just my impression at this point -- and I only
18 throw this out as a recommendation, and I haven't
19 seen your list and you haven't seen my list, and
20 Councilman DiCicco hasn't even gotten to his list,
21 and Councilman Rizzo has been in once, and I think
22 wants to get back in again -- I might only throw out
23 an offer that there are so many questions, some of
24 which seem to have answers, some are kind of in
25 discussion, or even possibly being created as we

1 BILL 970403

2 speak, that, one, I don't think there is any way
3 that we are going to be able to resolve many of
4 these issues today. I am just not feeling a comfort
5 level about that.

6 And that secondly, some additional
7 opportunity, I think, for members, and members
8 directly, has to be provided in order to go through
9 many of these issues and the kinds of amendments
10 that Councilman Cohen is talking about, some that I
11 have raised and others have raised, with the
12 prospect of being able to come back at a later point
13 in time here in the Committee of the Whole with some
14 agreed-upon amendments, after having gone through
15 the pretty extensive question-and-answer process
16 with the Director.

17 Now, the Councilman know me well in
18 this regard. I mean, I am more than willing and
19 prepared to sit here until the wee hours of the
20 morning, if necessary, unless we think that we might
21 be able, over the next week or so, to have a meeting
22 or a series of meetings to come to some better
23 understanding about the particulars of the bill,
24 question some of the assumptions.

25 I would like to move as far as

1 BILL 970403

2 possible away from, I assume, I intend, we think, we
3 hope, or anything, and even have a much better sense
4 of what some of the regulations may be, primarily
5 because of what you and I talked about in the realm
6 of regulations, we have no involvement in that
7 process.

8 So our primary focus and concern
9 really is on what the Code says and what a person
10 might get when they pick up the new edition of the
11 Code or what we will be faced with if questioned by
12 a member of the general public or an operator.

13 So I just throw that out as one
14 possible way to get through today and get to another
15 place.

16 If people don't want to do that,
17 then, you know, that's fine with me.

18 COUNCILMAN COHEN: I would support
19 that. But I would like to get one further question
20 in.

21 And that is, I know that regulations,
22 when produced, are published by the Department of
23 Records.

24 Would you have any objection to an
25 amendment to this bill which would provide that

1 BILL 970403

2 before the regulation can become effective, that
3 they must be forwarded to City Council, and that
4 City Council shall have a certain period of time to
5 review those regulations and, through the President,
6 reply to the Department that they are approved or
7 that certain amendments are suggested?

8 Would you have any objection to such
9 an amendment to this bill, to give us an
10 opportunity, in addition to the discussion you
11 talked about, but to give us a feeling of comfort
12 that we will have a chance to see how in real life,
13 because the Parking Authority more than any other
14 department touches people every day of every week,
15 maybe every hour of every day.

16 And it is a tremendous source of
17 complaints to us, you know, in our Council offices.

18 Would you have any objection to
19 that? We could specify a period of time, 30 days or
20 60 days, maximum, something of that sort?

21 MS. CUTLER: The Council has never
22 gotten involved in the writing of regulations. But,
23 no, I have no objection to it.

24 COUNCILMAN COHEN: All right.

25 PRESIDENT STREET: Ms. Cutler, how do

1 BILL 970403

2 you know you have sufficient information about what
3 this Council has ever done to make that statement?

4 MS. CUTLER: I did ask the question
5 several times related to the bill, whether we should
6 be writing the regulations as part of package and,
7 in fact, was told by staff who have been at the
8 Parking Authority for eight, ten years, that that
9 has not occurred.

10 So that is my understanding,
11 President Street.

12 PRESIDENT STREET: So that you really
13 should say on the basis of information that you have
14 from people who only know what might have happened
15 in the last eight or ten years, that we, Council,
16 hasn't gotten involved in this.

17 MS. CUTLER: That's correct.

18 PRESIDENT STREET: Because I know of
19 circumstances where Council has gotten involved in
20 it, I can tell you that.

21 MS. CUTLER: Okay.

22 PRESIDENT STREET: The Chair
23 recognizes Councilman Rizzo.

24 COUNCILMAN RIZZO: Thank you,
25 Mr. President.

1 BILL 970403

2 My question, there is a word that's
3 missing in this whole conversation, and I want to
4 get to it.

5 If I park in one of these timed valet
6 spots that says that the car has to be out of the
7 parking space at 4:00 p.m. to prepare for the dinner
8 hour, what happens to that car that gets the \$25,
9 \$20 ticket?

10 MS. CUTLER: \$20 ticket in that case
11 for the vehicle.

12 COUNCILMAN RIZZO: What happens to
13 it?

14 MS. CUTLER: It gets a ticket.

15 Does it get towed?

16 COUNCILMAN RIZZO: It doesn't say
17 that. That's the word that I am looking for,
18 "towed."

19 MS. CUTLER: If it is in a zone that
20 is regulated as a tow zone, it could be towed.

21 COUNCILMAN RIZZO: Is a valet spot a
22 tow zone?

23 MS. CUTLER: Well, on Walnut Street,
24 for instance, Councilman, though there is a rush
25 hour, p.m. rush hour zone, the valet parking

1 BILL 970403

2 operators park after it.

3 So, yes, for instance, there are
4 times when the dual regulation could be rush hour
5 and valet.

6 COUNCILMAN RIZZO: Many of the valet
7 operations will be established in areas that are not
8 timed by, or are not covered by, a towing
9 regulation.

10 MS. CUTLER: Then they will not be in
11 the --

12 COUNCILMAN RIZZO: Perfect example is
13 Manayunk.

14 Now, what I envision is that the
15 valet operator shows up for work, there is a car in
16 the Valet Zone area. I envision that that is going
17 to be a major disruption to the operation. He will
18 or she will call and request that car to be towed
19 from that area.

20 Would the Parking Authority, the
21 Police Department, honor that request to tow that
22 vehicle?

23 MS. CUTLER: I cannot tow off any
24 regulation which isn't regulated and signed as a tow
25 zone.

1 BILL 970403

2 So, for instance, if they are at a
3 meter on Main Street --

4 COUNCILMAN RIZZO: Right.

5 MS. CUTLER: -- and the meter
6 regulation goes off at 6:00, and the valet
7 regulation begins, there is no regulation on the
8 books currently that will allow me to tow off a
9 parking meter for a violation.

10 COUNCILMAN RIZZO: Maybe it should.
11 Because I can see a dispute beginning where a valet
12 operator is going to call a prime contractor to move
13 that car out of that spot.

14 So if you are going to establish a
15 valet area, I think that either it is very clear
16 that the valet operators cannot tow that car, and
17 that car sits there all evening with a \$20 ticket on
18 it, that now has disrupted that valet parking
19 operation, and you know what they are going to do.

20 They are going to double park and
21 cause traffic congestion, because the vehicle is now
22 with a \$20 ticket parked in that area.

23 MR. DIXON: Councilman, two responses
24 to that.

25 First, it is against the law now for

1 BILL 970403

2 a private towing company to tow from a public street
3 unless it is requested by the Police as an abandoned
4 vehicle. That's the only exception to the law.

5 And the second answer is that Council
6 establishes tow zones by ordinance. And if the
7 Council wished to have these spots in specific areas
8 tow zones, that could be done by ordinance.

9 Virtually all of Center City is
10 governed by a tow ordinance, but those areas outside
11 of that would have to be established by councilmanic
12 ordinance.

13 COUNCILMAN RIZZO: Again, my point is
14 that if five minutes before the tow zone goes into
15 effect, for 20 bucks, I can park my car in that
16 spot, and leave it there for the entire evening;
17 correct?

18 MR. DIXON: Right.

19 COUNCILMAN RIZZO: It can't be towed
20 until it is in one of these dual use areas such as
21 Walnut Street.

22 Again, I think in this conversation
23 that we are going to have, I think that we are
24 creating a situation here that could be disruptive,
25 could be violent, could be a lot of things, if we

1 BILL 970403

2 don't address that issue.

3 MS. CUTLER: Are you recommending,
4 Councilman, that we consider making valet parking
5 zones tow away zones, wherever they are created?

6 COUNCILMAN RIZZO: I am not
7 suggesting that that's the answer. I am suggesting
8 that that be considered, explored, reviewed, because
9 of the fact that I think that the things I described
10 are a legitimate possibility of an incident
11 occurring.

12 I know if I were one of the valet
13 operators and there was a car parked in my valet
14 area, or two cars, with two \$20 tickets on them,
15 that that wouldn't satisfy me, because they are now
16 interfering with my business.

17 How can you run a valet operation?
18 You can't. It is going to be operated from the
19 operating lane on Main Street, if there are vehicles
20 left there in that spot.

21 So I think you need to decide whether
22 you are going to request City Council to create tow
23 zones associated with this ordinance.

24 MS. CUTLER: Okay. Okay. You asked
25 me to consider it. I shall.

1 BILL 970403

2 COUNCILMAN RIZZO: My final
3 question, -- and this may be a question that I have
4 to ask of L & I.

5 The valet operators are required to
6 place the vehicles on licensed off-street parking
7 facilities. Could you please tell me the definition
8 of a licensed off-street parking facility.

9 MR. EDWARD McLAUGHLIN: Commissioner
10 Ed McLaughlin from L & I.

11 MR. JOHN CAMPBELL: John Campbell,
12 Legislative Regulatory Affairs Manager for the
13 Department.

14 Councilman, in regards to your
15 question, a dual licensed parking location would
16 either be a public parking lot or public parking
17 garage, as defined Under 9-601 of the Code. But
18 they would be public, not private parking lots or
19 garages. They would have to be public.

20 The definition of a public parking
21 lot or garage is a lot or garage that charges a fee
22 to park. And we would consider the valet parking as
23 a fee-generated operation.

24 MR. McLAUGHLIN: One of the
25 advantages to the people that have their cars parked

1 BILL 970403

2 there is that we put that lot through a process to
3 make sure that the cars can be properly parked there
4 without being damaged, that the lighting is
5 sufficient. There are a whole list of regulations.

6 COUNCILMAN RIZZO: If I own a small
7 shopping center that closes at 6:00 p.m., let's say
8 it is the type of establishment that doesn't have
9 evening hours or Saturday night or a Sunday
10 evening --

11 PRESIDENT STREET: Maybe like an MAB
12 paint store?

13 COUNCILMAN RIZZO: MAB paint, right.
14 Because the language is a little bit vague here.

15 All parking lots, from what I
16 understand, are licensed off-street parking lot,
17 even though they are the MAB store.

18 Could a valet parker company cut a
19 deal with the church at the corner of whatever, and
20 now start using that adjacent to a residential
21 community at 3 o'clock in the morning, or 2 o'clock
22 in the morning, cars zipping in and out?

23 Could this be interpreted as licensed
24 off-street parking, to be any parking lot like the
25 MAB lot the President just described?

1 BILL 970403

2 MR. CAMPBELL: Again, Councilman, in
3 the case that you talk about, the MAB lot right at
4 Main and Ridge, or a church lot, are currently
5 licensed and zoned as private parking lots.

6 If they --

7 PRESIDENT STREET: Isn't the short
8 answer no, they couldn't valet park to those
9 places?

10 MR. CAMPBELL: Only if they change
11 the license to a public parking lot.

12 PRESIDENT STREET: The short answer
13 is, no, they could not valet park in those spaces?

14 MR. CAMPBELL: That's correct.

15 MR. McLAUGHLIN: Unless they
16 legalized it.

17 PRESIDENT STREET: You can't change
18 the height of the question. The question is, can
19 they put them on the church lot. And the answer is
20 no.

21 COUNCILMAN RIZZO: But the
22 legislation, it doesn't say that. It says a
23 licensed off-street parking facility. It doesn't
24 say public. It doesn't say.

25 PRESIDENT STREET: It is a licensed

1 BILL 970403

2 off-street facility. Those are not licensed
3 off-street parking facilities.

4 COUNCILMAN RIZZO: But the MAB lot is
5 licensed, and it is off-street.

6 PRESIDENT STREET: It is not a
7 licensed off-street parking facility by definition.
8 It isn't.

9 COUNCILMAN RIZZO: Is that correct?

10 MR. McLAUGHLIN: That's correct.

11 PRESIDENT STREET: It is not.

12 COUNCILMAN RIZZO: You can't park
13 there?

14 PRESIDENT STREET: It is not.

15 And that's the reason why those two
16 gentlemen that are running that business down there
17 were concerned about that. Because they want to be
18 able to make more or less informal arrangements to
19 be able to put these cars various places.

20 You know, it is part of what's
21 happening down at the Vet and around. When you see
22 these guys out there, you know, \$10, waving the
23 things in, the cars into all those little
24 businesses, those are not licensed parking
25 facilities; those are people making a buck.

1 BILL 970403

2 COUNCILMAN RIZZO: Mr. President.

3 PRESIDENT STREET: I guess.

4 Am I wrong about that?

5 MR. McLAUGHLIN: You are correct.

6 PRESIDENT STREET: Thank you.

7 COUNCILMAN RIZZO: My only
8 recommendation would be that it's really not as
9 clear.

10 Maybe a lawyer would understand this,
11 but to me, the church at the corner might want to
12 engage with a vendor, with a valet parker, and say,
13 look, for 300 a month, I will let you use my spot,
14 but then the constituents that live across the
15 street are going to start to complain.

16 PRESIDENT STREET: All he has to do,
17 if he wants to do that, is make application for the
18 appropriate licenses.

19 And when he does that, he is probably
20 going to trigger some kind of posting, and then the
21 residents are going to say, oh, no. I mean, that's
22 pretty much what will happen.

23 I mean, I think the city has to be
24 very careful about this. I think there are some
25 liability issues that we have, some exposure that we

1 BILL 970403

2 have that we don't want to have.

3 And when we authorize a person to do
4 business in a particular way, we then become in some
5 way kind of indirectly involved in that business.

6 And, therefore, we have to be real
7 careful that when they take these cars, they put
8 them someplace where they are appropriately
9 protected, and all that.

10 Or else we are going to find
11 ourselves on the, you know, defendant end of
12 lawsuits and the like, because we are regulating and
13 authorizing and getting involved in this activity.

14 Which is the reason why they want all
15 those insurance requirements and stuff in there, we
16 are all indemnified and everything.

17 It is a sensitive area.

18 Councilman.

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

21 So what I read here right now would
22 eliminate any parking, paved parking area like a
23 closed church or a closed whatever to utilize their
24 parking lot for valet operators? It would
25 definitely not be tolerated?

1 BILL 970403

2 MR. McLAUGHLIN: You are correct.

3 COUNCILMAN RIZZO: Thank you,
4 Mr. President.

5 PRESIDENT STREET: Thank you.

6 Councilman Cohen says he has one last
7 question.

8 COUNCILMAN COHEN: Ms. Cutler,
9 Director of the Authority.

10 In the case I cited before, of an
11 operator of a car coming back to his or her parked
12 car, and the parking enforcement officer is in the
13 process of writing a ticket, you stated that the
14 parking enforcement officer was authorized to
15 discontinue the writing.

16 I either asked or intended to ask, is
17 the parking enforcement officer directed to stop and
18 to tear up, or do whatever they want, or is it
19 merely they're authorized, and the judgment is then
20 left to that parking enforcement officer?

21 MS. CUTLER: No, Councilman. There
22 are rules for the rescission program.

23 One, the parking violation must be at
24 a meter. They are for meters only.

25 Two, there is a piece of paper that

1 BILL 970403

2 the owner of the automobile signs which releases
3 their vehicle. Our officer turns that in with the
4 ticket, which voided, so that we have documentation
5 for the ticket.

6 We don't allow our officers to rip up
7 parking tickets.

8 COUNCILMAN COHEN: Still, I am
9 waiting for that answer.

10 Does the parking enforcement officer
11 have to stop when the operator comes back, or are
12 they merely authorized if in their judgment they
13 decide to?

14 MS. CUTLER: No, it is not a judgment
15 call, Councilman. The ticket can be, can and is,
16 rescinded.

17 COUNCILMAN COHEN: It is not a
18 judgment call?

19 MS. CUTLER: That's correct.

20 COUNCILMAN COHEN: And the aggrieved
21 person, is there anybody in the Parking Authority
22 the aggrieved person could go to to stop the process
23 from suddenly getting a Notice from the Bureau of
24 Administrative Adjudication?

25 MS. CUTLER: The piece of paper that

1 BILL 970403

2 the citizen signs that the ticket has been rescinded
3 comes back to us.

4 If there is an error, we have got
5 that on file. We can resolve that.

6 COUNCILMAN COHEN: Well, when you say
7 "we can," who can?

8 MS. CUTLER: The citizen has a copy.

9 COUNCILMAN COHEN: Because my office
10 has been trying for more than three months to
11 resolve a problem just precisely like that, and at
12 every step they have either been refused, no one
13 wanted to talk to them at the Parking Authority.

14 MS. CUTLER: Councilman, two things.

15 One, the person who owns the car gets
16 a copy of that rescission.

17 COUNCILMAN COHEN: Right.

18 MS. CUTLER: As well as the --

19 COUNCILMAN COHEN: He never got the
20 rescission yet. They are trying to say they went to
21 the car --

22 MS. CUTLER: That's correct.

23 COUNCILMAN COHEN: -- and the parking
24 enforcement officer was in the process of writing
25 the ticket. And when they said, "Please don't write

1 BILL 970403

2 it. We understand the policy is if we come back
3 before you completed it, you are supposed to stop."

4 They said, "No. We are writing the
5 ticket, we have started."

6 MS. CUTLER: I will need a little
7 more information on what the violation is. No one
8 from your office --

9 COUNCILMAN COHEN: Your office
10 directly?

11 MS. CUTLER: Yes, my office directly,
12 which I have not spoken to anybody in your office
13 about this. So they should please call me.

14 COUNCILMAN COHEN: Okay. And I will
15 advise the Councilperson involved, one of the 17
16 members who had the same situation.

17 MS. CUTLER: Please do.

18 Thank you, Mr. President.

19 You want me to yield, I will yield.
20 Thank you. Go ahead.

21 COUNCILMAN RIZZO: Ms. Cutler, you
22 mentioned earlier that you have a very difficult job
23 that sometimes you don't particularly like it, but
24 you do it.

25 I also realize that your Parking

1 BILL 970403

2 Authority officers have a tough job out there,
3 also.

4 PRESIDENT STREET: Can you speak more
5 closely to the mike?

6 COUNCILMAN RIZZO: I can tell you
7 this, that something that needs to get fixed is a
8 problem that I observe on Main Street in Manayunk.

9 Here is a Parking Authority person
10 giving a ticket out for an expired meter, with their
11 car parked in front of a fire plug in a No Parking
12 area.

13 MS. CUTLER: Councilman, I would
14 really like to know about that.

15 Because we have a written policy on
16 it, which basically says, if you are going to be out
17 there enforcing the parking regulations, I expect
18 you to abide by them, as well.

19 COUNCILMAN RIZZO: I will solicit the
20 photo that the constituent took of that.

21 MS. CUTLER: Please.

22 COUNCILMAN RIZZO: And it just sends
23 such a bad message to park illegally and to be
24 issuing tickets.

25 MS. CUTLER: I totally agree with

1 BILL 970403

2 you.

3 COUNCILMAN RIZZO: Good. Thank you.

4 Thank you, Mr. President.

5 PRESIDENT STREET: Thank you very

6 much.

7 I have to tell you, though, that's
8 the policy. I have seen, you know -- and I do not
9 even know whether it should be the policy. I am not
10 passing any judgments whether it should or should
11 not be the policy I want to make it clear.

12 There may be a good reason why a
13 parking enforcement officer should be able to pull
14 up behind a violator, stop, get out, write a
15 ticket.

16 And I don't know whether or not that
17 parking enforcement officer, who might be in a
18 vehicle of some kind, I don't know whether or not
19 that's a person who ought to have to go find a legal
20 parking spot.

21 So I am not saying that. Right? I
22 would like to have, if we were going to discuss
23 that, I would want to discuss that because I don't
24 know about that.

25 And your answer can stand for itself,

1 BILL 970403

2 that's fine. But I will tell you, I see all kinds
3 of Parking Authority vehicles illegally parked all
4 the time writing tickets.

5 I mean, I just assumed there are
6 probably a significant number of them happen in that
7 way.

8 And, guess what, in Center City, on
9 the west side of Broad Street -- I don't know about
10 the east side, because I don't hang out over there
11 as much as I am over here, right -- half of the time
12 they give tickets, I don't know where they would
13 park. Where would they park?

14 If you are going west on Walnut
15 Street and somebody is double-parked, I mean, what
16 are they going to do, just ride three or four
17 blocks, go to a parking garage and park to deal with
18 a stopped vehicle? I just don't know about that.

19 You know what I mean? I see people
20 laughing. I don't know whether or not that would
21 make any sense whatsoever.

22 Maybe you could supply us with that
23 kind of a statement of what that policy is, because
24 I think that would be very interesting.

25 And I would like to have, at another

1 BILL 970403

2 time, not today, maybe we could explore that
3 policy.

4 The Chair recognizes Councilwoman
5 Fernandez.

6 COUNCILWOMAN FERNANDEZ: Yes,
7 Mr. President. I can understand the need for some
8 members to continue to, you know, discuss this
9 bill.

10 But I would like to make clear for
11 the record I think right now the public are the ones
12 that are suffering by the fact that we don't have a
13 tight, tough law out there.

14 So I hope we will move quirkly to get
15 this passed, and then to get it actually, the
16 regulations done, and get it implemented.

17 Because I know some of these laws it
18 then takes another year before they ever get
19 enforced.

20 So I think we need to move with
21 speed, because right now it is the public
22 suffering.

23 PRESIDENT STREET: Councilwoman, I
24 agree with that.

25 And on the basis of that

1 BILL 970403

2 recommendation, I suggest that those public agencies
3 that have to be, that will be, responsible for
4 drafting the regulations can begin to do so.

5 I mean, they don't have to wait until
6 we, Council, finally approves a version of the
7 bill.

8 It just seems to me that on the basis
9 of this discussion, there are significant questions
10 that people have, but most of them will be able to
11 be handled in the form of some kind of amendments.

12 We intend to try to move this process
13 along. As a matter of fact, I have spoken to
14 Councilman DiCicco, who is one of the prime sponsors
15 of this bill.

16 And he and I, and of course
17 Councilman Nutter as District Councilpeople that
18 have geographic areas of the city that will be
19 directly impacted by all of this, are very concerned
20 about getting something done.

21 And we would like to have this
22 committee stand in recess until 9 o'clock on
23 Thursday morning, with a view toward between now and
24 then trying to get as much of this resolved.

25 And if we can, we would like to be in

1 BILL 970403

2 a position to do something with the bill.

3 So if there are no objections or any
4 other questions or comments, then this committee
5 will stand in recess until 9 o'clock a.m. on
6 Thursday morning.

7 The Chair recognizes Councilman
8 Nutter.

9 COUNCILMAN NUTTER: Just one quick
10 point of order.

11 I think it is important that the
12 President also point out that if that is going to
13 happen, that somewhere between today and Thursday
14 morning, it is incumbent upon both the members who
15 have a concern or who have raised questions and the
16 Parking Authority, and the other agencies, to meet
17 in serious discussion, negotiation, and get answers
18 to many of the questions that were raised, and some
19 that were not raised for time reasons, that I just
20 want to make sure that we are all in accord that
21 somewhere in the next 24 to 36 hours we are going to
22 have to have a pretty serious meeting if we are
23 going to come in here on Thursday in the Committee
24 of the Whole and put forward new amendments to
25 address some of the issues that were raised by the

1 BILL 970403

2 bill.

3 And I don't know that for the moment
4 we have that commitment.

5 PRESIDENT STREET: Is there any
6 question that this is what needs to happen?

7 Representatives of the Parking
8 Authority are here and L & I. I think everybody is
9 of the same mind here.

10 I mean, we want to get something
11 done, and we will work towards that end.

12 This committee stands in recess until
13 9 o'clock a.m. on Thursday morning.

14 (Hearing adjourned at 3:45 p.m.)

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Tuesday, April 28, 1998, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COMMITTEE OF THE WHOLE

DEBRA A. WHITEHEAD, RPR