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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON LICENSES AND INSPECTIONS

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Room 401, City Hall
Philadelphia, Pennsylvania
Thursday, December 7, 2000
9:00 a.m.

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BILL NO. 000137 - an ordinance amending the
ordinance approved January 3, 1992, (Bill
No. 1205-AA), which pursuant to subsection
9-204(8)(a) of the Philadelphia Code, designates the
locations in Center City at which vending is
permitted, by deleting all permitted vendor
locations on both sides of 11th Street and 12th
Street between Arch Street and Chestnut Street, all
under certain terms and conditions.

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PRESENT:

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COUNCILMAN RICHARD T. MARIANO, Chair

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COUNCILWOMAN JOAN L. KRAJEWSKI

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COUNCILMAN FRANK DI CICCIO

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COUNCILMAN MICHAEL NUTTER

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COUNCILWOMAN BLONDELL REYNOLDS-BROWN

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I N D E X

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OTIS HAGLER, JR., L&I

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JOSEPH BELLER, ESQUIRE

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MR. ALI

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CHARLES MUHAMMAD

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2 COUNCILWOMAN KRAJEWSKI: Good morning.

3 The Committee on License and Inspections is about to
4 begin.

5 Will the Clerk please read the bill.

6 THE CLERK: Bill No. 000137, an
7 ordinance amending the ordinance approved January 3,
8 1992, which pursuant to subsection 9-204(8)(a) of
9 the Philadelphia Code, designates the locations in
10 Center City at which vending is permitted, by
11 deleting all permitted vendor locations on both
12 sides of 11th Street and 12th Street between Arch
13 Street and Chestnut Street, all under certain terms
14 and conditions.

15 COUNCILWOMAN KRAJEWSKI: Thank you.

16 Do we have anyone from the
17 Administration to testify?

18 (Witness comes forward.)

19 COUNCILWOMAN KRAJEWSKI: Good morning.

20 MR. HAGLER: Good morning, Councilwoman
21 Krajewski and members of the committee. I am Otis
22 Hagler, Jr., Legislative Regulatory Affairs Manager.

23 COUNCILWOMAN KRAJEWSKI: Just a moment.

24 I'm sorry, I couldn't hear you. Could you pull your
25 mike back a little? Your name and address for the

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2 record.

3 MR. HAGLER: Good morning, Councilwoman
4 Krajewski. I'm Otis Hagler, Jr., Legislative
5 Regulatory Affairs Manager for the Department of
6 Licenses and Inspections. Today I'm here
7 to testify on Bill 000137 which, if enacted, will
8 prohibit vending on 11th and 12th Streets between
9 Arch and Chestnut Streets.

10 The Department of Licences and
11 Inspections is charged with the responsibility for
12 enforcement 9-204 Subsection (8)(a) of the
13 Philadelphia Code related to licensing of vendors
14 and inspecting for compliance with the provisions of
15 the code.

16 In accordance with our responsibilities,
17 the Department of Licences and Inspections offers no
18 objections to the enactment of Bill 000137. It is
19 prepared to enforce the provisions of this bill
20 should Council vote for its passage.

21 Thank you. I'll be happy to answer any
22 questions you may have at this time.

23 COUNCILMAN MARIANO: Thank you, Otis.
24 Are there any questions for Mr. Hagler from the
25 committee?

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2 Mr. DiCicco.

3 COUNCILMAN DI CICC0: Thank you, Mr.
4 Chairman.

5 Mr. Hagler, your office -- I'm led to
6 believe that your office has been receiving a number
7 of complaints concerning the general condition of
8 the vending operations along 11th Street and 12th
9 Street in the area described in this proposed
10 ordinance. Do you happen to have any information
11 with you as to the number of complaints that your
12 office may have received over the last six months or
13 a year?

14 MR. HAGLER: I'm not aware of the
15 complaints or the actual number of the complaints
16 that we've received. I heard from our Deputy
17 Commissioner Verdi that he has received several
18 calls in reference to that location.

19 COUNCILMAN DI CICC0: I guess the
20 several are from me, but I know my office my office
21 has received numerous calls from a lot of different
22 folks, from people who use SEPTA, from people who
23 work in the court building at 34 South 11th Street.
24 A number of judges have called me concerning some of
25 the problems that they recognize are out there by

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2 way some of the activity that goes on there. And
3 I'm not suggesting that all of the vendors are
4 causing all those problems. There are a few,
5 obviously. I know we have problems with some of the
6 amplified systems that are out on 11th Street where
7 literally while judges are trying to conduct court
8 hearings in 34 South 11th Street, they actually have
9 a difficult time hearing testimony because of the
10 noise that is emanating from the systems that are
11 out on 11th Street. Some have to do with retail
12 buildings or storefronts, and some may have to do
13 especially in warmer weather when people bring out
14 portable radios and put them on their vending carts.

15 If I can just for a moment, I introduced
16 this bill back in March of this year. And I want
17 everyone to understand for the record, I dealt in
18 the past two years with another location within my
19 district and the problems related to vending, so it
20 is not that I'm just concentrating in the area of
21 11th and Market.

22 Mr. Hagler, you may be or may not be
23 aware of there was a time in South Philadelphia in
24 the area of around Broad and Snyder when there were
25 anywhere from 10 to maybe 20 vendors on any given

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2 day that would set up their businesses along Broad
3 Street on the east side between McKeen and Snyder.
4 And for the better part of a year and a half my
5 office, with me conducting meetings, the Department
6 of L&I, Sanitation Department, Police Department
7 tried to work out a compromise with those vendors to
8 limit the number of vendors, to regulate the manner
9 in which the vendors would set up their stands in
10 the morning and afternoon, even allowing for a
11 certain amount of time where vehicles could -- they
12 could unload their product from the vehicle onto
13 their stand and in the evening, vice versa, take the
14 stuff off their stand and put it back in their
15 trucks.

16 And for a year and a half with monthly
17 meetings, we thought we were able to reach an
18 accommodation that would allow folks to run a
19 business, earn a living and support their families.
20 Because I'm not Mr. Scrooge. I know this is the
21 time of the year where some people may think I'm
22 Scrooge and trying to harm people in any way and
23 basically limit their ability to make a living and
24 support their family. That's really not what I am
25 here for today and that's not what I'm about. I

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2 generally try to find a common ground for everyone.

3 But the conditions that go on in Center
4 City in this area described, I think, are
5 unreasonable. I think the majority of the folks are
6 out there are not paying attention to the code as
7 it's been written.

8 And I understand several years ago that
9 this City Council enacted some legislation that
10 carved out certain sections of Center City to be
11 vending districts, and this area -- that may be the
12 wrong terminology, but I understand it this section
13 or these two streets that we're talking about today
14 are part of that vending district. And there were a
15 number of licenses that would be issued within this
16 area. And you can see from the photographs that
17 were taken back in either March or April of this
18 year, there are a number, and I think you would
19 agree, there are a significant number of violations
20 that are going on a daily basis.

21 I want to go back a minute to South
22 Philadelphia. After one and a half years of
23 meetings, within one week after that bill had been
24 enacted with everyone agreeing on it, the violations
25 started to continue. It was like we never did

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2 anything for a year and a half.

3 That caused to me to react to the
4 complaints of the people who live and work in that
5 community as to the condition of sidewalks and the
6 blatant violations that continued to go on after a
7 year and a half's worth of work to try to find some
8 resolution, which caused me to introduce a bill that
9 basically eliminated vending. There's no more
10 vending there. And it was very painful for me,
11 although some people may not believe that because 2
12 of the 14 vendors are relatives of mine. They're my
13 cousins. One of the guys was the oldest vendor in
14 terms of doing business along that area. He had
15 been there for about a better part of 16 or 17
16 years. He's no longer a vendor because they
17 continually ignored what the law was and what was
18 required of them.

19 So I don't know where we're going to
20 wind up at the end of day here. And I suggested to
21 you and I also suggested to Mr. Beller, I want the
22 record to reflect what the problems are. I want
23 everyone to understand that we take this serious, I
24 do and I know this committee will take this serious.
25 I'm not going to ask this committee today to vote on

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2 this bill, but I want to get the message out and I
3 want the record to reflect what we want to happen.

4 There will be a grace period between now
5 and the time this Council comes back in January.

6 And if what is going out there today is continuing
7 after, at least for the next month until the time we
8 come back, I have no problem coming back and asking
9 for this committee to vote to this bill out
10 favorable. Maybe it's the Christmas spirit in me; I
11 don't know. But something needs to be done.

12 You can't get off the 23 Line at Broad
13 and Market without literally walking into a wall of
14 hats, bags, you name it. There's just violation
15 after violation. And I don't really enjoy calling
16 up the Department of L&I and having inspectors to go
17 out there policing this on a daily basis. L&I has a
18 lot of other things they can be doing. There are
19 houses falling around all over this City, but people
20 have to join with me in cooperation to make this
21 work. And I'm willing to offer that amount of time
22 to get, as they say, everyone to act in order here.

23 There are clearly some people who don't
24 belong there. And obviously, they're making it more
25 difficult for the folks who are legitimate, and I

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2 understand that. So we need to figure out a way of
3 calling out the folks who don't belong there at all.
4 Recognizing that there are people who have a license
5 and they're paying their fees and all those other
6 things. But there are s violations as it relates to
7 the size of the stand, from what I can see and I
8 think you can observe from these photographs, the
9 products being left on the street.

10 Before the CVS opened there was another
11 store there, Foot Locker. People would set up their
12 carts, their hand carts literally in front of the
13 door of Foot Locker. And it became like their
14 outside storage room. We can't allow it to go on.
15 Because if we allow it to go on here, that means
16 it's okay for every other district throughout this
17 City. And I know at least the District
18 Councilpeople would agree with me, we all have
19 vending areas in our districts. But we can't let
20 one group of folks do things that we're not allowing
21 other people to do. That's what laws are created
22 for.

23 So I'm going to try to do this in the
24 best spirit as possible in cooperation with the
25 folks that are out here today and we need your

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2 cooperate. This is not about just eliminating
3 people who are trying to make a living. But the guy
4 who owns the vision center store at the southwest
5 corner of 11th and Market, he has a right to earn a
6 living. He pays taxes, heating bills, electric
7 bills, employment compensation, hires people to work
8 in there. He has a right not to have somebody set
9 up a card table literally in front of the entrance
10 of his establishment and offer glasses for sale for
11 \$10 or \$5 on a card table. I have to protect the
12 person who is paying rent, paying business taxes,
13 paying wage taxes and employing people, in addition
14 to all the other expenses that she has in order to
15 be able to stay and maintain a business.

16 So if we can figure out a way in which
17 we can both live together and operate together, I'm
18 all for it. But I am not going to sit back and let
19 this condition continue to exist any longer than
20 beyond the time it takes for this Council to come
21 back in January after our recess. And it committee
22 make the decision whether or not they want to
23 support the bill or not. But as the sponsor of the
24 bill in whose district this condition exist, I'm
25 certainly going to push for that.

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2 So, Councilman, you're the Chair of the
3 committee here.

4 COUNCILMAN MARIANO: Councilman Rizzo.

5 COUNCILMAN RIZZO: Thank you. I'd like
6 to give my concurrence and support with what
7 Councilman DiCicco just said being a member of this
8 committee and being an at-large member of Council.
9 I'd like Councilman DiCicco to hear my remarks.

10 I'm hoping that all of the vendors, the
11 ones that are appropriate to be there, and the ones
12 that are appropriate know who they are, but I would
13 ask L&I to please offer some guidance so they
14 understand the parameters, that there's no confusion
15 on exactly what they can do like what Councilman
16 DiCicco described, the fact that you can't put a
17 table up. And I assume that you can't. If you can,
18 then we need to obviously deal with that if a
19 person's allowed to be at that location. But I
20 think that they need someone to turn to, to go out
21 because I don't want them to come back here and say
22 that they didn't know that they were violating any
23 particular ordinance. So I would appreciate that
24 L&I would convene a meeting, if necessary, a phone
25 number for people to call to get some guidance on

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2 exactly what they should do and what they shouldn't
3 do.

4 MR. HAGLER: We'll be happy to do that,
5 Councilman.

6 COUNCILMAN DI CICCIO: Just one more
7 point, if I can, Mr. Chairman.

8 COUNCILMAN MARIANO: Go ahead,
9 Councilman.

10 COUNCILMAN DI CICCIO: What we attempted
11 to do in South Philadelphia, L&I actually went out
12 -- and I'm not for graffiti, you know, but you got
13 to figure a way of letting people know where they
14 could be legitimately, and on the curb they sprayed
15 a little maybe 5, 6-inch paint line and that says to
16 everybody, This is your spot. And what we also did,
17 we educated people to say if this is your spot,
18 wherever that is, you don't come in today for
19 whatever reason you decide not to set up, that
20 doesn't give somebody else the right to come in your
21 spot. That is your dedicated location. Because if
22 not, you have that battle that always goes on out
23 there, you know, who got there first in the morning
24 and then another war starts. Now, I know in many of
25 these instances that may not be the case. But I

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2 have to suspect that a few of them that probably
3 goes on, where the war becomes who got here first.
4 And then since I got there before Councilwoman
5 Blondell Reynolds-Brown got there, she says, "Well,
6 I've been here longer than you," and she'll set up
7 next to me, and that leads to some of the problems
8 that we have out there.

9 So that's where I think the real
10 enforcement will be helpful and then everyone
11 understand that this is your location, it belongs to
12 you and you can't just set up anywhere along that
13 corridor just because you've been there for 10
14 years.

15 MR. HAGLER: As far as I know,
16 Councilman, the spaces are assigned to the vendors.
17 They would have to get their assignments through our
18 bench compliance unit. So as far as I know, the
19 spaces are assigned to the vendors.

20 COUNCILMAN DI CICCIO: Thank you, Mr.
21 Chair. I think Mr. Beller who represents the
22 vendors, he might want to say few words.

23 COUNCILMAN MARIANO: No more questions
24 for this witness.

25 Mr. Beller.

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2 MR. BELLER: Thank you, Mr. Chairman,
3 members of the committee, Councilman DiCicco. My
4 name is Joseph Beller, B-E-L-L-E-R, I'm representing
5 the 21 vendors who would be affect by Bill 000137.
6 And a lot of what I would have said had been blunted
7 by what the sponsor, Councilman DiCicco, said. I do
8 want to say publicly, I've said it before and it's
9 been on this record, I've had the pleasure of
10 working with Councilman DiCicco. I find him to be
11 an honorable man and I hope nobody will interpret
12 what I do say as any personal knock on the
13 Councilman. He knows and this Council knows how I
14 feel. I've worked with many of you and I've been
15 yelled at by you sometimes, but generally we work
16 things out.

17 Let me say that the problem with this
18 bill is not what Councilman DiCicco is trying to
19 eradicate because no one of my clients has asked me
20 to in any way expand the rights that they have. And
21 in fact, they are probably more disturbed by the
22 folks who just come in and set up without proper
23 licenses. I have checked and I've checked with Mr.
24 Hagler who's always very helpful, and all 21 of the
25 people who would be affected by this bill have

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2 business privilege licenses, pay their taxes and
3 have sidewalk vending licenses, whether for food or
4 otherwise. And I inspected 17 of them again this
5 morning myself to see if they were current, and they
6 are.

7 Now, the problem is twofold that I see.
8 One, there are people who just come and set up.
9 That adds the congestion, it blocks the highways, it
10 blocks the sidewalk, it's not good. The second
11 problem we have and freely admit is that some of the
12 folks maybe do not know, as Councilman Rizzo said,
13 don't know the parameters of what they can and can't
14 do.

15 I inspected the pictures that Councilman
16 DiCicco supplied to me was. It was very helpful.
17 Many of the vendors said that some of those pictures
18 were taken during a time when they were setting up
19 and there appeared to be extra boxes. However, I am
20 told by the Councilman, I have no reason to doubt
21 him, that some of them have not removed the boxes
22 throughout hours of setting up. That's too long.

23 The problem with this bill, ladies and
24 gentlemen, is very simple. It cures the ill, but it
25 is devastating. If I had a problem with my little

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2 finger, no doctor would say take my hand off. And
3 what's happening here is that if this bill is passed
4 in its present form, 21 families will be thrown out
5 of business. Gateway and dot coms aren't coming to
6 hire these folks. You'll have 21 families, some of
7 these are families up to 4 and 5 people, and I know
8 Councilman DiCicco is sensitive to that and that's
9 why we've talked about it. The 21 legitimate
10 vendors were put there by this Council back in 1992
11 and 1993. They have assigned spots. I'm told that
12 there isn't any wrangling over spots. What happens
13 is the extras, the ones who come in and sneak in
14 during the day and set up a table, they're causing a
15 problem. They're not trying to take the designated
16 spots. And every one of these folks got a letter
17 back in 1992 and 1993 saying, You're at spot 93,
18 you're at spot 94, whatever it is, and that's been
19 honored among all of these gentlemen. We have a
20 very -- as you can see, a very American ethnically
21 diverse group of people who work together with no
22 problems among themselves. The interlopers cause a
23 problem.

24 The real problem, as I say, is the that
25 cure may be worse than the illness here. You just

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2 can't take 21 families and throw them out. And I
3 appreciate Councilman DiCicco's Christmas spirit in
4 not asking that the bill be voted. It may be that
5 it should be amended.

6 Certainly, I cannot in all conscious ask
7 L&I not to enforce the rules and regulations. Based
8 on the pictures Councilman DiCicco gave me, some of
9 the vendors said they can address some of the
10 problems. Some of them have stands that come up and
11 maybe don't leave enough sidewalk. They say that
12 they're adjustable and they will retract them and
13 honor your request, Councilman.

14 The other thing is that we have here in
15 the room in addition to what I call the Embattled
16 21, we have people from 17th Street and 10th Street
17 and other streets who are worried, frankly. And the
18 reason they're worried, quickly, is this, Council
19 designated the exact number of Center City vending
20 spots and they designated them clearly and
21 concisely. The problem is if you remove these 21,
22 and the way the bill reads, you would remove them,
23 you're down 21 spots. There's no place for them to
24 go. And if Councilmen in another district have a
25 problem and they adopt the same kind of legislation,

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2 you'll be down to under 200 vendors or 100. Now,
3 that may or may not be for Council to speak to. But
4 at the moment, other vendors who are here are afraid
5 that piecemeal they will lose their spots.

6 In the spirit in which Councilman
7 DiCicco spoke, I would tell you that we can get
8 either all 21 together with L&I if will meet with
9 them. We can have a committee. They will help
10 police the area by talking to each other about
11 violations. Again, I was never asked to approach
12 this committee from the point of view of, let us
13 slide, let us do something we shouldn't do. The
14 real problem is, as I say, if you pass the bill in
15 the present form, 21 families are out on the
16 street -- or I'll change that, they're off the
17 street and they're out of work. That would be a
18 tragedy, not only at Christmastime, but anytime.

19 Some of these folks -- and I just want
20 to tell you I did a quick little survey. Some of
21 these folks have been in that area for 14 years.
22 Some of them, 17 years. Some of these vendors have
23 been vendors for 30 years. Many of them are new
24 Americans and are in recent years. That's the old
25 push cart that our grandfathers and we became

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2 lawyers and doctors and councilmen and congressmen.

3 And it's great to see -- I'm delighted when I meet

4 with this group, as I say, it's a very ethnically

5 diverse group, but they are united. They want to be

6 there. And although it may not look like it from

7 the pictures, Councilman, they want to cooperate.

8 They want to be left in peace. And if the way to be

9 left in peace is not to boxes on the street, they're

10 going to get the boxes off the street.

11 COUNCILMAN DI CICC0: Thank you, Joe,

12 thank you for your testimony. But I think that goes

13 to the heart of what led me to do this. It may be

14 some of the 21, it may be all of the 21 in addition

15 to the folks who don't belong there that cause me to

16 react and other folks to react with the complaints.

17 I will not ask you to identify anyone, but I suspect

18 without putting words in your mouth from the

19 pictures you observed that probably some of the 21

20 that you're representing are in clear violation of a

21 number of the regulations or codes that they're

22 supposed to comply with. So I didn't wake up one

23 day and say, "You know, I want to get rid of 21

24 vendors, or whatever the number is, I don't want to

25 have any more vending here." What I want to do --

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2 and as you know because you and I have been working
3 for about three years with the newsstand industry or
4 association. You know, I've been a friend. I'm not
5 trying to get rid of newsstand folks in the City.
6 I'm trying to figure out a way in which their stands
7 and their business could blend into the fabric and
8 the streetscape of Philadelphia. There has to be
9 some order on the sidewalks so that all
10 Philadelphians can enjoy it.

11 THE WITNESS: Councilman, I assured
12 this group on a mass meeting on Monday night that
13 you had no evil personal intentions, that you were
14 trying to attack it. I just felt, as I said before,
15 in all fairness the attack would work but it would
16 be an injustice to many of them. If someone is in
17 violation and he's told once and twice and he gets
18 fined, there are remedies. I don't want to mention
19 them out loud. But Mr. Hagler may still be in the
20 room and there are certainly remedies for removing a
21 vendor and removing his license. And I can't in all
22 good conscience fight you if he violates the law.

23 COUNCILMAN DI CICCIO: But, Joe, let me
24 just step back for a minute. You heard my statement
25 about it. Over a year and a half I worked with the

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2 vendors in South Philadelphia. This bill was
3 introduced in March of this year. Eight months have
4 passed. Everyone knew there was a bill out there.

5 MR. BELLER: Absolutely.

6 COUNCILMAN DI CICC0: Everyone
7 understood that there would be hearing at sometime.
8 And these conditions still exist. So I think this
9 is the last -- I don't want warning; that may be too
10 strong. This is the last opportunity, in my
11 opinion, the committee will decide what they want to
12 do, in my opinion, that these folks have to
13 straighten up their act. Eight months have passed
14 and if you go out there, Joe, not even talking about
15 the people who come in who shouldn't be there, these
16 conditions exist today. So for eight months, people
17 ignored it. I'm not going to sit back and allow
18 that to be ignored anymore. Again, I'm trying not
19 to be real tough about this, but I think the message
20 has to be clear.

21 MR. BELLER: I think it is clear. I
22 appreciate your frankness.

23 MR. DI CICC0: It is time to realize
24 that this is serious. I take it serious and I have
25 to believe that this committee he take it serious.

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2 MR. BELLER: Well, it's their
3 livelihood, and I assure you they take it seriously.
4 I think your suggestion that somebody from L&I work
5 with these folks, it may require a one-day visit and
6 I'll be happy to go along and we'll go from cart to
7 cart, we'll tag those who have no licenses and those
8 that do will be told, you're an inch, you're five
9 inches over, move other here, fix this, and we'll
10 get it done.

11 COUNCILMAN DI CICCIO: Joe, if they can
12 figure out a way, and I'll end my statement now, if
13 you can figure out a way to work with L&I and your
14 clients to come up with something a little bit more
15 uniform so there's no question as to is this the
16 kind of stand, without really imposing any financial
17 hardship on these folks to go out and buy new
18 stands, but with the exception of the hotdog stands,
19 the rest of them aren't that expensive to construct,
20 I don't think. Come up with something that is
21 aesthetically maybe acceptable and pleasing because,
22 you're right, vending is part of the fabric of the
23 Philadelphia streetscape. But if it's done in a
24 haphazard way that it's being done here, I think it
25 takes away from that. And all I'm saying is we want

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2 order. You know where I am with corrals for honor
3 boxes and all, I think we need order on the
4 sidewalks. And if they want to be part of the
5 sidewalk streetscape, they have to cooperate.

6 MR. BELLER: I agree.

7 COUNCILMAN DI CICC0: And I'm willing to
8 work with them.

9 MR. BELLER: I thank you for that.

10 COUNCILMAN DI CICC0: What I will do,
11 though, Joe, is -- and you can explain to your
12 clients so they don't get all upset. I would ask
13 that this committee vote the bill out favorably and
14 we'll hold it. We won't call it for second and
15 final reading. We won't do anything today or next
16 week. We recess next week. We'll come back in
17 January and between now and that time and I'll even
18 say maybe into February, the beginning of that
19 February, we'll have that much more time and your
20 clients will have that much more time to do what it
21 is that they need to do to eliminate the problems
22 that are out there.

23 MR. BELLER: Well, respectfully, I would
24 request that you not ask it to be voted and I would
25 request that the committee not vote it because, as I

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2 say, in its present form it is so catastrophic for
3 those folks, for the good ones --

4 COUNCILMAN DI CICCIO: Mr. Beller, it can
5 always be amended before the final vote, but since
6 eight months have passed and there really has been
7 no change in the manner in which they conduct
8 business, I think the only thing that people may
9 understand is that the fact that this legislation is
10 really looming over them and they're going to have
11 to correct it.

12 MR. BELLER: Again, I would go back to
13 what you said earlier, if you can hold the request
14 for that until after the recess, then maybe by then
15 we could have demonstrated --

16 COUNCILMAN DI CICCIO: Mr. Beller, I know
17 you're doing your best to represent your clients and
18 I think you know me well enough. I won't pull
19 anything. I won't do anything without your
20 knowledge. I'm giving warning now. Again, maybe
21 "warning" is too strong of a word, but I don't know
22 any other word use at this time because eight months
23 have passed -- and I don't want to belabor the
24 record with being redundant here. Eight months have
25 passed, conditions haven't changed. There's another

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2 minimum of 30-something days until we come back,
3 probably 40 days before we come back. It won't
4 happen that week. We have 40-something days to talk
5 to each other, talk to L&I, talk to your clients.
6 February brings us maybe 50 days out before any
7 action on the bill would takes place if it requires
8 it. It may not. And if they cooperate and things
9 are where we want them to be, the bill will die.
10 Simple as that. There's no surprises from me. You
11 know that.

12 MR. BELLER: I understand.

13 COUNCILMAN MARIANO: Thank you,
14 Councilman.

15 Thank you, Mr. Beller.

16 Councilwoman Reynolds, you have a
17 question for Mr. Beller?

18 COUNCILWOMAN REYNOLDS-BROWN: Good
19 morning.

20 MR. BELLER: Good morning.

21 COUNCILWOMAN REYNOLDS-BROWN: The
22 sponsor of the bill has actually spoken to my
23 question because you did state in your testimony
24 that you find the bill as it is currently written
25 quite punitive.

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2 MR. BELLER: Absolutely.

3 COUNCILWOMAN REYNOLDS-BROWN: Given
4 that, I would suggest that you begin to think about
5 potential amendments. The opportunity exist for you
6 offer up what you believe the content or language of
7 the bill could be or should be.

8 MR. BELLER: I appreciate that. Thank
9 you.

10 COUNCILMAN MARIANO: Thank you,
11 Councilwoman.

12 Any other questions for this witness?

13 (No questions.)

14 COUNCILMAN MARIANO: Seeing none, next
15 witness, Mr. Ali.

16 MR. BELLER: Thank you.

17 COUNCILMAN MARIANO: Thank you, Mr.
18 Beller.

19 (Witness comes forward.)

20 MR. MARIANO: Hi, Mr. Ali. State your
21 name and spell it for the record.

22 MR. ALI: Ali, A-L-I. Everything that I
23 was going to say has been covered. But only a few
24 things I have to say that we know for a fact that
25 License and Inspections have been doing a great job.

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2 Maybe they don't have enough to do what they should
3 do being in other places. But I don't see a need
4 for anyone to come out and do License and
5 Inspections job. Let them do their own job.
6 Respect them and let them do their own job. And
7 they can correct things. If things is not correct,
8 they can do it. I believe that they can do it.
9 They have been in the future when they had enough
10 people there, but as it stands now, it doesn't have
11 enough people there to do the job that it should be
12 done. I don't see no need for City Council to have
13 to go out and take pictures and do all this kind of
14 stuff. That's taking other people's jobs.

15 COUNCILMAN DI CICC0: Thank you, Mr.
16 Ali, and that's why we're going to have somewhere
17 between 40 and 50 days for the vendors like yourself
18 to work with L&I to figure out what it is that is
19 wrong out there and make the corrections. You'll
20 have that time. And it's L&I that's going to meet
21 with you to discuss whatever those issues are.

22 MR. ALI: Okay. Thank you very much.

23 COUNCILMAN MARIANO: Thank you
24 Councilman.

25 Any other questions from the committee

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2 to Mr. Ali?

3 (No questions.)

4 COUNCILMAN MARIANO: Seeing none, next

5 witness is Charles --

6 MR. MUHAMMAD: Muhammad.

7 COUNCILMAN MARIANO: I'm sorry. It was
8 scribbled, I couldn't --

9 MR. MUHAMMAD: Okay, don't worry about
10 it.

11 COUNCILMAN MARIANO: Thank you, sir.
12 State your name for the record.

13 MR. MUHAMMAD: Charles Muhammad.

14 COUNCILMAN MARIANO: Spell it for the
15 stenographer.

16 MR. MUHAMMAD: M-U-H-A-M-M-A-D,
17 Muhammad.

18 COUNCILMAN MARIANO: Thank you, sir.

19 MR. MUHAMMAD: I just want to -- you
20 know, I got a few words to say. I'm the person that
21 you have that picture on the top of the corner, you
22 know, got the box with the boxes on a push cart.

23 COUNCILMAN DI CICC0: At the corner of
24 the southeast corner?

25 MR. MUHAMMAD: Yeah, 11th and Market.

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2 COUNCILMAN DI CICC0: Okay.

3 MR. MUHAMMAD: First of all, I've been a
4 vendor downtown 18 years. There were times I had a
5 truck and I used to load my merchandise off and on
6 the truck. But right now as time went along, you
7 know, longevity has it rewards sometimes. So where
8 I'm at today, I leave my merchandise in a shoe store
9 on 11th Street and the shoe store open 10 o'clock
10 every morning. So it takes approximately at least
11 two hours to set my stand up and then --

12 COUNCILMAN DI CICC0: Did you say two
13 hours?

14 MR. MUHAMMAD: Yes, sir. Sometimes two,
15 sometimes an hour. It all depends because the store
16 might open 10:30 sometimes, you know, the owner of
17 the store. So I leave my stuff in the store. But I
18 will correct that at once. You won't never see no
19 boxes laying around, none of that crazy stuff. I
20 can handle that. But I want to ask another
21 question.

22 For people downtown vending that's
23 illegal, that matter going to be handled as soon as
24 possible?

25 COUNCILMAN DI CICC0: That's my

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2 understanding that L&I will be out again and enforce
3 whatever it is they need to do to cull out and clean
4 out the area of the folks who shouldn't be there in
5 the first place.

6 MR. MUHAMMAD: Okay, that's all I had to
7 do. I just wanted to let you know why my box was
8 over there from the beginning and why we was just
9 getting everything done, you know, to keep the
10 record straight.

11 COUNCILMAN DI CICC0: Thank you. And
12 thanks for your testimony.

13 COUNCILMAN MARIANO: Thank you, Mr.
14 Muhammad.

15 Any other witnesses on this bill? Come
16 up, sir.

17 (Witness comes forward.)

18 MR. LINDSEY: Good morning, folks.

19 COUNCILMAN MARIANO: Thank you, sir.
20 State your name for the record and spell it.

21 MR. LINDSEY: This is my granddaughter.
22 My name Richard Lindsey. I just want to say one
23 thing. Vending, as you call it, we call ourselves
24 merchants, has been a tradition in Center City and
25 11th Street has been a tradition in Center City just

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2 like the Italian Market or other places in this
3 City. Those of you who have been working on the
4 vending issue, as you call it, know that anytime
5 anything happens, you always come at 11th Street.
6 And the numbers on 11th Street since the '70s have
7 been thinning out. You come every couple years with
8 this ordinance, that ordinance. 11th Street is a
9 tradition, has been a tradition for us for a long
10 time. And I may be one of the oldest merchants
11 downtown right now that you're looking at. I'm
12 there from a long time, and it's a tradition. So
13 you really have to understand that.

14 As far as working with you, the
15 ordinances and get everything clear, a lot of the
16 issues, aside from the pictures that you mentioned,
17 are people who come with the card tables. We don't
18 even know them, that set up against Vision Center
19 and different places. We don't condone that and
20 other loud noise and stuff that happens, that's not
21 us. But it happens on 11th Street because you know
22 we have several businesses off 11th Street. We have
23 several businesses that have audio and video stuff
24 so there's noise. We'll do our part to clean up
25 this mess. But I just want it clear that just like

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2 other historical places in Philadelphia, 11th and
3 Market has been a tradition for us. Thank you.

4 COUNCILMAN MARIANO: Any questions from
5 this witness?

6 Otis, can you come back up.

7 Councilwoman Reynolds-Brown has a question for you.

8 Thank you, sir.

9 COUNCILMAN MARIANO: Otis Hagler, L&I.

10 COUNCILWOMAN REYNOLDS-BROWN: Good
11 morning. Given the former witness testimony,
12 procedurally what happens with merchants who want to
13 become legal and registered with the Department of
14 L&I?

15 MR. HAGLER: They would have to apply
16 for their licenses. The business compliance unit,
17 as I understand it, assigns the spaces to the
18 vendors to vend at a particular location. There are
19 300 vending locations throughout Center City, and
20 the vendors would have to visit our offices, our
21 business compliance unit to get an assigned space to
22 one of those locations. If the vendor is not
23 licensed to that location, then our inspectors would
24 have the power to remove that vendor from that
25 location and confiscate their merchandise.

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2 COUNCILWOMAN REYNOLDS-BROWN: So then
3 you would have a running record already, a history,
4 if you will, of merchants that have the long
5 history like the former witness, correct.

6 MR. HAGLER: Yes, yes. As a matter of
7 fact, we do have a list. I have a list here of the
8 vendors who are assigned to locations on 11th and
9 12th Street. That list we made available to
10 Councilman DiCicco, and I can give a copy of that
11 that list to the Chair.

12 COUNCILWOMAN REYNOLDS-BROWN: Will you
13 participating and a part of the negotiations with
14 the legal counsel for the vendors as well as with
15 Councilman Frank DiCicco? Will you be a part of
16 deliberations?

17 MR. HAGLER: I can make myself if that's
18 at the pleasure of the Commissioner, the Deputy
19 Commission. Deputy Commissioner Verdi is the deputy
20 commissioner over business regulatory enforcement
21 and Gerald Richards, he would be the chief the
22 business compliance unit. But I can certainly make
23 myself available if the so desired my presence to be
24 there.

25 COUNCILWOMAN REYNOLDS-BROWN: In the

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2 spirit of cooperation and knowing Councilman
3 DiCicco's always willingness to find a middle ground
4 where there's some win/win on all sides, I would
5 encourage that so that some consideration is given
6 to protecting those who already have a long
7 historical legal presence in those locations.

8 MR. HAGLER: Yes, ma'am.

9 COUNCILWOMAN REYNOLDS-BROWN: Thank you.

10 MR. HAGLER: Thank you.

11 COUNCILMAN MARIANO: Thank you, Mr.
12 Hagler.

13 No more questions for Mr. Hagler. This
14 ends the public hearing.

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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING
COMMITTEE ON LICENSE AND INSPECTIONS

- - -

Thursday, December 7, 2000

- - -

Public Meeting conducted by the
Committee on License and Inspections, held in Room
401, City Hall, Philadelphia, Pennsylvania, on the
above date, to consider action on the following:
BILL NO. 000137

- - -

PRESENT:
COUNCILMAN RICHARD T. MARIANO, Chair
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN FRANK DI CICCIO
COUNCILMAN MICHAEL NUTTER
COUNCILWOMAN BLONDELL REYNOLDS-BROWN

- - -

1 PUBLIC MEETING

2 COUNCILMAN MARIANO: We're going to go
3 right into the public meeting. This opens the
4 public meeting of L&I. I want to recognize
5 Councilman DiCicco for a motion.

6 COUNCILMAN DI CICC0: Thank you, Mr.
7 Chairman. I move that Bill No. 00037 be reported
8 out of this committee with a favorable
9 recommendation.

10 (Duly seconded.)

11 COUNCILMAN MARIANO: It's motioned and
12 seconded.

13 All on this motion, the ayes?

14 (Aye.)

15 COUNCILMAN MARIANO: Any nays?

16 (No response.)

17 COUNCILMAN MARIANO: No nays. The ayes
18 have it. The bill passes out of committee. And
19 this ends the public meeting of L&I. Thank you.

20 (Committee adjourned at 9:45 a.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 December 7, 2000, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON LICENSE AND INSPECTIONS

Lisa C. Bradley, RPR
and Notary Public