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## COUNCIL OF THE CITY OF PHILADELPHIA

3

## PUBLIC HEARING

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## COMMITTEE ON LICENSES AND INSPECTIONS

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Room 400, City Hall  
Philadelphia, Pennsylvania  
Thursday, October 28, 2004  
2:20 p.m.

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9 BILL 040595 - Amending Title 9 of The  
Philadelphia Code (Regulation of Businesses,  
10 Trades and Professions") by amending Section  
9-605 ("Towing")...

11 (Held until December 8, 2004, 2:00 p.m.)

12 BILL 040788 - An Ordinance amending Chapter  
9-600 of the Philadelphia Code, entitled  
13 "Service Businesses," by adding a new  
section regulating the hours of operation of  
14 commercial establishments located on  
residential blocks and providing for  
15 penalties, all under certain terms and  
conditions.

16

17 PRESENT:

18 COUNCILMAN RICHARD T. MARIANO, Chair  
COUNCILMAN DARRELL CLARKE  
19 COUNCILMAN FRANK RIZZO  
COUNCILWOMAN BLONDELL REYNOLDS BROWN  
20 COUNCILWOMAN JOAN KRAJEWSKI  
COUNCILMAN JUAN RAMOS

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## I N D E X

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OTIS HAIGLER, JR., L&amp;I..... 3

BONITA CUMMINGS..... 16

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TINA LECOFF..... 25

PENELOPE GILES..... 33

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SANDRA PUGH..... 37

KENNY ALI..... 41

7

DION ROBINSON..... 43

MAJEEDAH RASHID..... 45

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ROSEANNE ADAMS..... 47

ED HAZZOURI, Sunoco..... 48

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VIRGINIA ROCKEFELLOW, Sunoco..... 49

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KERRY WILSON..... 64

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2                   COUNCILMAN MARIANO: Welcome to the  
3 L&I Committee hearing. I'll introduce the  
4 members here. We have Councilman Clarke,  
5 Councilman Rizzo, Councilwoman Blondell  
6 Reynolds Brown, myself Councilman Mariano and  
7 assorted cast and characters to join us.

8                   We're just going to do the one bill.  
9 Bill No. 040595 by Councilman Rizzo is going  
10 to be held until December 8 at 2:00 p.m.

11                  The Clerk will read Bill No. 040788.

12                  THE CLERK: Bill 040788, an  
13 ordinance amending Chapter 9-600 of the  
14 Philadelphia Code, entitled "Service  
15 Businesses," by adding a new section  
16 regulating the hours of operation of  
17 commercial establishments located on  
18 residential blocks and providing for  
19 penalties, all under certain terms and  
20 conditions.

21                  COUNCILMAN MARIANO: Testimony from  
22 Mr. Haigler from Licenses and Inspections.

23                  MR. HAIGLER: Good day and good  
24 afternoon, Councilman Mariano and Members of  
25 the Committee. I am Otis Haigler, Jr., the

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2           Director of Legislative Affairs for the  
3           Department of Licenses and Inspections.

4           Today, I'm here to provide testimony on Bill  
5           040788 which, if enacted, will add a new  
6           section to the Philadelphia Code regulating  
7           the hours of commercial establishments located  
8           in residential neighborhoods.

9           The Department of Licenses and  
10          Inspections offers no objection to the  
11          enactment of this bill and will enforce its  
12          provisions should it be passed by Council and  
13          signed into law by the Mayor. We will respond  
14          to any complaint received regarding a business  
15          which violates the provisions of this  
16          ordinance once it becomes law and take  
17          appropriate enforcement action against persons  
18          found in violation.

19          Thank you for the opportunity to  
20          provide testimony on this bill. And I'll be  
21          happy to answer questions.

22          Also, I'd like to add that we will  
23          also be seeking the assistance of the Police  
24          Department with our efforts to enforce the  
25          provisions of this bill because L&I is not a

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2           24-hour-a-day operation. We would have to  
3           seek the assistance of a 24-hour-a-day  
4           operation to help with the enforcement of the  
5           provisions of this bill.

6           COUNCILMAN MARIANO: Thank you, Mr.  
7           Haigler.

8           Councilman Clarke has some opening  
9           statements he would like to make.

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

12          Mr. Chairman and Members of the  
13          Committee, briefly what I wanted to state is  
14          that this particular bill grew out of a rising  
15          concern relating to primarily residential  
16          communities, more often than not single family  
17          dwellings on blocks, maybe minimal  
18          multi-family units. We essentially have a  
19          relatively quiet residential block, but we  
20          have this phenomenon where we have these  
21          stores that open up, be it on the corner or  
22          sometimes in the middle of the block, and they  
23          stay open virtually all night. And we found  
24          in a substantial amount of areas in the City  
25          of Philadelphia that these stores continue to

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2           be havens for individuals who ultimately  
3           create crimes.

4                       We recently had a situation where a  
5           young man was shot as a result of a gambling  
6           debt that happened as a result of this  
7           environment. You can travel the streets 2, 3  
8           o'clock in the morning, these will be the only  
9           facilities open. And for some reason, it  
10          attracts negative activity. And we believe  
11          that people who live on quiet residential  
12          blocks should not have to succumb to the  
13          problems associated with these types of  
14          facilities. So we would simply attempt to  
15          limit the hours so we don't have this  
16          late-night activity that has proven to be  
17          detrimental to, not only the community, but  
18          actually some of the individuals who frequent  
19          these locations. That's what we're attempting  
20          to do.

21                      I understand, based on a number of  
22          calls that we have gotten, that there are some  
23          concerns that probably need to be -- and there  
24          will actually be a couple of amendments to  
25          address some areas that may not fall within

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2           the categories associated with our problematic  
3           locations, and we'll hopefully be able to  
4           address that. And we'll ask for individuals  
5           to testify and talk about their specific  
6           concerns. And hopefully, at the end of this  
7           hearing we will be able to address those  
8           concerns based on the amendments that we'll be  
9           offering today.

10           Thank you.

11           COUNCILMAN MARIANO: Thank you,  
12           Councilman.

13           Anyone else want to testify?

14           Is there a Sue Sierra here?

15           Any questions for Mr. Haigler before  
16           Ms. Sierra speaks?

17           (No response.)

18           COUNCILMAN MARIANO: Councilwoman  
19           Krajewski.

20           I told you other characters would  
21           join us.

22           Councilwoman Krajewski, thank you  
23           for joining us.

24           COUNCILWOMAN KRAJEWSKI: You're  
25           welcome, Councilman.

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2                   MS. SIERRA: Good afternoon,  
3 Chairman Mariano and Members of Council. I  
4 very much appreciate the chance to testify  
5 before this Committee. My name is Sue Sierra,  
6 and I'm the Policy Coordinator with the  
7 Philadelphia Association of Community  
8 Development Corporations.

9                   PACDC and our members are strongly  
10 in support of the goal of this bill to improve  
11 neighborhood quality-of-life by closing down  
12 establishments that are open late hours in  
13 residential neighborhoods.

14                  When I put this out to our members  
15 and asked what our position should be, one of  
16 our members said, "Frankly, there's a limited  
17 category of businesses that want or need to be  
18 open those hours, and they're usually not  
19 desirable businesses."

20                  Since our members are working every  
21 day to try to improve quality of life in our  
22 neighborhoods, they are extremely aware of the  
23 negative things that can happen when you have  
24 inappropriate uses like late-night operations,  
25 stop-n-goes, in residential communities.



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2                   I'm also personally affected by this  
3                   issue, though. I'm a resident of the Pennock  
4                   section of Germantown. And, in fact, my house  
5                   and bedroom are directly across the street  
6                   from a Sunoco gas station that went 24 hours  
7                   about 18 months ago. Before then, it had been  
8                   closed between the hours of 11:00 at night and  
9                   6:00 in the morning. So for the past 18  
10                  months, I've been a front-row witness to the  
11                  negative effects to having this 24-hour gas  
12                  station in our residential neighborhood has  
13                  had on our community.

14                 The gas station creates traffic  
15                 through the neighborhood at all hours of  
16                 night. It creates loud conversations in the  
17                 parking lot, music blaring. During the month  
18                 of August alone, my partner and I had to call  
19                 across to the gas station at night to try to  
20                 get them to try and quiet customers down at  
21                 least 30 times just in that one month, and  
22                 that's a significance impact on quality of  
23                 life. And I don't think this type of use is  
24                 appropriate for a quiet residential  
25                 neighborhood.

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2                   And it's not just the noise and the  
3                   car radios. Since the gas station went 24  
4                   hours, there's been a real increase in crime  
5                   in the neighborhood. We've had muggings.  
6                   We've had break-ins. We've had shootings.  
7                   And most seriously, a month ago today, a young  
8                   man named Adam Hammer who was 17 years old was  
9                   shot and murdered across the street from my  
10                  house.

11                  I was actually home at the time. I  
12                  heard the shooting. I was one of the first  
13                  people who came across the street to try to  
14                  give first aid to this young man. And  
15                  unfortunately, in the time it took me to get  
16                  across the street from my house to the gas  
17                  station, he had died.

18                  Now, I don't ever want to have the  
19                  experience again of watching a 17-year-old kid  
20                  shot and left to bleed to death on the  
21                  sidewalk in front of my house, and I hope that  
22                  I never do.

23                  Now, our neighborhood, we did not  
24                  want the gas station to open 24 hours. We  
25                  predicted the kinds of problems that would

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2       result because it had been open 24 hours in  
3       the past and had led to problems and we had  
4       gotten it to close down at night. And  
5       particularly, since this young man was  
6       murdered, we've been trying to work with the  
7       gas station and with Sunoco to have them close  
8       down at night. We've actually presented a  
9       petition that has more than 200 signatures on  
10      it -- I think it's up to 300 now -- asking  
11      them to close down. We, unfortunately,  
12      haven't found that Sunoco or the owner of the  
13      station have been particularly cooperative in  
14      that.

15               We support the business. We want  
16      them to succeed, but we don't think they  
17      should be disrupting the quality of life in  
18      our neighborhood and we don't think they need  
19      to do that in order to succeed.

20               Right now, we don't have any legal  
21      backing and the gas station has the legal  
22      right to be open 24 hours no matter how  
23      disruptive it is. And we really need the help  
24      of City Council in order to make sure that  
25      quality of life in our neighborhood is

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2       restored.

3           So usually when I'm here speaking to  
4       Council, I'm speaking as a spokesperson for  
5       more than 80 CDCs and other organizations that  
6       are working to improve communities around the  
7       City, and I'm here wearing that hat today  
8       because, as I said, PACDC supports the intent  
9       of this bill. But I'm also here because,  
10      unfortunately, I've become very personally  
11      involved in the negative impact on  
12      quality-of-life that 24-hour businesses can  
13      have in residential neighborhoods. And I and  
14      PACDC strongly support the intent of this  
15      bill. We do have some concerns.

16           As currently written, the  
17      legislation could have unintended consequences  
18      that could harm many of the commercial  
19      corridors in our neighborhoods. For example,  
20      the definition of a residential block as a  
21      block where more than 80 percent of the  
22      businesses are dwellings; and a dwelling as a  
23      building, any portion of which, is used or  
24      intended to be used living or sleeping human  
25      occupants, would define any mixed-used

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2       building with a commercial business on the  
3       first floor and apartments above as a  
4       dwelling. And therefore, most of our  
5       neighborhood commercial corridors seem to be  
6       residential blocks under this definition. In  
7       fact, when I circulated this bill around our  
8       membership and asked what our position should  
9       be, the Philadelphia Chinatown Development  
10      Corporation pointed out that, as written, the  
11      bill would prohibit most restaurants in  
12      Chinatown from being open after midnight. And  
13      the up and coming entertainment district at  
14      Ridge and Midvale in East Falls would also be  
15      affected by this bill.

16           So Council staff has assured me that  
17      it's not the intent of this legislation to  
18      close down thriving entertainment districts at  
19      midnight. And I urge that the legislation be  
20      amended to correct the definition of  
21      residential area while still acting to  
22      prohibit the kind problems that we're having  
23      in my neighborhood with the gas station as  
24      well as the stop-n-goes that the Councilman  
25      spoke eloquently to.

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2           If the bill were amended to address  
3       these issues so that it wouldn't penalize  
4       legitimate businesses, PACDC would definitely  
5       support it.

6           I also want to point out that  
7       enforcement is key to the types of  
8       quality-of-life issues we've been talking  
9       about, and I appreciate the gentleman from L&I  
10      being here. Unfortunately, the experience of  
11      many of our neighborhoods has been that -- and  
12      this is a quote from one CDC staff person.  
13      "Most of our problem businesses don't care  
14      about ordinances and never get cited for being  
15      non-compliant."

16           So I'm very glad that L&I is here  
17      and I urge L&I to respond more swiftly to the  
18      neighborhood complaints and to be more  
19      aggressive in citing businesses that are  
20      violating regulations. Without stepped-up  
21      enforcement, this legislation isn't going to  
22      be anymore than the paper it's written on.

23           So in conclusion, please correct the  
24      problems of this bill. Please pass the bill  
25      that will help my neighborhood maintain its

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2           quality of life and help the other  
3           neighborhoods in the City where folks are here  
4           to testify.

5                     Thank you very much. And I have  
6           copies of my testimony for Council.

7                     COUNCILMAN MARIANO: Thank you.

8                     Any questions for this witness?

9                     Councilman Clarke.

10                    COUNCILMAN CLARKE: Thank you, Mr.

11           Chairman.

12                    Thank you for your testimony.

13                    With respect to the issue you refer  
14           to in Chinatown and some of the other,  
15           quote/unquote, thriving, potentially thriving  
16           commercial areas, we did take that into  
17           account. As indicated, that was not the  
18           intent of the bill, and there will be an  
19           amendment to address that concern.

20                    MS. SIERRA: I'm very glad to hear  
21           that, and I know that my members that have  
22           raised that concern will definitely be glad to  
23           hear that. Thank you, Councilman.

24                    COUNCILMAN CLARKE: You're welcome.

25                    COUNCILMAN MARIANO: Any other

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2 questions for this witness?

3 (No response.)

4 COUNCILMAN MARIANO: Seeing none,  
5 let's go to the next one.

6 Arlene Fields -- she's not here.

7 Anna Rodrigues. Barbara Landers.

8 Greg Spearman. Doug Dickson. George Bush.

9 Nobody?

10 Bonita Cummings is here. Bonita,  
11 come on.

12 MS. CUMMINGS: Good afternoon. My  
13 name is Bonita Cummings, and I'm an elected  
14 Committee Woman, 28th Ward, 13th Division, and  
15 Director of Strawberry Mansion Community  
16 Concern.

17 I'd like to thank Councilman Clarke  
18 for this bill. In particular, in Strawberry  
19 Mansion we have nuisance businesses on every  
20 corner, as my picture board indicates.

21 I was in here a few weeks ago with  
22 this same board, and to date, L&I has not  
23 addressed any of these concerns. They were  
24 present in the room.

25 The quality-of-life issues for



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2       Strawberry Mansion are very different than  
3       maybe folks that live in other communities, in  
4       particular maybe Chinatown. I don't know if  
5       those are zoned Residential-10 properties or  
6       how they're zoned, but most of the Strawberry  
7       Mansion community is zoned R-10, and we're  
8       using residential properties to house  
9       restaurants and businesses that these  
10      properties were really not designed to hold.

11           When you fry up 50, 60, 70 pounds of  
12      chicken, as you can see on the board, it  
13      starts to ooze down the sides of those  
14      buildings. So we have a quality-of-life issue  
15      right now in Strawberry Mansion where the  
16      ventilation systems of most of those stores is  
17      not even working properly. So we have grease  
18      that we have no accountability of when the  
19      last time it's been changed.

20           And if we look at the definition of  
21      hydronated oils, fatty oils, things that clog  
22      up our arteries, we find that some of the  
23      health issues of our youth, our children;  
24      obesity, diabetes, and those things are coming  
25      from a direct result of these nuisance

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2       business that sell food to our children in  
3       grease that has not been cleaned for months.  
4       There is no record regulation. We never see a  
5       grease removal truck come to those communities  
6       to take away those oils. Those oils end up in  
7       our sewer systems. They end up on our street  
8       corners. I do neighborhood clean-ups. I have  
9       removed tons and tons of carts of oil that has  
10      been poured out into plastic containers and  
11      set on corners or poured onto our street lots.  
12      That comes with the stench that old oil  
13      brings. And it's just a nuisance.

14                So we're hoping for our neighborhood  
15      in Strawberry Mansion where it is really  
16      residential properties, residential blocks,  
17      and we have at the ends of those corners  
18      corner stores that it would be amended to 10  
19      o'clock for us. Midnight would bring a  
20      process that we presently don't have. Most of  
21      those stores right now close between the hours  
22      of 8, 9 and 10. So we would like to see for  
23      our portion of the area that you would amend  
24      that bill to say 10 p.m. to 6 a.m.

25                COUNCILMAN MARIANO: Thank you,

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2           Bonita.

3                   Councilwoman Donna Miller just  
4           joined us.

5                   Any questions for this witness?

6                   (No response.)

7                   COUNCILMAN MARIANO: I thought for  
8           sure Councilman Rizzo would have a grease  
9           question.

10                   MS. CUMMINGS: In terms of the  
11           grease, though, a lot of the violence that we  
12           see in our children that they're experiencing  
13           is a direct result of fatty oils and grease  
14           that clogging up in their veins where they  
15           can't breathe, their oxygen levels are  
16           being -- you're feeding children at 2 and 3  
17           o'clock in the morning who have to get up and  
18           school who haven't had a proper digestion  
19           process.

20                   COUNCILMAN MARIANO: Bonita, did you  
21           give all of this stuff to the Health  
22           Department or L&I? Do you have a list of  
23           these addresses?

24                   MS. CUMMINGS: Yes, I do.

25                   COUNCILMAN MARIANO: Give them to us

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2 before you leave.

3 MS. CUMMINGS: The Health  
4 Department -- it's not enough inspectors. The  
5 City has placed us in direct danger.

6 COUNCILMAN MARIANO: If they did one  
7 a day since you were here last, they could be  
8 done.

9 MS. CUMMINGS: They've done nothing.

10 COUNCILMAN MARIANO: Well, Mr.  
11 Haigler will work on that.

12 Mr. Haigler.

13 MR. HAIGLER: I just wanted to  
14 respond. As you indicated, even though I  
15 might be here representing L&I, some of the  
16 issues addressed could be under another  
17 operating department's jurisdiction, not  
18 L&I's. L&I, we enforce many things. We  
19 enforce many things against businesses and  
20 residentials and construction. But there's  
21 certain things that are just beyond L&I's  
22 control. It may be under another operating  
23 department as vested to their responsibility  
24 under the Charter.

25 So as far as the complaints, we have

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2           several ways of receiving complaints. I'm not  
3           aware of Ms. Cummings complaints that were  
4           actually filed. If she has filed a complaint,  
5           then she would have received a service  
6           complaint number for that complaint that she  
7           filed. I would -- without having any  
8           information in front of me, I really have no  
9           way of knowing.

10           COUNCILMAN MARIANO: I wouldn't  
11           expect you to know that, but she's got a valid  
12           point.

13           MR. HAIGLER: I agree.

14           COUNCILMAN MARIANO: And with the  
15           stuff that we talked at this Committee before  
16           with Councilwoman Blackwell with the  
17           stop-n-goes -- I went on that tour with her  
18           that day. And this isn't to pick on Wawa or  
19           Sunoco or anyone like that. Some of those  
20           ones I seen opened a whole new world to me.  
21           And I've been some crumby places in this world  
22           where I thought I seen a lot of things, but  
23           this is right in Philadelphia. And there was  
24           one that I couldn't believe. You were there.  
25           And then someone from Councilwoman Krajewski's

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2           office showed me one in another neighborhood  
3           that I ride past and I never knew it existed.  
4           And this is something else.

5                   What I'm getting it is it got me to  
6           start look around a lot more. On Allegheny  
7           Avenue, for instance, for nine blocks about  
8           two blocks way from Kensington Avenue going up  
9           Allegheny going west, for nine blocks there's  
10          a Chinese -- not to Chinese people or anybody.  
11          But there's a Chinese take-out restaurant on  
12          every corner. I mean every corner for nine  
13          blocks? Now, I know without getting the lady  
14          that works for me that does the zoning,  
15          because she did for me, but before she did it,  
16          I know none of them had license for take-out.  
17          What they had was a restaurant license.  
18          That's not a restaurant. If it's a place you  
19          go in and there's Plexiglass and they're  
20          selling Chinese food, crack pipes, cigarette  
21          papers, soda, and some places you can even get  
22          beer and malt liquor -- that's a whole other  
23          issue. They're not restaurants. They are  
24          stop-n-goes and take out.

25                   And the annoying thing to us as

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2       elected officials is, like Ms. Cummings said,  
3       without thinking about the nutritional value,  
4       they pick the poor and the impoverished  
5       neighborhoods. You don't see these things in  
6       certain areas of the City. They creep up in  
7       neighborhoods that are economically  
8       disadvantaged and where people are just too  
9       busy with surviving everyday to realize, "Hey,  
10      that's good. While I'm at work because  
11      there's not a father figure, the kids can grab  
12      some Chinese food down the street because  
13      they're 14 and 13, they're old enough to go to  
14      the store. I'll leave them 10 bucks, they get  
15      Chinese food." Well, who knows what they're  
16      eating. It doesn't have to be Chinese food,  
17      it could be Italian food, it could be  
18      anything.

19           Councilman Rizzo's sticking up for  
20      Italian food. Not your mother's; that's a  
21      different kind of food.

22           This is something we have to address  
23      even if it's not here today. This Committee  
24      as a whole and this Council as a whole, we  
25      have to start at looking at that.

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2 So, Ms. Cummings, thank you. Give  
3 us a list of that.

4 MR. HAIGLER: Councilman, everything  
5 you just said I agree with.

6 MS. CUMMINGS: Councilman Mariano, I  
7 just wanted to ask, in terms of these  
8 locations, can we give a cease operations  
9 because they're operating --

10 COUNCILMAN MARIANO: Get me the  
11 addresses and I'll certainly give them to the  
12 cease operation guy from L&I and the Health  
13 Department today. If you give me a piece of  
14 paper, I will fax it over to there and see  
15 what we can do.

16 COUNCILMAN CLARKE: Didn't you all  
17 take those addresses down at the last hearing?

18 MR. HAIGLER: Take addresses down?

19 COUNCILMAN CLARKE: At the last  
20 hearing when the Commissioner and the Deputy  
21 were here?

22 COUNCILMAN MARIANO: I think Bonita  
23 got pushed out last time.

24 You really didn't get to testify  
25 last time, did you?



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2                   MS. CUMMINGS: It made the cable  
3 news. It's been shown.

4                   MR. HAIGLER: I'm not exactly sure  
5 about the addresses there. But I know I did  
6 accompany --

7                   COUNCILMAN MARIANO: It might have  
8 already been reported.

9                   MR. HAIGLER: It might have already  
10 been reported. I know accompanied the  
11 Councilman on that tour. And the addresses  
12 related to the restaurants that we visited on  
13 the tour was taken down by me and turned in  
14 and they all received service numbers for a  
15 response.

16                  COUNCILMAN MARIANO: So, Bonita,  
17 give us the addresses and even if they've been  
18 turned in, we'll turn them in again.

19                  Let's see, Tina LeCoff.

20                  MS. LECOFF: Good afternoon to City  
21 Council and also to our elected official,  
22 Donna Reed Miller. Good afternoon.

23                  My name is Tina LeCoff and I've  
24 lived in the Central Germantown area since  
25 1991. And what this bill is about is how do

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2           we keep people in the City.

3                   Those of us who live in the City,  
4           and I'm speaking of Central Germantown,  
5           Pennock, Pulaski Town and very busy business  
6           corridors all around that, specifically  
7           Germantown Avenue and Cheltenham Avenue which  
8           are flourishing business areas, and that's  
9           good. But if the City is really serious about  
10          people staying in the City -- and we live in a  
11          very diverse neighborhood, little houses, big  
12          houses and rainbow people. It's wonderful.  
13          But we've got lots of challenges. And let me  
14          tell you, all these little stores are among  
15          the worst. And we have specific experience in  
16          our neighborhood, but there are also a store  
17          that we have to constantly watch at Manheim  
18          and Wissahickon which is a mini mart, and  
19          another one at Washington Lane and Germantown  
20          Avenue, and two blocks from my house there's  
21          one at Green Street and West Queen Lane.

22                   So bills like this are needed  
23          because what we need to recognize is if the  
24          majority of buildings in a neighborhood like  
25          ours, which is pending as a historic district,

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2       most of the residential areas are zoned as  
3       R-5, which means Residential with a capital R,  
4       as I understand it.

5           So for those of us who want to stay  
6       in the City, the mix is very important. There  
7       are many schools and churches. There is a  
8       very vibrant day life. And then all those  
9       people go home and go to bed and we come home  
10      from work and we are there at night, if you're  
11      on a normal schedule. And what we want to see  
12      happen is for the stores that provide great  
13      service during the day to be open during the  
14      day when people are there, when the majority  
15      of people are there. And then we want those  
16      people go home and get a good night's sleep  
17      also so that we can get a good night's sleep.  
18      We don't like having murders like two weeks  
19      ago. We don't like having trash blow from the  
20      parking lot at the A-Plus close to me all over  
21      the neighborhood. We don't like being  
22      panhandled when we go in to use the ATM or to  
23      buy gas or to buy chips. And these stores are  
24      not gas stations. They are food stores. They  
25      sell all kinds of soda and chips and they also

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2       sell other products which I hope that an  
3       amended bill can address. They sell as many  
4       tobacco products and cigars and papers for  
5       smoking things as they do chips and sodas.  
6       This is very serious.

7           The young man that was killed at the  
8       A-Plus close to my house borrowed his  
9       brother's ID, took it to the store, bought a  
10      cigar to take home and smoke with stuff in it  
11      that he was going to add, and he got shot. If  
12      there weren't cigars and there weren't papers  
13      sold in these stores where kids know they're  
14      available, that kid may not be dead. So that  
15      could have been anybody else. It was at 11  
16      o'clock at night, which should have been close  
17      to hours when it closed. And in fact, the  
18      history of the particular store near us at  
19      Queen Lane and Green, which is part of the  
20      Sunoco chain, has been there 1986. It was  
21      open 24 hours until 1991 when the neighborhood  
22      went to Sunoco headquarters downtown and met  
23      with all the big boys to get it shut down.  
24      And we got it shut down, and the neighborhood  
25      returned to a peaceful residential

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2       neighborhood at night. Last year we met with  
3       Sunoco officials again in 2003 because the  
4       owner proposed opening again 24 hours. We  
5       explained all the things that had happened for  
6       the time tested period when it was open 24  
7       hours. But they opened it again. And for the  
8       last year and a half, it's returned to all the  
9       problems that we had in the early '90s. And  
10      we want to support a bill that would require  
11      special businesses like these to be closed at  
12      night because all around it, it's residential  
13      on all sides. So we're really looking for  
14      your support of that.

15               We also think it's very serious that  
16      tobacco products and blunts and single sale  
17      cigars are an available at these places.  
18      There's a counter as big as this desk to the  
19      right of the cash register where you can see  
20      it when you walk in, you can pick your  
21      favorite and you can buy it and you can go  
22      around corner, you can be in the parking lot  
23      and you can unwrap it. So I think the  
24      products that these stores sell are very  
25      important too. They are not just gas

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2       stations. They require the owners, according  
3       to our discussions with the owner, they  
4       require the owners to buy certain products and  
5       they have a well-rounded stock. So for  
6       everybody that doesn't have a car, they're  
7       going in there to buy food.

8           Basically, Pennock's Neighborhood  
9       Association, of which I am Chair, is asking  
10      for your support to help us maintain the  
11      residential quality of life in our  
12      neighborhood by really looking closely at  
13      these places and trying to ask them to get a  
14      decent night's sleep just like we would like  
15      to get.

16           COUNCILMAN MARIANO: Thank you.

17           Councilwoman Miller, do you have a  
18      question?

19           COUNCILWOMAN MILLER: No, I don't  
20      have a question because I'm very familiar with  
21      the problem. I do know that the 24 hours of  
22      that particular A-Plus is an issue there in  
23      that neighborhood. I just wanted to add that  
24      one of the reasons that I am a co-sponsor of  
25      this bill is because not just 24-hour gas

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2       stations that are in the residential  
3       neighborhoods are posing problems, but also  
4       those take-out restaurants that are open until  
5       3:00 and 4:00 in the morning that are in  
6       predominately residential neighborhoods.  
7       Because they're open so late, it seems to draw  
8       a lot of nuisance activities.

9           So we're strong supporters of this  
10       bill. We had some other members from various  
11       community groups that I don't know whether  
12       they were here or not, but I wanted to come up  
13       even though I'm not a member of this committee  
14       but I am a co-sponsor of the bill to put our  
15       issues in the 8th District on record as being  
16       in strong support of this bill.

17           We do have a number of shootings and  
18       a couple of murders that have taken place.  
19       There was a young man actually shot and killed  
20       at the gas station that she says is two blocks  
21       from her home at Queen Lane and Green maybe  
22       about four weeks ago. And we've had a number  
23       of shootings at some of the take-out  
24       restaurants in Germantown and some in the  
25       Tioga section.

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2                   So we strongly believe that if  
3                   there's a way that we can regulate these hours  
4                   that it would be beneficial to the quality of  
5                   life of the residents in those various  
6                   communities.

7                   COUNCILMAN MARIANO: Thank you,  
8                   Councilwoman.

9                   Any questions for this witness?  
10                  Councilman Clarke.

11                  COUNCILMAN CLARKE: Thank you for  
12                  your testimony.

13                  This particular piece of legislation  
14                  has hours of operation limited to before 12:00  
15                  and after 6:00. Personally, I've had some  
16                  question as to whether or not 12 o'clock is  
17                  the right time. Do you feel that 12 o'clock  
18                  allows the store to stay open too late or  
19                  closing too early?

20                  MS. LECOFF: Well, what I understand  
21                  from neighbors who live near the store is that  
22                  business substantially tapers off by 11  
23                  o'clock. And then it gets to be much more  
24                  periodic, and the later it gets through the  
25                  early morning, there's less and less compared



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2           to the day. So that I think 11 o'clock would  
3           also be something if you're paying two or  
4           three people to be there. Sometimes there's a  
5           security guard, although not all the time.  
6           And that's what happens; there's no security  
7           either. I think 11:00 would be better. And  
8           5:00 or 6:00 in the morning for construction  
9           guys that are going through and want their  
10          first six cups of coffee and then they're  
11          going to take off.

12                 COUNCILMAN CLARKE: Thank you.

13                 Thank you, Mr. Chairman.

14                 COUNCILMAN MARIANO: Any other  
15          questions for this witness?

16                 (No response.)

17                 COUNCILMAN MARIANO: Seeing none,  
18          Penelope Giles. Is Penelope here?

19                 Sandra Pugh.

20                 MS. GILES: Good afternoon. My name  
21          its Penelope Giles. I'm very nervous. This  
22          is the first time I've done like this. I  
23          really would like to sincerely thank  
24          Councilman Clarke for having us on his mailing  
25          list.

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2                   COUNCILMAN MARIANO: Bring the  
3 microphone closer.

4                   And if I can help you with  
5 nervousness, this is something that you should  
6 do. Think of Councilman Clarke as Tyrell  
7 Owens in that black suit he wears with the  
8 six-pack. You know where I'm going? And  
9 you'll be really relaxed. Because I happen to  
10 know that Councilman Clarke has one of them  
11 suits and he wears that body stocking around  
12 the 5th Council District at different times at  
13 night underneath certain things. And he was a  
14 star football quarterback in high school. A  
15 lot of ladies don't know that. And he's my  
16 cousin. A lot of people don't know that so I  
17 have the family pictures.

18                   (Laughter.)

19                   COUNCILMAN MARIANO: So nothing to  
20 be nervous about.

21                   COUNCILMAN CLARKE: Councilman, that  
22 was a long, long time ago.

23                   COUNCILMAN MARIANO: You still have  
24 the suit, though.

25                   See, you're relaxed. It's all in

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2           fun.

3                   MS. GILES: Thank you very much for  
4           that interesting piece of information as well.

5                   (Laughter.)

6                   MS. GILES: Again, my name is  
7           Penelope Giles. I'm here as a resident first  
8           of the Francisville Section of Philadelphia,  
9           second, as a member of the Concerned Residents  
10          of Francisville CDC, and thirdly as the  
11          President of that organization. And I'd like  
12          to say that I'm in full support and so is our  
13          organization of this bill. We think it's a  
14          wonderful bill.

15                  As the previous testimony has  
16          stated, there are many, many problems  
17          associated with these kinds restaurants or  
18          facilities that bring negative aspects into  
19          our community.

20                  Where I live in Francisville on  
21          Wilkey Street within a four-block radius,  
22          there are three of these establishments that  
23          stay open late at night, one of which is  
24          located very near to my house, down the street  
25          from my house on 19th Street where an incident

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2           occurred either late winter or early spring of  
3           this year where the proprietor of the  
4           establishment was killed, was murdered during  
5           a robbery attempt.

6                       So we are in support of this bill,  
7           and we are also in support of the amendment to  
8           reduce the hours to 10 o'clock. If they could  
9           close at a normal hour, 8 o'clock, it would be  
10          better, but 10 o'clock I think would be very  
11          helpful.

12                      I'd also like to add that we do have  
13          a tendency to look for blame in terms of when  
14          we find there's a situation that is not to our  
15          liking. We tend to look for blame. But  
16          actually, the blame for the existence and  
17          negative effects of these businesses must be  
18          placed equally on the proprietors and the  
19          residents and leadership in the respective  
20          communities. So again, understanding that we  
21          know that we all have work to do in terms of  
22          making our communities better.

23                      That's my testimony. Thank you.

24                      COUNCILMAN MARIANO: Thank you.

25                      Any questions for this witness?

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2 Councilman Clarke.

3 COUNCILMAN CLARKE: Thank you for  
4 your testimony Ms. Giles. I just wanted to  
5 make sure I heard you clear. You said your  
6 preference would be for the stores to close  
7 earlier.

8 MS. GILES: Yes.

9 COUNCILMAN CLARKE: I'm doing a  
10 little on-the-scene poll as we have this  
11 testimony. Thank you.

12 MS. GILES: Thank you.

13 COUNCILMAN MARIANO: Any other  
14 witness questions for this witness?

15 (No response.)

16 COUNCILMAN MARIANO: Seeing none,  
17 ma'am.

18 MS. PUGH: Good afternoon to  
19 everyone.

20 COUNCILMAN MARIANO: Pull this  
21 closer to you ma'am. It's really old  
22 fashioned.

23 MS. PUGH: My name is Sandra Pugh  
24 and I live in Germantown. I'm a member of the  
25 Wistar Neighborhood Council, and I'm here

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2       today to talk about the nuisance business  
3       that's located at 5008 through 10 Germantown  
4       Avenue. It's a Chinese food store. I don't  
5       have the name of the store. It opens from  
6       3:30 p.m. daily to 4:00 a.m. in the morning.  
7       You can go there and you can buy blunts, you  
8       can buy any type of drug paraphernalia, glass  
9       pipes, Top paper. The kids are out past  
10      curfew. There's lots of adults loitering  
11      there. There's traffic running up and down my  
12      streets all night long. I'm just really  
13      cutting through real quick. I want to get  
14      this out the way in laymen's terms. Trash is  
15      thrown everywhere. They're very unfriendly to  
16      the customers. I don't go there. I don't  
17      patronize the store. The children are using  
18      drugs inside and outside in front of the  
19      stores. There's shootings going on, robberies  
20      going on in the neighborhood that's directly  
21      affiliated with the store. When I say  
22      affiliated with the store, it stems from the  
23      late out outings in front of the store.  
24      There's so much going on in the store, and we  
25      really need to address that. We have

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2           addressed it as neighbors, but they continue  
3           to ignore us. Our cars are being broken into.  
4           There's been robberies on our block. There's  
5           been two killings as a direct result of the  
6           store being open late at night. A young man  
7           got shot inside of the store and he stumbled  
8           out on to my block and he fell in front of the  
9           fire hydrant and, unfortunately, he died.  
10          It's really a nuisance.

11                 I've been in Germantown for about 40  
12          years. I've been living on this particular  
13          block about going on 13 years. And it's been  
14          so much traffic. So many bad things that's  
15          been happening. And I like Germantown. I  
16          want to stay in Germantown. I really, really  
17          do. But if it's go to go stay like it is, I'm  
18          really going to have to remove myself and my  
19          family.

20                 Like I said, there's been a lot of  
21          burglaries lately. My windows have been  
22          busted out.

23                 And I do support your bill. We need  
24          your support. The bill has to be passed. It  
25          really has to be passed. In the long run, it

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2           will save lives because that's how bad and  
3           desperate we are as neighbors in that  
4           particular area to see that this bill is  
5           passed. Thank you.

6           COUNCILMAN MARIANO: Thank you.

7           Any questions for this witness?

8           Councilwoman Miller.

9           Let me just say that Councilman  
10          Ramos joined us.

11          Thank you.

12          COUNCILWOMAN MILLER: I just want to  
13          thank you for coming in and testifying. I do  
14          know that when the store was closed due to L&I  
15          and health violations, life was different,  
16          correct?

17          MS. PUGH: Yes.

18          COUNCILWOMAN MILLER: So we know  
19          that people have to operate businesses to make  
20          a living, but we also know that sometimes when  
21          those businesses are operated at hours that's  
22          not conducive to quiet living for residents  
23          and impacts their quality of life -- who is  
24          really out buying chicken wings at 4 a.m.?  
25          How many people are really out hungry that



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2                   time of morning? And that's just the fact  
3                   that it's open. We have these stores all  
4                   through Philadelphia pretty much. I know many  
5                   of them in my district in Nicetown,  
6                   Germantown, Mount Airy, Tioga. And not all of  
7                   them, but many of them have the same behavior  
8                   that you just described. So I just want to  
9                   thank you for coming in.

10                  MS. PUGH: Thank you.

11                  COUNCILMAN MARIANO: Thank you.

12                  Any other questions for this  
13                  witnesses?

14                  (No response.)

15                  COUNCILMAN MARIANO: Any other  
16                  witnesses?

17                  Come on up if I didn't call your  
18                  name.

19                  State your name for the record.

20                  MR. ALI: My name is Kenny Ali.

21                  COUNCILMAN MARIANO: You're on the  
22                  list, Ken. I'm sorry.

23                  MR. ALI: I'm the CEO of Men and  
24                  Women for Human Excellence. We are a social  
25                  service youth agency at the corner 26th and

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2           Cecil B. Moore Avenue. I've also been a  
3           resident of that area for the past 47 years.  
4           I'm here to talk about -- I don't want to call  
5           it a nuisance because I believe that these are  
6           problems at Bailey and Cecil B. Moore and  
7           Marston and Cecil B. Moore Avenue.

8                   Unlike the lady that just came up  
9           here, in our neighborhood, we don't -- things  
10          don't step down after 10 o'clock; they step  
11          up. And after 10:00, it gets a lot busier.

12                  We have two spots that you have two  
13          different factions of young men that hang out  
14          there. And this is in a block different. And  
15          with these young guys, you have a lot of drug  
16          wars that's happening. You have a lot of  
17          different dice games. The same issues that's  
18          been said over and over and over again.

19                  We would like to know if something  
20          could be done about these places, if they can  
21          be closed earlier than 12:00. Because you  
22          have neighbors, I mean, that's been in this  
23          hood for years, and they're scared to come  
24          outside after 7 o'clock. If they have to go  
25          to the store, they don't want to come outside.

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2           You know what I'm saying?

3                   And also, what you have also is that  
4           the kids that we are trying to help right now,  
5           they have to see this stuff day in, day out.  
6           And the thing about it is the owners of these  
7           stores, if there are any issues going off on  
8           outside, they will not even pick up the phone  
9           and call the cops. They will just let it  
10          happen. You know what I'm saying?

11                   So I would like to know if something  
12          can be done about these problems. In my hood  
13          they are not a nuisance, they are problems,  
14          they are everyday problems. And people are  
15          really trying to see if they can actually  
16          raise the quality of life. I mean, people  
17          actually would like to see something happen.

18                   So yes, we support Bill 040788. We  
19          would like to know if ya'll can do something  
20          about getting these places to close a lot  
21          earlier, please.

22                   COUNCILMAN MARIANO: Thank you, sir.

23                   Any questions for this witness?

24                   (No response.)

25                   MR. ROBINSON: My name is Dion

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2       Robinson. I want to piggy-back on what the  
3       lady in the seat before me said. In November  
4       of last year Wistar Neighborhood Council  
5       community groups were able to close down --  
6       picket and close down one of these stores what  
7       we call a nuisance establishment. This  
8       particular store is just one of many in our  
9       community that stay open late at night. It is  
10      a club hangout for whatever goes on. They are  
11      nuisance establishments, and we were able to  
12      close them down because they had not fixed up  
13      their building. So we asked them to fix up  
14      their building because it was a mess. They  
15      closed it down. They closed it down for two  
16      months. In that tow months, the quality of  
17      life at Germantown and Wistar changed  
18      tremendously. We had people who came into my  
19      office and said, "Listen, we need to keep them  
20      closed or have them to close at an earlier  
21      hour, because after 10 o'clock, there was  
22      peace in Germantown." This is not only in  
23      this store, but there are a couple other  
24      stores in and around Germantown that's open  
25      that changes the quality of life.

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2                   These people who come and operate  
3                   these stores, they are not in compliance with  
4                   no kind of community organization. We've  
5                   invited them to business association meetings.  
6                   They always have an excuse why they can't  
7                   come. If they can't meet with us on a  
8                   business level or a community level, then  
9                   should not be operating a business there. We  
10                  support them, and if they don't support us,  
11                  then they shouldn't be there.

12                  I support this bill and we support  
13                  this bill in Germantown. Thank you.

14                  COUNCILMAN MARIANO: Thank you.

15                  Any questions for this witness?

16                  (No response.)

17                  COUNCILMAN MARIANO: Seeing none,  
18                  anymore witnesses?

19                  State your name for the record  
20                  first.

21                  MS. RASHID: Good afternoon. My  
22                  name is Majeedah Rashid, I'm the Executive  
23                  Director of the Nicetown CDC, NEC. I just  
24                  want to thank you for the opportunity to  
25                  testify here today.

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2                   I want to follow-up with some of the  
3                   testimony that was given by my fellow NEC  
4                   colleague from the Wistar NEC and also from  
5                   our colleagues over at the Philadelphia  
6                   Association of CDCs who we support their  
7                   testimony as well. And I just wanted to have  
8                   input in terms of what's going on over in  
9                   Nicetown. I just had a meeting this morning  
10                  with Officer Keys and Officer Lukitis (ph), a  
11                  team of members from Safe Corridors and  
12                  Mothers in Charge, one of our residents,  
13                  Verese McPherson (ph), who can't be with us  
14                  this afternoon. She would have been here, but  
15                  she's unavailable. And they wanted to make  
16                  sure that I was able to convey that we are  
17                  trying to organize ourselves with the agencies  
18                  available in the City as well as the residents  
19                  and to mobilize other residents to stand up  
20                  and support bills like this and anything that  
21                  will help us to make a difference in our  
22                  neighborhoods.

23                  There's one establishment in our  
24                  area at Bristol and Hicks Street we've had  
25                  numerous complaints about, staying open late

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2           at night, the paraphernalia that they sell, a  
3           lot of disrespect. And some of our residents  
4           have taken it upon themselves to enter these  
5           establishments at certain times of night just  
6           to see what's going on and encouraging other  
7           residents not to have fear. And what happens  
8           a lot of times is there's a lot of fear  
9           involved with why people don't report things,  
10          document things. And we're trying to  
11          encourage our residents to not have fear  
12          organize themselves in a way to gather this  
13          information, bring it back to our team at the  
14          NEC office and we as a result of that will  
15          report it to the proper authorities as well as  
16          our Councilwoman Donna Reed Miller.

17                 We support this bill and anything  
18                 like it that will help us reestablish a better  
19                 quality of life, safety and security in our  
20                 neighborhood. And again, we're partnering  
21                 with every City agency that's tasked with this  
22                 kind of endeavor as well as mobilization of  
23                 the residents in Nicetown.

24                         COUNCILMAN MARIANO: Thank you,  
25                 ma'am.

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2 Anyone have any questions?

3 (No response.)

4 COUNCILMAN MARIANO: Seeing none.

5 Go ahead, ma'am.

6 MS. ADAMS: My name is Roseanne

7 Adams. I'm Executive Director of Northern  
8 Liberties, but I'm here to read a statement  
9 today from the President of Northern  
10 Liberties.

11 "The Northern Liberties Neighbors  
12 Association is community bounded by the Girard  
13 Avenue to Spring Garden, Sixth Street to  
14 Delaware Avenue. As advocates for this urban  
15 neighborhood, we welcome Bill 040788. This  
16 bill would benefit and protect not only the  
17 residents of Northern Liberties but the  
18 quality of life for all residents across all  
19 Philadelphia neighborhoods. If anything, we  
20 would welcome a more restrictive version of  
21 this bill.

22 "Thank you, Councilman Clark, for  
23 introducing this legislation.

24 "Respectfully, Matt Ruben."

25 COUNCILMAN MARIANO: Thank you.



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2 Any questions?

3 (No response.)

4 COUNCILMAN MARIANO: Seeing none.

5 Anymore witnesses?

6 Ed, you can go first if you want.

7 State your name for the record.

8 MR. HAZZOURI: Ed Hazzouri,

9 H-A-Z-Z-O-U-R-I. I represent the  
10 approximately 4,000 Sunoco employees in the  
11 Delaware Valley. We certainly appreciate the  
12 seriousness of this issue and actually  
13 appreciate being welcomed to the table to try  
14 to figure it out by Councilman Clarke. With  
15 me is Virginia Rockefellow. Virginia runs our  
16 retail operations in the region and has  
17 experience both in Philadelphia and other  
18 places in the northeast, and she'll begin.

19 MS. ROCKEFELLOW: Thank you very  
20 much.

21 COUNCILMAN MARIANO: State your  
22 name, Virginia,

23 MS. ROCKEFELLOW: It's Virginia  
24 Rockefellow.

25 COUNCILMAN MARIANO: You have a

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2 statement?

3 MS. ROCKEFELLOW: I don't have a  
4 written statement.

5 COUNCILMAN MARIANO: Can we just  
6 quiz you?

7 I have a question for you.

8 MS. ROCKEFELLOW: Sure thing.

9 COUNCILMAN MARIANO: This one that  
10 we're talking that the first lady with the  
11 blond hair mentioned about the youth dying  
12 there, that's one of your stores, correct.

13 MS. ROCKEFELLOW: Yes, it is.

14 COUNCILMAN MARIANO: That would be a  
15 AM/PM mini markets?

16 MS. ROCKEFELLOW: It's an A-Plus  
17 mini market.

18 COUNCILMAN MARIANO: A franchisee  
19 owns that? Or does the Sunoco own these  
20 stores?

21 MS. ROCKEFELLOW: Sunoco owns the  
22 real estate, and the franchisee leases the  
23 facility and runs it. It's his livelihood.

24 COUNCILMAN MARIANO: How much  
25 control do you have over the franchisee, as

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2           far as hours go?

3                   MS. ROCKEFELLOW: Sunoco would have  
4           control over the hours.

5                   COUNCILMAN MARIANO: If you tell  
6           them that they can only be open until 11:00 or  
7           12:00 at night, that's pretty much it, right?

8                   MS. ROCKEFELLOW: That it is except  
9           the reality here is this franchisee came to us  
10          and told us that he was trouble making it  
11          financially, and without being able open  
12          during the hours midnight to 6:00 he was ready  
13          to close shop. It's made a significant  
14          difference in his business. When we met with  
15          him to address his concerns, we met with  
16          representatives of the neighborhood to try to  
17          understand what some of the issues were and to  
18          try to address those going forward. And we  
19          began having him open 24 hours at his request.  
20          During that time period, his sales increased  
21          20 percent. That's critical because that's a  
22          difference for a small businessman between  
23          making it and not making it.

24                   COUNCILMAN MARIANO: Remind us again  
25          where this is.

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2                   MS. ROCKEFELLOW: It's at Queen and  
3                   Green.

4                   COUNCILMAN MARIANO: Did you meet  
5                   with the community during this process? Did  
6                   you have go to zoning?

7                   MS. ROCKEFELLOW: A representative  
8                   of Sunoco met with them. I did not  
9                   personally, although we did tell them today  
10                  that we'd like to meet with them in the next  
11                  week or so if we could.

12                  And in listening to some of the  
13                  their concerns, there are things that we  
14                  believe that we can do to address some of the  
15                  concerns. We don't think that being closed  
16                  during the hours of midnight to 6:00 is what  
17                  the right answer is.

18                  We have removed the pay phone from  
19                  the facility. As of yesterday, our franchisee  
20                  has cease selling individual cigars.

21                  If there are things like that we can  
22                  do to address some of the things that they're  
23                  talking about, we feel that meeting with them  
24                  and addressing those concerns on a localized  
25                  basis would be appropriate.

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2                   COUNCILMAN MARIANO: Who's  
3                   responsible for security, the franchisee or  
4                   company. Would it be left up to the  
5                   franchisee individually to hire, say, an  
6                   off-duty Philadelphia Policeman to stand guard  
7                   there?

8                   MS. ROCKEFELLOW: That would be the  
9                   franchisee's responsibility. But since this  
10                  incident, we've been working with the police  
11                  force and local community watch. The  
12                  franchise has put in an extensive security  
13                  system, and we are very supportive of that  
14                  will.

15                 COUNCILMAN MARIANO: How many people  
16                  work in there for 24 hours? You got two or  
17                  three people a shift?

18                 MS. ROCKEFELLOW: On the third  
19                  shift, typically you'd have about two  
20                  employees. You multiply that across just the  
21                  A-Pluses alone in the City of Philadelphia,  
22                  that would be about 150 people that would lose  
23                  jobs.

24                 COUNCILMAN MARIANO: Are these  
25                  minimum wage jobs?

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2                   MS. ROCKEFELLOW: Typically they  
3                   are.

4                   COUNCILMAN MARIANO: Five, six  
5                   dollars an hour?

6                   MS. ROCKEFELLOW: Yes.

7                   One of things that I want to make  
8                   sure that I mention is I'm sympathetic to the  
9                   concerns of some of the businesses that aren't  
10                  behaving in an orderly fashion. What we try  
11                  to do with Sunoco, particular through out  
12                  A-Plus convenient stores is to provide a  
13                  service to the local communities there by  
14                  being open, by having a clean well-run  
15                  business that is meeting needs of the  
16                  neighborhood.

17                  Don't forget that in addition to  
18                  some of the businesses that they're talking  
19                  about, Sunoco at our A-Pluses has a lot of  
20                  people who come by in the middle of the night  
21                  to get formula for their baby. The hospital  
22                  worker on their way home picking up milk and  
23                  cereal or bread for their children's  
24                  breakfasts before they leave the next day.

25                  When we first reopened this facility

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2       24 hours, our franchisee received so many  
3       thank-yous from neighbors other than the ones  
4       that had expressed the concerns because they  
5       felt that it was addressing a need that they  
6       had in the community. So we try to balance  
7       the interest. And certainly by removing the  
8       pay phone and working with the franchisee to  
9       remove the products that are objectionable, we  
10      are trying to meet their concerns.

11           But we are very concerned. If you  
12      look at this across the board, Sunoco has 85  
13      retail locations within the City of  
14      Philadelphia. To significant capital  
15      investment, 90 percent of those are run by  
16      independent businessmen, franchisees and  
17      dealers. And the impact on them if they are  
18      required to close during a portion of each  
19      business day should not be underestimated. It  
20      can be very significant. So we really want to  
21      try to meet the needs of the community but  
22      balance it in a way by operating a reputable  
23      business, not the kind of establishment that  
24      they're referring to.

25           COUNCILMAN MARIANO: Do the

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2           franchisees -- do they come from a diversified  
3           background, or is it just some white guy from  
4           New Jersey basically.

5                   MS. ROCKEFELLOW: Very few white  
6           guys from New Jersey. We have a very, very  
7           diverse franchisee population. They come from  
8           all backgrounds, as diverse as the  
9           neighborhoods they serve.

10                   Councilman Rizzo.

11                   COUNCILMAN RIZZO: Councilman  
12           Mariano, our Chairman, mentioned something  
13           that I think maybe you and the franchisee  
14           could work together. When we identified when  
15           there's input from the District Councilperson  
16           that there's a problem store, do you think you  
17           could work together? He touched on a program  
18           that we have called police overtime  
19           reimbursable program where the business can  
20           hire an off-duty police officer and also a  
21           vehicle, actually a police vehicle and a  
22           police officer. I'm not suggesting that that  
23           would be around the clock, but in that period  
24           of midnight until 6:00 a.m. in the morning to  
25           have a police officer and a police car at a



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2       location maybe randomly, not every day, maybe  
3       -- and you mentioned the one gentleman is up  
4       against it financially, so this is not  
5       inexpensive. Do you think you, the company,  
6       and the franchisee could work together and  
7       possibly provide that service to the community  
8       to at least get the situation under control?

9           MS. ROCKEFELLOW: Sunoco would  
10       certainly consider that sort of solution.  
11       Again, I think that that's a site by site  
12       consideration. But in this case, certainly.  
13       We've already contacted the local community  
14       watch group that had been working with us to  
15       patrol the facility. And quite frankly, their  
16       patrolling of the facility had fallen off a  
17       little bit because they thought it wasn't a  
18       big concern. They were not seeing a lot of  
19       criminal activity around our facility. That's  
20       sense been reinstated. And additionally,  
21       we're working with the Police Department. And  
22       in talking to the police sergeant for that  
23       area earlier today, my division manager  
24       relayed to me that he feels as if there are  
25       very few incidents or serious concerns from

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2           his perspective relative to the other things  
3           that he deals with at this site.

4                     If that's a solution that would  
5           work, we would certainly --

6                     COUNCILMAN RIZZO: The beauty of the  
7           police reimbursable overtime program is the  
8           fact that that police officer committed to  
9           you. That police officer and the patrol  
10          vehicle do not leave when there is an  
11          emergency someplace else in the area. They  
12          work for you. It would have to be a very  
13          major incident that would draw that police  
14          officer away. And I don't think -- you talked  
15          about town watch and other organizations.  
16          They're great. They do a good job. But  
17          there's nothing better than the uniformed  
18          police officer in a marked police vehicle to  
19          deter crime or to deter any type of activity.

20                    MS. ROCKEFELLOW: I think that's a  
21          very good suggestion.

22                    COUNCILMAN RIZZO: If you'd like to  
23          get information on it, reach out to me or the  
24          Chair.

25                    MS. ROCKEFELLOW: We would like to

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2           take that information with us if we could.

3                   MS. SIERRA: Again, I'm Sue Sierra.

4           I wanted to respond to Councilman Rizzo's  
5           suggestion about security at the gas station  
6           and at this type of establishment. Again, I  
7           was there when Adam was murdered I heard the  
8           gunshots and looking out the window  
9           immediately afterwards and was across the  
10          street trying to help the young man. And one  
11          of the things that I saw was a security guard  
12          at the gas station who was inside the  
13          convenience store, come to the door, look out  
14          and go back in the store. He didn't come out.  
15          And to be honest, I can't blame him. I mean,  
16          you mentioned that the wages that the folks  
17          who work at the store overnight are in the 5  
18          to \$6 an hour range. And if you have a  
19          security who is basically a minimum wage  
20          employee, why should he come out and risk his  
21          life when people are getting shot.

22                   You know that our neighborhood  
23          believes that the gas station needs to be  
24          closed at night, but certainly if it is going  
25          to be open at night, at a minimum we'd like to

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2           see the kind of security that you're talking  
3           about there with an off-duty police officer or  
4           someone else who really has the tools and the  
5           ability to respond to a situation like that.  
6           We'd like to see Sunoco help to make that  
7           happen.

8           COUNCILMAN RIZZO: I have another  
9           suggestion, but I'm not going to make the  
10          suggestion publicly. After the session, I'll  
11          communicate it directly to you.

12          MS. SIERRA: Is that something  
13          Sunoco would be willing to pay for, to have a  
14          security guard who was --

15          COUNCILMAN MARIANO: That may be  
16          something you may want to negotiate off the  
17          record after here.

18          Anyone else with anything?

19          MS. LECOFF: Again, I am Tina  
20          LeCoff, the Chair of the Pennock Neighborhood  
21          Group.

22          I'd like to seek clarification on  
23          the statement that is Ms. Rockefeller just  
24          made about the town watch being in touch with  
25          her. We do not have a town watch. So I'm not

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2           sure who she's referring to. We have been  
3           working with the 39th to get trained and to  
4           figure out if we want to start a town watch.  
5           But to my knowledge, there has not been anyone  
6           in touch with them. We have no formal  
7           organization, so if there is someone they've  
8           been coordinating with, perhaps it could help  
9           if we could coordinate with that mystery  
10          person too.

11                 COUNCILMAN MARIANO: Thank you for  
12          that information.

13                 Virginia, do you want to comment on  
14          that or you just want to try to work this out  
15          afterwards?

16                 MS. ROCKEFELLOW: (Inaudible.)

17                 COUNCILMAN MARIANO: Come up to the  
18          microphone again. The stenographer needs to  
19          hear you.

20                 This will be the individual that you  
21          have been speaking with from some sort of town  
22          watch, correct?

23                 MS. ROCKEFELLOW: My division  
24          manager, Mr. Dave Maloney, is the one who had  
25          the contact with him. And his name Greg

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2           Buccironi (ph).

3                   COUNCILMAN MARIANO: I know who Greg  
4           is. Greg is City-wide town watch. He's a  
5           former Guardian Angel. He has like a private  
6           security business. He just coordinates for  
7           anywhere in the City -- I've used him at  
8           times. He's a pretty reputable guy. But I  
9           could see where you wouldn't know him because  
10          he's not from your neighborhood. He's got a  
11          sponsored City-wide town watch group that will  
12          go to problem areas. He's a former Camden  
13          policeman. I know Greg. He's a pretty  
14          straight guy. You'd have no reason to know  
15          him unless you met him.

16                  MS. LECOFF: I'm also concerned, as  
17          you can imagine, about people who may be  
18          speaking up for the neighborhood when we have  
19          a very organized neighborhood group that meets  
20          every month and makes its own decisions about  
21          what we want and how to appeal to people,  
22          whether it's our Councilperson or other  
23          elected officials or members of corporations.

24                  COUNCILMAN MARIANO: Well, there's  
25          only one important election official, and

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2           that's your Councilwoman so deal through her.

3           I wold meet with Donna Miller and you guys

4           could talk through her or together. She's

5           still here somewhere. I think she just went

6           to the ladies room.

7                   Anyone else want to testify?

8                   MS. CUMMINGS: I just want to add

9           something. Again, my name is Bonita Cummings.

10                   The perception for Strawberry

11          Mansion of the taxes that are being paid, most

12          of my stores -- my survey shows that of 33

13          locations, our stores in a relatively square

14          block radius, we have 33 same type stores.

15          They flipped ownership every two years. So

16          the perception of the City even receiving

17          business privilege tax and net profits tax is

18          just that; it's a perception. Most of the

19          stores were not even zoned properly so nobody

20          really knew you were there. So if you don't

21          you're there, you're not being inspected

22          because we don't have inspections that take

23          place just with some type of schedule. And if

24          we do, it's not a schedule that's close enough

25          together to not have these nuisances take

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2           place in the first place.

3           COUNCILMAN MARIANO: I don't think  
4           you know this, but L&I routinely doesn't  
5           inspect. There's just not enough of them.  
6           I'm not here to stick up for them. Its a  
7           problem when we're cutting taxes and then we  
8           cut revenue streams and then we don't have  
9           money -- it all has to be reported, I would  
10          suggest, through your District Councilperson.  
11          Make a hit list and give it to us and I'm sure  
12          that person will work it out.

13          MS. CUMMINGS: Maybe we can do a  
14          moratorium on the ones that's still coming  
15          because if we don't have enough inspectors,  
16          then we place the residents of the City in  
17          jeopardy.

18          COUNCILMAN MARIANO: That would be  
19          fine with me.

20          MS. CUMMINGS: Through the Zoning  
21          Board.

22          COUNCILMAN MARIANO: Thank you.  
23          Sir.

24          MR. WILSON: My name is Kerry Wilson  
25          from the Nicetown CDC. I was sitting here



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2           listening and I'm listening to the hours that  
3           they're talking about that the stores stay  
4           open. It's not so -- at least in my  
5           neighborhood, it is the hours too, don't get  
6           me wrong, but it's what these stores are  
7           selling is really what draws the nuisance.

8                   COUNCILMAN MARIANO: It's how  
9           they're run. You're right, it's what they're  
10          selling and how they're run,

11                  MR. WILSON: Right. If these things  
12          weren't being sold in these stores, the crowds  
13          wouldn't really be outside. Because I was  
14          listening the town watch and the policeman  
15          being there. And the guards there to protect  
16          the store. But if they didn't sell these  
17          blunts, if they didn't sell this Charboy, if  
18          they didn't sell these glass vials, if they  
19          didn't sell --

20                  COUNCILMAN MARIANO: Educate me. I  
21          got what the blunt is. What's a Charboy?

22                  MR. WILSON: Charboy is the scouring  
23          pad that you could wash your pots with. It's  
24          made out of metal, it's like a big ball.

25                  COUNCILMAN MARIANO: The old

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2 scrubbing pad?

3 MR. WILSON: Yes.

4 COUNCILMAN MARIANO: What do you do  
5 with that?

6 MR. WILSON: They put that inside  
7 the glass vials and make a screen out of it  
8 and that's what they use to do whatever they  
9 do with the drugs.

10 COUNCILMAN MARIANO: Okay. See, I  
11 learn something new every day on this job.

12 MR. WILSON: It's what they sell in  
13 these stores that draws the people to the  
14 store to hang out there, because these things  
15 are being sold there that you can't say you  
16 can't sell it because it's not illegal to sell  
17 it.

18 COUNCILMAN MARIANO: The people that  
19 come up with the ideas for these things should  
20 be looking for Osama bin Laden because they  
21 got great ideas for things. I could never  
22 think of something you scrub pots with to -- I  
23 mean Councilman Rizzo was joking, but he said  
24 he cleaned his white walls on his car. That's  
25 the only thing -- it's amazing. You sit up

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2           here and you feel like an Okie because we're  
3           so out of touch. And the people in the  
4           neighborhoods know. It's just incredible.

5                   But where do you draw the line? I  
6           mean, there's a point where anything someone  
7           sells in a store can be used. I mean the  
8           stuff they clean ovens out with, people huff.  
9           So it tends to be more, in my opinion -- maybe  
10          you'll agree with me, maybe not -- who runs  
11          the stores and how their behavior is how they  
12          let people behave.

13                   Without getting into any names,  
14          there's certain convenient stores that I use  
15          regularly because of the convenience of their  
16          machine, their money machine. There's other  
17          ones I don't use because I don't want to pay  
18          the \$2 fee. And some of them nicer than  
19          others.

20                   MR. WILSON: It's a wall that we  
21          walk trying to accommodate the businessman  
22          because we do need these businesses in the  
23          neighborhood to bring jobs here, but where do  
24          we draw the line at on what we allow them to  
25          bring into our neighborhoods?

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2                   COUNCILMAN MARIANO: Any questions  
3 for this witness?

4                   (No response.)

5                   COUNCILMAN MARIANO: Any other  
6 witnesses?

7                   MS. GILES: I'm sorry to delay the  
8 proceedings but as I sat here observing all  
9 the testimony, when I came to this hearing I  
10 was not aware that we were talking about  
11 Sunocos and A-Pluses and things like that. I  
12 thought that the bill was mainly focussing on  
13 Chinese restaurants that are prevalent in our  
14 communities. There's a big difference between  
15 how these establishments are ran and what kind  
16 of dialog can take place between the residents  
17 of those kinds of establishments and, say, for  
18 instance, a Sunoco and these kinds of things.  
19 I think that there probably needs to be more  
20 thought given to separating the two. In my  
21 mind, the Chines restaurants -- and again, I'm  
22 not picking on Chinese people. We know that  
23 they need to earn a living. But most times we  
24 are not able to communicate with them. We are  
25 not able to get a dialog going with them.

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2                   COUNCILMAN MARIANO: At least Sunoco  
3 is here listening. Other companies aren't  
4 here. We get your point. Thank you.

5                   Councilman Ramos wants to ask the  
6 Sunoco people some more questions.

7                   COUNCILMAN RAMOS: I just have a  
8 quick question here. I was thinking of the  
9 Sunoco stations that are in my neighborhood or  
10 close to it. And I can't think of them that  
11 are located where they are 80 percent  
12 dwellings. How many of your stations that  
13 have your A-Plus actually are in areas where  
14 you have 80 percent home dwellings?

15                  MS. ROCKEFELLOW: I can't get you an  
16 exact percentage off the top of my head. I'd  
17 have to do some research on that. But of the  
18 47 A-Pluses that we have within the City  
19 limits, an awful high percentage of them are  
20 going to be in neighborhoods that are heavily  
21 residential in addition to some commercial  
22 use.

23                  Again, we're there to try to provide  
24 a service to the residents and it's in our  
25 interest to work with them. The more we

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2       please them, the more they're going to  
3       patronize our facility. We're not in business  
4       to be at odds with them. We do want to  
5       address reasonable concerns, but we have to  
6       balance that with the financial viability to  
7       the franchisees and to the company. And the  
8       potential for job loss and revenue to the City  
9       if we across the board pass something like  
10      this would be very substantial.

11           COUNCILMAN RAMOS: I understand your  
12      point very well. My oldest daughter is a  
13      nurse and works out night and I have four  
14      grandchildren that -- they're very young, so  
15      she stops in those stores and picks up milk  
16      and so forth. But what I'm saying to you is  
17      that of the Sunocos that I can think of, I  
18      can't think of one right now -- I'm looking  
19      around my neighborhood in my head. None of  
20      them seem to be in an area where 80 percent of  
21      the area are home dwellers.

22           MS. ROCKEFELLOW: Again, without  
23      going through and looking at the actual  
24      locations, I don't want to speculate and just  
25      pull a number out of thin air.

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2                   COUNCILMAN RAMOS: I think you might  
3                   need to take a look at that because this might  
4                   not affect as much.

5                   COUNCILMAN MARIANO: I've been  
6                   struggling with that same question. There's  
7                   two that come to mind for me, one at Richmond  
8                   and Allegheny which is highly residential but  
9                   you're not really on a residential block  
10                  because there's a Wawa next door, right at  
11                  Richmond and Allegheny. That was the Sunoco  
12                  station since the '50s or '60s. Now it's an  
13                  A-Plus. And then the one on Oxford Avenue,  
14                  there's one on each side. That's a  
15                  residential area, but you're not technically  
16                  on a residential block. I don't know how this  
17                  bill would cut.

18                  COUNCILMAN CLARKE: If I can. When  
19                  we crafted the bill, we took into account that  
20                  there were going to be instances where you  
21                  have Rite-Aids, CVS's, Sunocos, 24-hour  
22                  convenience locations. In my mind -- and I've  
23                  been here all my life. I'm sure most of the  
24                  members of the Committee, and I've actually  
25                  polled them to find out if anybody can think

1           10/28/04 - LICENSES - BILL 040788  
2       of a Sunoco or a similar type of gas station  
3       on a block, not an area, on a block that's 80  
4       percent residential. So we purposely set a  
5       high threshold, 80 percent residential,  
6       because of the concern about having these  
7       24-hour convenient stores.

8           COUNCILMAN MARIANO: That one we're  
9       talking about where the young man,  
10      unfortunately, was killed, is that 80 percent  
11      residential?

12          MS. SIERRA: On that block face of  
13      Queen Lane, the 100 block of Queen Lane, that  
14      and one church at the opposite end of the  
15      block are the only non-residential buildings  
16      on the block. That block definitely qualify.

17          COUNCILMAN MARIANO: Was always a  
18      gas station? When you moved in was it a gas  
19      station?

20          MS. SIERRA: It was gas station when  
21      we moved in. And actually, when we moved in,  
22      we asked our landlord does it close down at  
23      night. It did close down at night, and that's  
24      one of the reasons that we took the house. We  
25      were actually before it went 24 hours, we were



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2           talking whether or not we wanted to approach  
3           the landlord about buying the house because we  
4           really liked the neighborhood. There's no way  
5           we'd consider buying the house with a 24-hour  
6           gas station across the street from it.

7                   COUNCILMAN MARIANO: Thank you.

8                   MR. HAZZOURI: If we're not in a  
9           rush, maybe we can go back and figure out  
10          precisely which location will be affected in  
11          the City and get that number and then maybe  
12          work with you all and work with the Council  
13          folks to try to figure out a solution. I  
14          think we have a pretty good history of working  
15          in the City. We've got a facility in Joan  
16          Krajewski's district and the two refineries  
17          down in South Philadelphia.

18                  COUNCILWOMAN KRAJEWSKI: I was just  
19          going to say that. In the district that I  
20          represent, I don't know of any that's in a  
21          residential block.

22                  MR. HAZZOURI: No. We only have the  
23          chemical plant --

24                  COUNCILWOMAN KRAJEWSKI: We have one  
25          on Frankford Avenue right there at Frankford

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2                   and Hartel. We have another one at Torresdale  
3                   and Cottman. They're really in business  
4                   districts.

5                   MS. SIERRA: The other ones in  
6                   Germantown are on non-residential blocks. So  
7                   I think ours is sort of a special situation,  
8                   but problem does need to be addressed.

9                   COUNCILMAN CLARKE: As a sponsor of  
10                  the bill, along with the my colleagues  
11                  co-sponsor of the bill, frankly speaking, I  
12                  think based on testimony that we've received  
13                  today and calls that we've gotten, I think  
14                  it's prudent that we move ahead with the bill  
15                  out of Committee. If, in fact, Mr. Hazzouri,  
16                  you can find with your company where there are  
17                  instances where this will be affected,  
18                  personally, I'd be more than willing to  
19                  entertain any solution. But hearing  
20                  potentially one out of the entire City, I  
21                  don't know how you hold up a bill that would  
22                  have a drastic effect on all the neighborhoods  
23                  in the City of Philadelphia for one particular  
24                  location. Whatever we do in Council, you can  
25                  guarantee there's going to be at least one

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2                   person who's not going to like it.

3                   MR. HAZZOURI: I just want to make  
4                   sure I understand. You say in order to  
5                   minimize the impact or just be sure we correct  
6                   the problem, you are going to move it today,  
7                   or we'll wait and try to work on it?

8                   COUNCILMAN CLARKE: The bill will be  
9                   required to have two readings in Council. But  
10                  I'm being honest with you. If we found --  
11                  personally, let me speak for myself, if I  
12                  found there was only one location that fell  
13                  under the jurisdiction of this bill, I would  
14                  be hard pressed not to pass this bill, given  
15                  the significance on all of the other problem  
16                  locations in the City of Philadelphia for one  
17                  facility. I'm just being straight up honest  
18                  with you, even in fact that does fall within  
19                  the purview of this particular bill, which I'm  
20                  not clear it does. I'd be willing to  
21                  entertain if there are, in fact, a substantial  
22                  number of locations that can be affected,  
23                  that's a different story. We purposely said  
24                  80 percent for that reason because I didn't  
25                  want to have to impact on those locations

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2           where they had -- I'm a very strong supporter  
3           of commerce.

4                   MR. HAZZOURI: The other thing I  
5           would hate to see happen -- if it's a  
6           situation where it's only one or two service  
7           station or convenient stores, I'd hate to see  
8           what happen is companies will comply with the  
9           letter of the law and then that's it because  
10          they feel, you know what, there's no reason to  
11          try to cooperate and go any further. That's  
12          our only concern here. And I'm sorry there  
13          are no other folks, an other operators because  
14          it would be helpful. But I personally would  
15          ask that if we could hold it let's figure out  
16          what the problems are, I think maybe in the  
17          long run maybe we'd be better off.

18                   COUNCILMAN CLARKE: You're asking me  
19          to hold it for one location out of the entire  
20          City, potentially one location.

21                   MR. HAZZOURI: Potentially one. But  
22          if we can figure out what the total impact  
23          is --

24                   COUNCILMAN CLARKE: But I didn't do  
25          the bill to affect Sunocos. Sunocos are not a

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2           problem in my Councilmanic District. This is  
3           not a thought process that I entered into when  
4           we did this bill. This bill was targeted to  
5           these small stores on these purely residential  
6           blocks that stay open until 3:00 and 4:00 in  
7           the morning and create all this negative  
8           activity around them. That's what we're  
9           targeting. I understood that there were  
10          locations where you did have certain stores  
11          that stayed open 24 hours or close to 24  
12          hours. When we looked at those particular  
13          operations, they were primarily on commercial  
14          corridors or blocks that were substantially  
15          commercial corridors. I just don't know of  
16          Sunoco -- and like I said, I've been here all  
17          our life and I ride around the City. I can't  
18          think of a single Sunoco that's on a block  
19          that's less than --

20                 MR. HAZZOURI: I'm sure you can  
21                 understand, I'm just trying to protect our  
22                 interests.

23                 COUNCILMAN CLARKE: I'm trying to  
24                 protect the interest of the people of the City  
25                 of Philadelphia.

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2                   MR. HAZZOURI: Absolutely. I guess  
3 my question then becomes if you decide to move  
4 it today, should we find out there are  
5 actually 15 stations that are impacted and yet  
6 you agree that, well, they're impacted because  
7 just the way it happens to be written, would  
8 you agree to entertain amendments then?

9                   COUNCILMAN CLARKE: Personally, I'm  
10 a reasonable guy. I'm always willing to --

11                  MR. HAZZOURI: I just don't want to  
12 get caught in the middle, that's all.

13                  COUNCILMAN CLARKE: That wasn't the  
14 objective to deal with Sunocos and the  
15 Rite-Aids and the CVS's because they're by and  
16 large not problematic. But we've got a  
17 problem out there, and like I said, a kid got  
18 shot at 1600 Cecil B. Moore recently. That  
19 particular store actually doesn't fall this  
20 particular provision, but it's similar to the  
21 types of stores we have where these guys.  
22 They gamble, they shoot crap, they stand out  
23 there. As the gentleman said earlier, they  
24 buy things that allow them to use drugs.  
25 Something has to be done about that.

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2                   MR. HAZZOURI: And I agree.

3                   Certainly, if I were in this situation, I'd  
4                   feel the same way.

5                   My other concern, though, is -- and  
6                   this is not from a Sunoco perspective, but  
7                   where are all these other business owners?  
8                   Why aren't they here?

9                   COUNCILMAN CLARKE: Maybe they don't  
10                  think that this would create a problem for  
11                  them.

12                  COUNCILMAN RIZZO: They don't have a  
13                  guy like you paying attention.

14                  COUNCILMAN MARIANO: Do you have a  
15                  list of all your stores with you today?

16                  MS. ROCKEFELLOW: I have a list of  
17                  the stores that are within the City limits.

18                  COUNCILMAN MARIANO: There's no way  
19                  for us to tell unless we have the knowledge in  
20                  our heads what's 80 percent residential by  
21                  looking at that.

22                  MS. ROCKEFELLOW: If you gave us a  
23                  day or two, we go back and come back to you  
24                  with actually facts instead of trying to  
25                  speculate or extrapolate today.

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2                   COUNCILMAN CLARKE: The earliest  
3 this bill can pass will be Thursday of --

4                   COUNCILMAN MARIANO: We have Council  
5 next week, but the week after that, Veterans  
6 Day, we have off. So if we vote this out and  
7 suspend the Rules, we can read it first  
8 reading next week, and then it's two weeks  
9 until the second meeting, the 18th. So the  
10 Councilman's right. You've got more than two  
11 weeks.

12                  COUNCILMAN RAMOS: Just a very  
13 important point for the good people from  
14 Sunoco. You don't want to put yourself in a  
15 position where you might give the impression  
16 that you want to hold a bill like this up that  
17 the issue at hand with this bill is having  
18 such a big negative impact on a lot of  
19 communities in this City, so I think it's very  
20 important that you do your homework and find  
21 out if in fact you have a handful or more of  
22 your businesses in areas in blocks where  
23 there's 80 percent people living.

24                  MR. HAZZOURI: Councilman, I agree  
25 with you. It's just much more difficult --



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2                   COUNCILMAN RAMOS: You understood my  
3 point that I don't want the people that are  
4 viewing now or anyone to think that -- I don't  
5 think those are your intentions -- that  
6 Sunoco, in looking out for your interest,  
7 hurting the greater interest of people in  
8 neighborhoods who are concerned about these  
9 establishments open late. I mean, there are  
10 kids that are gathering 2 o'clock in the  
11 morning close to where I live at. That is  
12 very big concern throughout this City.

13                  MR. HAZZOURI: I'm not disagreeing  
14 with that. My point comes in on a procedural  
15 end. It would be easier to deal with  
16 something before it passed out of Committee  
17 than after it's had first reading.

18                  COUNCILMAN MARIANO: He can still  
19 amend it again. He's going to amend it now,  
20 but he can amend before the second reading.  
21 He's going hold it. You've got his word he's  
22 going to hold it until he feels comfortable.

23                  MR. HAZZOURI: And we'll get the  
24 information back to your office.

25                  COUNCILMAN CLARKE: Thank you.

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2                   MR. HAZZOURI: Thank you.

3                   COUNCILMAN MARIANO: There's no one  
4 else who want to testify. Praise the Lord.  
5 We will close the public hearing. Seeing no  
6 other witnesses, this concludes the public  
7 hearing.

8                                 - - - -

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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC MEETING

4

COMMITTEE ON LICENSES AND INSPECTIONS

5

- - - -

6

Thursday, October 28, 2004

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9

Public meeting conducted by the  
Committee on Licenses and Inspections, held in  
Room 400, City Hall, Philadelphia,  
Pennsylvania, on the above date, to consider  
action on the following:

11

12

BILL 040788.

13

14

PRESENT:

15

COUNCILMAN RICHARD T. MARIANO, Chair

16

COUNCILMAN DARRELL CLARKE

17

COUNCILMAN FRANK RIZZO

18

COUNCILWOMAN BLONDELL REYNOLDS BROWN

19

COUNCILWOMAN JOAN KRAJEWSKI

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COUNCILMAN JUAN RAMOS

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1           10/28/04 - LICENSES - PUBLIC MEETING

2           COUNCILMAN MARIANO: We will now  
3 enter the public meeting.

4           The Chair recognizes Councilman  
5 Clarke for a motion on Bill No. 040788.

6           COUNCILMAN CLARKE: Thank you, Mr.  
7 Chairman.

8           Mr. Chairman, I'd like to offer an  
9 amendment on this particular bill. The  
10 amendment addresses a couple of issues that  
11 have been brought up during the hearing and  
12 prior to. One, with respect to certain areas  
13 that have restaurants and high volume of  
14 residential such as Chinatown, as referenced  
15 before, when we designate commercial  
16 establishments, these will be establishments  
17 where consumer purchase goods intended solely  
18 for consumption off premises, so that would  
19 not incorporate restaurants because  
20 restaurants have eat-in facilities and,  
21 therefore, they would not subject to this  
22 particular bill.

23           Additionally, we would like to talk  
24 about amending the hours of operation. Based  
25 on the testimony that we heard today in terms

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2           of compromise, and I offer this to the body --  
3           most people said 10 o'clock or earlier. I  
4           would like to offer as a compromise, 11  
5           o'clock as opposed 12:00 midnight.

6           COUNCILMAN MARIANO: A motion has  
7           been made. Do I hear a second?

8           (Duly seconded.)

9           COUNCILMAN MARIANO: All in favor of  
10          this motion?

11          (Aye.)

12          COUNCILMAN MARIANO: The ayes have  
13          it. No nays.

14          Now we're going to move that Bill  
15          040788, as amended, be reported out of this  
16          committee with a favorable recommendation, and  
17          further recommend that the Rules of Council be  
18          suspended so as to permit first reading at our  
19          next session.

20          (Duly seconded.)

21          COUNCILMAN MARIANO: It has been  
22          made and seconded.

23          All those in favor?

24          (Aye.)

25          COUNCILMAN MARIANO: All those

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2           opposed?

3                   (No response.)

4                   COUNCILMAN MARIANO: Seeing none, it  
5           passes as amended.

6                   This concludes the public meeting of  
7           Licenses and Inspections Committee.

8                   One last thing I want to say and  
9           then we can all go. I think what goes into  
10          play here is -- and this isn't to stick up for  
11          Sunoco. Sunoco probably voluntarily goes in  
12          the neighborhoods that people don't go into.  
13          There's an invisible red crayon or a red  
14          marker, whatever you want to call it, around  
15          neighborhoods in this City. And a lot of  
16          these companies that aren't here today that  
17          everything to lose just like Sunoco don't  
18          venture into those neighborhoods. Sunoco, for  
19          their benefit, they try to be fair where  
20          they're going to be. Unfortunately, in your  
21          situation, it becomes one that no matter what  
22          it was, it would be the same. So let's  
23          remember Sunoco aren't bad corporate citizens.  
24          They're here today, so we appreciate that.  
25          And that will be in the Councilman Clarke's

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2           mind.

3                   Thank you.

4                   (Council 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 Thursday, October 28, 2004,  
were reported fully and accurately by me, and  
that this is a correct transcript of the same.

RE: COMMITTEE ON LICENSES AND INSPECTIONS

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Lisa C. Bradley, RPR