

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 COMMITTEE ON LICENSES AND INSPECTIONS

4 - - -
5 Room 400, City Hall
6 Philadelphia, Pennsylvania
7 Wednesday, June 9, 2010, 9:43 a.m.
8 - - -

9
10 BILL 090910 - requiring pawnbrokers and dealers
11 in precious metals to share transactional
12 information with the Police Department.

13
14 BILL 100162 - Increase license fees to own a
15 vacant lot, vacant building or vacant wharf.

16
17 BILL 100251 - Adding portions of Councilmatic
18 District 1 to the list of areas covered in the
19 Philadelphia Building Construction and
20 Occupancy Code under section entitled "Building
21 Standards Applicable to Designated Areas."

22
23 BILL 100267 - Imposing various requirements on
24 promoters of events at special-assembly
25 occupancies.

26
27 BILL 100282 - Amending a section of the
28 Philadelphia Property, entitled "Periodic
29 Inspection of Exterior Walls and Appurtenances
30 of Buildings," by providing for appeals.

31
32 BILL 100308 - Adopting the 2009 edition of the
33 International Code Council Fire Code,

34
35 BILL 100313 - Held by the sponsor.

36
37 COMMITTEE MEMBERS PRESENT:
38 Maria D. Quiñones-Sanchez, Chair
39 Blondell Reynolds-Brown
40 Jack Kelly
41 Joan L. Krajewski, Vice Chair
42 Bill Green
43 William K. Greenlee
44
45 - - -

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2 COUNCILWOMAN SANCHEZ: Good
3 morning. The Committee on Licenses and
4 Inspections hearing will begin.

5 I will note that we are going
6 to change the order in which we address
7 the bills today, and I will call those
8 out momentarily. So if you are here to
9 testify and have not registered with us,
10 please do so on the side.

11 I will note that we have
12 established a quorum with Councilman Bill
13 Green, Councilman Jack Kelly,
14 Councilwoman Joan Krajewski, and
15 Councilman Bill Greenlee.

16 Will the clerk read the titles
17 of the bills for today's hearing.

18 THE CLERK: Bill No. 100162 an
19 ordinance amending Chapter 4-200.0,
20 Subcode "A" (the Philadelphia
21 Administrative Code) of Title 4 of the
22 Philadelphia Code, entitled "Text of
23 Subcodes," by amending Section A-906,
24 entitled "Property Maintenance Code
25 Fees," to increase the license fees

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2 charged to own a vacant lot, vacant
3 building, or vacant wharf, under certain
4 terms and conditions.

5 COUNCILWOMAN SANCHEZ: Thank
6 you.

7 So is there anyone here to
8 testify from the Administration on Bill
9 100162?

10 And then we have Mr. Zaslow,
11 who has registered with us to testify on
12 that bill. If there's anyone else,
13 please register with the staff at the
14 side.

15 (Witness comes forward.)

16 COUNCILWOMAN SANCHEZ: Good
17 morning, Mr. Haigler.

18 MR. HAIGLER: Good morning.
19 Good morning, Chairwoman Sanchez and
20 members of the committee. I am Otis
21 Haigler, Jr., Director of Legislative
22 Affairs for the Department of Licenses
23 and Inspections.

24 Today I'm here to provide
25 testimony on Bill 100162, which, if

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2 enacted, will amend the Philadelphia
3 Administrative Code to increase the
4 license fees charged to the owners of
5 vacant buildings and lots.

6 The department supports the
7 enactment of this bill. We further
8 support the intent of this legislation to
9 ensure that the City recoups its costs
10 through the imposition of reasonable fees
11 related to the administration and
12 enforcement of code requirements
13 governing vacant buildings and lots which
14 require the use of its resources for
15 periodic inspection, reinspection,
16 cleaning, sealing, and follow-up code
17 enforcements.

18 Thank you for the opportunity
19 to provide the department's testimony.

20 COUNCILWOMAN SANCHEZ: Thank
21 you.

22 Any questions for this witness?

23 (No response.)

24 COUNCILWOMAN SANCHEZ: Seeing
25 none, if Mr. Zaslow can approach the

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2 witness table.

3 (Witness comes forward.)

4 COUNCILWOMAN SANCHEZ: Good
5 morning.

6 MR. ZASLOW: Good morning,
7 Madam Chairwoman and members of the
8 committee. My name is Darryl Zaslow
9 representing HAPCO, the Homeowners
10 Association of Philadelphia.

11 I have presented to the
12 committee this morning the testimony
13 which initially was geared towards Bill
14 100313 which dealt with the same subject.
15 I will speak more particularly to 100162.

16 Our testimony would be as
17 follows, Madam Chairwoman and members of
18 the committee:

19 Vacant lots that are pedestrian
20 with trash are unacceptable to all of us.
21 Property owners who own good properties
22 that they wish to rent or sell and
23 maintain those properties deplore vacant
24 lots strewn with trash. We applaud
25 Councilman Clarke and we applaud this

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2 committee and the City Council in
3 attempting to find ways to deal with that
4 problem.

5 We all wish to see the blight
6 remedied, but our concern about this
7 bill, members of the committee, is a
8 legal concern, and it focuses on the
9 utterly excessive amount of the proposed
10 license fee. Therefore, we must oppose
11 the bill.

12 Simply stated, the bill, if you
13 enact it, will be an unlawful bill. A
14 license fee, by the strictest mandate of
15 Pennsylvania law, cannot exceed the
16 amount that it costs the city to actually
17 issue the license.

18 The laws of Pennsylvania, court
19 cases of the Supreme Court and
20 Commonwealth Court have construed this
21 question over and over. And it
22 requires -- and I'm quoting here from
23 case law; this testimony which I'm
24 providing to you is from cases of our
25 Commonwealth.

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2 "The fees charged by a
3 municipality for services it renders in
4 performing its official functions must be
5 based on the cost of the municipality
6 performing that service. A municipality
7 cannot use its power to charge fees for
8 issuing licenses or permits for the
9 purpose of raising revenue for general
10 governmental purposes."

11 And I'll add to that: Even and
12 equally and perhaps a more notable
13 purpose of using your police power to
14 clean vacant lots does not give you the
15 right to charge a license fee which is
16 double or triple, or, in this case,
17 probably about 10 or 15 times more than
18 the actual cost.

19 Again, Madam Chairwoman, I'm
20 quoting from case law.

21 "Where the fees adopted by a
22 city bear no relation to the cost of the
23 municipality in processing the license,
24 the fee schedule is unlawful and
25 unenforceable. And licensees" -- that

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2 would be us because we're paying this
3 license fee -- "are entitled to a refund
4 of all sums which they were required to
5 pay under the fee schedule.

6 Another case. "The fee
7 schedules adopted by a municipality, if
8 established without regard for the actual
9 cost bearing no relation to the cost of
10 the municipality and actually issuing a
11 license, are unlawful and may not be
12 enforced."

13 Now, members of the committee,
14 the violation of these basic concepts of
15 law, which have been clearly articulated
16 in many court cases, make it clear that
17 this ordinance has not been reviewed by
18 competent legal counsel serving this
19 committee. And, frankly, no attempt
20 whatsoever has been made to ascertain the
21 actual cost of issuing this license.

22 The proposed fee for a vacant
23 property or vacant lot license bears no
24 relationship whatsoever to the actual
25 cost of issuing the license.

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2 First of all, it doesn't cost
3 the City of Philadelphia \$300 or \$350 to
4 issue a license. The present fee, as it
5 now stands, if you don't amend this bill,
6 is inappropriate, it's probably unlawful
7 it's absolutely excessive.

8 We haven't challenged it. We
9 want to be good citizens, we know the
10 financial problems of the City, and we
11 want to be a part of the solution. But
12 when you get to doubling the fee to
13 \$750 -- and my good friend Mr. Haigler
14 will tell you that the effort of pushing
15 the computer button that issues a license
16 for a vacant lot is absolutely no
17 different than pushing the computer
18 button to issue to license for a vacant
19 structure.

20 So for, all of a sudden, there
21 to be this fee structure, where you have
22 a \$750 fee for a license for a vacant
23 lot, and you think that it's only
24 300-and-some dollars for a license for a
25 vacant structure, it's just proof that

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2 the fee which you're contemplating bears
3 no relationship to the actual cost of the
4 City.

5 Now, we in HAPCO, we stand
6 firmly with you in trying to battle
7 against blighted properties, vacant
8 structures, vacant lots in our city.
9 There are many laws on the books which
10 give you power to deal with that, and we
11 encourage you to do that because it
12 assists all of us in combating blight and
13 in making sure that we have a proper
14 climate so that the real estate in our
15 city can maintain its value and not have
16 blighted streets and blighted
17 neighborhoods.

18 We do suggest, however, that
19 the clearest of legal precedents of
20 longstanding in Pennsylvania suggests
21 that this counsel is without power to
22 enact this ordinance.

23 For these reasons, we request
24 and we suggest that the committee decline
25 to favorably report this bill presently

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2 under consideration.

3 COUNCILWOMAN SANCHEZ: Any
4 questions for this witness?

5 Councilman Green.

6 COUNCILMAN GREEN: Good
7 morning.

8 MR. ZASLOW: Good morning,
9 Councilman.

10 COUNCILMAN GREEN: Thank you
11 for your testimony.

12 I'm not sure that we've
13 introduced a bill that HAPCO's liked this
14 year, but --

15 (Laughter.)

16 How many of your, I guess, of
17 the properties you represent are vacant?

18 MR. ZASLOW: It's hard for us
19 to ascertain that, but we did do a review
20 of our own board of directors, which is
21 25 members, and we found that 25 percent
22 of our members had either a property
23 which is vacant because it can't be sold
24 or rented or a lot which is vacant.

25 And this is not a blighted

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2 property; this is a house been on the
3 market, can't be sold and can't be
4 rented; or a vacant lot which they're
5 trying very hard to maintain trash on it.
6 They drive by, they send people to try to
7 clean the property.

8 But I'm guessing, and it's
9 really a guesstimate, 25 percent of our
10 members have such a property.

11 COUNCILMAN GREEN: How much
12 does it cost you to maintain a vacant lot
13 or a vacant building in terms of making
14 sure it's clean, there's not trash
15 buildup there, there's -- the grass is
16 mowed, other stuff on an annual basis?

17 MR. ZASLOW: I'm not sure if I
18 can provide figures on that. Every house
19 and every lot is going to be different.
20 If you have a nice lot which has grass on
21 it and all you're doing is mowing it and
22 it's a nice neighborhood where people are
23 not throwing their trash out on it every
24 day, it's much different than a property
25 in a neighborhood where, for one reason

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2 or another, it's a haven for trash. And
3 if the owner goes by every day, he can
4 literally be there every day in the
5 morning; and by evening, whether the wind
6 brings it in, which is very hard to
7 control, or the neighbors bring it in,
8 which is just as hard to control, or
9 strangers bring it in out of their cars,
10 it seems sometimes, it really depends on
11 the lot where it is and on the owner.
12 The better you maintain it to start with
13 the less problem you have as time goes
14 by.

15 COUNCILMAN GREEN: Sure.

16 MR. ZASLOW: A vacant
17 structure, if you have a good house,
18 which we all try to maintain good houses,
19 it's in good repair, you just can't sell
20 it or rent, it's locked, it looks fine
21 from the front, you wouldn't even know
22 it's vacant driving by, it's different to
23 maintain that than if you have a property
24 which we work with our members to
25 absolutely deplore that you have some

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2 vacant structure without windows or
3 without a door, which is a nuisance,
4 that's another story. Then you have to
5 clean it, you have to seal it, it has to
6 be safe from people getting in, from
7 children getting, and, from our
8 perspective, just as important, the
9 facade needs to look right.

10 If you have a vacant property
11 and it's like a Hollywood movie set, who
12 cares what's going on behind it as long
13 as no one can get in. If the front of it
14 looks like a house --

15 COUNCILMAN GREEN: I don't mean
16 to cut you off, but the short answer to
17 the question is you don't know.

18 MR. ZASLOW: I do not know.

19 COUNCILMAN GREEN: Okay. So
20 with respect -- Mr. Haigler, it's my
21 understanding that we don't just push a
22 button; we also enforce the laws with
23 respect to vacant properties which costs
24 us money, and we also end up having to
25 seal some of these vacant buildings,

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2 which costs the City significant
3 resources. And we also have to mow these
4 lots and clean these lots and do other
5 things occasionally.

6 And the overall cost of that is
7 in the millions and millions and millions
8 of dollars for the City of Philadelphia
9 on an annual basis. And I just wanted to
10 make sure that if that is the case, we
11 put that on the record.

12 MR. HAIGLER: Yes, sir. It's
13 an entire code enforcement effort. It's
14 not just issuing the license but it's
15 also the cost incurred for inspections,
16 reinspections, cleanup, Municipal Court
17 cases that have to go to court for
18 noncompliance, Law Department costs.

19 It's a public safety concern,
20 so you may have some safety issues.

21 And responding to one of
22 Mr. Zaslow's comments regarding the
23 building itself, it's not our policy to
24 apply this requirement to marketable
25 properties that are just vacant because

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2 they're in the process of being sold.

3 The requirements are primarily for vacant
4 buildings that, for the most part, cause
5 public-safety nuisances and concerns,
6 where we have buildings that are vacant,
7 vacant and open.

8 It's clear that the building is
9 not being occupied or there is no intent
10 to occupy the building because just by
11 virtue of the building condition, the
12 condition of the building itself. It
13 lends itself that it requires this vacant
14 property license.

15 COUNCILMAN GREEN: So it's your
16 testimony that a property that is
17 maintained in a condition that can be
18 sold and is being actively marketed for
19 sale would not be considered a vacant
20 property under this?

21 MR. HAIGLER: That's correct.

22 COUNCILMAN GREEN: Okay. Thank
23 you, Mr. Haigler.

24 MR. ZASLOW: May I comment?

25 COUNCILWOMAN SANCHEZ: Quickly,

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2 please.

3 MR. ZASLOW: Sorry, Madam
4 Chairwoman. May I comment, please?

5 First of all, may I take a
6 second to introduce Willie Seward, who is
7 sitting with me. Mr. Seward is a member
8 of HAPCO's board of directors.

9 The fact that Mr. Haigler
10 accurately points out the cost of
11 enforcement is all the more proof of why
12 this bill cannot be enacted. A license
13 fee is the cost of issuing the license;
14 enforcement is the cost of enforcement.

15 You can take a property,
16 enforce against it, lien against it,
17 bring the owner to court, fine the owner,
18 whatever you need to do under the
19 enforcement statutes.

20 But the cost of issuing the
21 license is what is at issue in this bill,
22 and you cannot take -- it's case law; I'm
23 not creating it. You cannot take
24 enforcement costs to enforce a housing
25 code or building code, which is what he's

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2 talking about, enforcing a vacant lot or
3 structure, and, in the guise of that
4 enforcement, increase the fee for
5 issuance of the license.

6 The license issuance fee needs
7 to be the cost of only issuance of the
8 license, not all the enforcement that may
9 result from someone failing to comply
10 with the terms of the housing code.

11 Secondly, as to the second
12 aspect, which we appreciate the common
13 sense that we're not going to necessarily
14 be looking for a house which doesn't have
15 anyone living in it because you can't
16 sell it or rent it, but that's not what
17 the law says.

18 The law says if you're a good
19 citizen, if you're a good property owner,
20 when you go into City Hall or into
21 Municipal Services, you need to have this
22 license if, in your honest appraisal of
23 your circumstances, you know my house is
24 vacant. An owner can't go in and say,
25 Well, our dear friend Otis said don't

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2 worry about it, we're not looking for
3 you. We don't have that option.

4 The law says if your property
5 is vacant, you have a vacant structure or
6 a vacant lot, you must have this license
7 or be fined and have criminal penalties
8 against you for not having the license.

9 So the fact that their
10 intention with enforcement is not to
11 enforce against good vacant properties,
12 which we appreciate, that's not what the
13 licensing bill says. The permit, the
14 license is the cost of issuing the
15 license only. It applies across the
16 board to every vacant lot, to every
17 vacant structure in the City of
18 Philadelphia.

19 And no one -- I can't tell my
20 members, Don't worry about it, they'll
21 never find you, they won't know it's
22 vacant. I need to put on the front page
23 of our newsletter that if you have a
24 vacant lot or structure, you must pay
25 \$750 for the cost of issuing you that

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2 license.

3 I submit to you that that
4 amount is excessive. And not to be
5 indelicate, but based upon the language
6 we lawyers use in court, unlawful.

7 COUNCILMAN GREEN: I just -- we
8 did a little case law search on this kind
9 of bill.

10 There's a lot of cities doing
11 this across the country. It has been
12 upheld in most states where it is done.
13 I understand that you're specifically
14 referring to Pennsylvania case law, but
15 the City of Wilmington, which is a home
16 rule city under the Delaware constitution
17 and legislature, just passed a very, very
18 extremely similar ordinance.

19 It was ruled by the Delaware
20 Supreme Court that a reasonable fee based
21 upon the detrimental effect of property
22 left vacant for long periods of time and
23 further decided that it is permissible,
24 it's a valid regulatory scheme, and
25 further decided that the ordinance is not

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2 criminal, nor penal, because it does not
3 -- it does not retrospectively assess
4 fees.

5 So, at any rate, I just wanted
6 to put that on the record.

7 MR. ZASLOW: It may be relevant
8 down in Wilmington, but here in
9 Pennsylvania, we all abide by our law.

10 COUNCILMAN GREEN: I understand
11 your point. There is no case law in
12 Pennsylvania on point with respect to
13 this specific license fee in the State of
14 Pennsylvania and --

15 MR. ZASLOW: There is ample
16 case law regarding license fees.

17 COUNCILMAN GREEN: I understand
18 that --

19 (Indiscernible; parties talking
20 over each other.)

21 COUNCILMAN GREEN: This has
22 been held valid elsewhere, and, you know,
23 it sounds like, if we pass this, we'll
24 find out.

25 MR. ZASLOW: We hope not to go

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2 that way because of the exercise of your
3 good judgment, you're going to see that
4 \$750 for a lot is an excessive license
5 fee.

6 COUNCILWOMAN SANCHEZ: Thank
7 you, Mr. Zaslow.

8 Is there anyone else here to
9 testify for Bill No. 100162?

10 (No response.)

11 COUNCILWOMAN SANCHEZ: Thank
12 you very much. Thank you, Otis.

13 Will the clerk read the title
14 of the next bill.

15 THE CLERK: Bill No. 100267, an
16 ordinance amending Section 9-703 of the
17 Philadelphia Code, entitled "Special
18 Assembly Occupancies," by imposing
19 various requirements on promoters of
20 events at special-assembly occupancies,
21 all under certain terms and conditions.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 Again, I want to call out to
25 anyone who has not registered and who

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2 wants to testify for Bill No. 100267.

3 Before we begin with the public
4 testimony, I wanted the sponsor of the
5 bill to say a few remarks.

6 Councilman Greenlee.

7 COUNCILMAN GREENLEE: Thank
8 you, Madam Chair.

9 This bill, as many bills that
10 are introduced in City Council, is in
11 response to a problem. The problem which
12 occurred in many areas of the City,
13 including Center City, was privately
14 promoted events getting totally out of
15 hand, resulting in violence and other
16 crowd-control issues; you'll hear a few
17 examples in the testimony.

18 This is not to say -- and I
19 want to make this clear. This is not to
20 say that most venues in the City or most
21 promoters were problems, but there were
22 enough occurrences that we felt some
23 legislative attention was needed.

24 After talking -- and we
25 introduced the bill after conferring with

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2 the District Attorney's Office and the
3 Police.

4 After talking to various
5 promoters and others in the entertainment
6 area, we realized the original bill cast
7 too wide a net, and revisions were
8 needed -- again, like many bills that are
9 done here in City Council. And that
10 is -- and as a result, we are offering
11 amendments today.

12 The bill now basically does two
13 things. When a promoter totally runs the
14 event -- in other words, when the venue
15 owner turns over operation of the night
16 to a promoter, the police must be
17 notified two weeks in advance.

18 And secondly, it requires the
19 promoter to be registered.

20 I want to thank all of those in
21 the promoter community who worked with us
22 to make this a good bill, particularly
23 Patrick Rogers, who you'll hear testify
24 in a few minutes. And I also want to
25 thank my Steve Masters of the tech staff

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2 and particularly my legislative director,
3 Noelle Marconi, who went through dozens
4 and dozens of meetings to make sure that
5 this is an effective bill.

6 And I hope, after testimony,
7 the committee will see fit to this
8 measure.

9 Thank you, Madam Chair.

10 (Witness comes forward.)

11 COUNCILWOMAN SANCHEZ: I'm
12 sorry. There was someone else to testify
13 for the other bill, but I know the
14 lieutenant needs to get out of here.

15 (Addressing Councilman
16 Greenlee.) Do you mind if start with the
17 lieutenant?

18 COUNCILMAN GREENLEE: Yeah,
19 that's fine.

20 COUNCILWOMAN SANCHEZ: Yeah,
21 we're going to start with the
22 Administration and the lieutenant. And
23 then we'll hear the other testimony,
24 'cause I know you're pressed for time, so
25 you could start.

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2 MR. ABERNATHY: Good morning,
3 Chairwoman Quiñones-Sanchez and members
4 of the Committee on Licenses and
5 Inspections. My name is Brian Abernathy,
6 and I'm here to testify on behalf of the
7 Administration in support of Bill No.
8 100267, which was introduced by
9 Councilmen Greenlee and Clarke.

10 Please note that my testimony
11 is based on proposed amendments
12 circulated by Councilman Greenlee prior
13 to today's hearing, not on the bill as
14 originally introduced.

15 Bill No. 100267, as amended,
16 will regulate certain individuals that
17 promote events throughout the City.
18 While the majority of prompters operating
19 throughout the City are responsible
20 individuals whose work adds to the
21 vibrancy of the City's nightlife, there
22 recently have been a number of events
23 that have resulted in property damage and
24 that have had a negative impact on
25 residents' quality of life.

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2 Unfortunately, when the Police
3 or District Attorney's Office attempt to
4 identify the promoter responsible for the
5 event and hold that individual liable,
6 there are no records available that
7 identify the promoter.

8 Councilman Greenlee's proposed
9 bill aims to create these records by
10 requiring the registration of all
11 promoters operating within the City in
12 requiring that the venues that contract
13 with the promoters enter into written
14 agreements with only registered promoters
15 who have valid business-privilege
16 licenses.

17 The Administration recognizes
18 the hard work of Councilman Greenlee and
19 his staff and the hours spent meeting
20 with stakeholders to craft the proposed
21 amendments. These proposed amendments
22 reflect a compromise designed to ensure
23 that the City's vibrant nightlife and
24 cultural institutions are not adversely
25 affected. The amendments also include

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2 proposals made at the request of the
3 Administration, including those related
4 to exempt certain venues and
5 organizations. We thank the Councilman
6 for those accommodations.

7 While the Administration is
8 supportive of this legislation, we are
9 concerned about the costs associated in
10 establishing this registration system.
11 Councilman Greenlee has attempted to
12 address this concern by raising the
13 registration fee from a one-time \$10 fee
14 to one-time \$40 fee, which is
15 appreciated.

16 However, we believe that the
17 creation of a paper trail needed by law
18 enforcement officials could be
19 accomplished at a lower cost, without the
20 registration system, through the use of
21 the business-privilege license and the
22 written agreement mandates contained in
23 the bill.

24 Regardless of the methodology
25 employed, the Administration is

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2 supportive of the proposed amendments of
3 this legislation and once again thanks
4 Councilman Greenlee and Clarke for taking
5 on this issue.

6 I'm happy to answer any
7 questions on this bill.

8 COUNCILWOMAN SANCHEZ: The
9 Chair recognizes Councilman Greenlee.

10 COUNCILMAN GREENLEE: Oh, no,
11 no.

12 COUNCILWOMAN SANCHEZ: Okay.
13 If we can, therefore, have Lieutenant
14 Healey and the captain approach the
15 witness table.

16 (Witnesses come forward.)

17 COUNCILWOMAN SANCHEZ: Thank
18 you. Could you proceed with your
19 testimony, identify yourself for the
20 record.

21 LT. HEALEY: Good morning,
22 Councilwoman Sanchez, Councilman
23 Greenlee, and other members of the
24 Committee on Licenses and Inspections.
25 My name is Francis Healey, and I'm

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2 special advisor to Police Commissioner
3 Ramsey. And I'm here to testify, along
4 with Captain Dennis Wilson on his behalf
5 regarding Bill No. 100267.

6 At the outset, the Commissioner
7 would like to extend his gratitude for
8 allowing the Police Department to voice
9 its opinion on this important piece of
10 legislation and specifically to
11 Councilman Greenlee for his willingness
12 and persistence to help the Police
13 Department.

14 With that being said, let me
15 stay that the Philadelphia Police
16 Department strongly supports Bill No.
17 100267. While most promoters with
18 special-assembly licenses in Philadelphia
19 are respectable business partners, there
20 are a few that are not. Regrettably, due
21 to the dangers that these few have
22 created, there now becomes a need for the
23 legislation presented here today.

24 Let me say that the Police
25 Department is in no way attempting to

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2 stifle the music or artistic culture or
3 vibrancy of Philadelphia in any way; we
4 just need to be aware of when and where
5 large events will occur so that we can
6 plan accordingly. Public safety is at
7 stake. Also, if things go wrong, we want
8 the right people to be held accountable.

9 The legislation before this
10 subcommittee has undergone major
11 revisions since its first introduction
12 but now reflects a true collaborative
13 effort between the Police Department, the
14 Councilman, and major business operators
15 that will be affected by this
16 legislation.

17 We had all agreed at the
18 beginning that only a small fraction of
19 promoters and special-assembly licensees
20 were creating the majority of the
21 problems for public safety. So as a
22 collaborative effort, we've reworked the
23 initial legislation into its current
24 form, and we believe it will provide the
25 Police with the information needed to

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2 ensure public safety but does not
3 unnecessarily interfere or impede with
4 the arts, music, or culture that promoted
5 events bring to the City of Philadelphia.

6 And for this reason, the
7 Philadelphia Police Department fully
8 supports the amended legislation and
9 respectfully recommends this honorable
10 committee to do the same.

11 This concludes my testimony,
12 and I'd be happy to answer any questions,
13 along with Captain Wilson, regarding the
14 promoters and the problems that they
15 represent.

16 Thank you.

17 COUNCILWOMAN SANCHEZ: Thank
18 you.

19 The Chair recognizes Councilman
20 Greenlee Greenlee.

21 COUNCILMAN GREENLEE: Thank
22 you, Madam Chair. Just very quickly,
23 more of a comment.

24 Lieutenant Healey, I really
25 appreciate all of the time that you have

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2 put into this. I know it's something
3 that we had to revise a number of times,
4 and you have been extremely helpful.

5 And just for the record, I
6 wanted to note Captain Wilson is the
7 captain of the 9th Police District where
8 I live, and he has been extremely helpful
9 in many things and actually brought some
10 matters to my attention that generated
11 this bill. So, Captain, I appreciate
12 everything you do for the folks in the
13 9th and the whole city.

14 CAPT. WILSON: Thank you.

15 COUNCILWOMAN SANCHEZ: Any
16 other questions from members of the
17 committee?

18 The Chair recognizes Councilman
19 Green.

20 COUNCILMAN GREEN: Good
21 morning.

22 LT. HEALEY: Good morning, sir.

23 COUNCILMAN GREEN: I just
24 wanted to ask you on an unrelated matter,
25 30 seconds, to please contact my office

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2 with all of the police who have been -- a
3 listing of the number of police who have
4 been trained to issue tickets for cell
5 phones and the number and category of
6 police on the street that actually carry
7 ticket books capable of issuing --

8 LT. HEALEY: Code violation
9 notices?

10 COUNCILMAN GREEN: -- code
11 violation notices for the use of cell
12 phones in cars.

13 LT. HEALEY: Okay.

14 COUNCILMAN GREEN: Thank you.

15 COUNCILWOMAN SANCHEZ: For the
16 record, I'm still waiting for my Blue
17 Tooth from Councilman Greenlee and
18 Councilman Green since we voted on that
19 bill.

20 COUNCILMAN GREENLEE: For the
21 record, that might be an ethics
22 violation.

23 (Laughter.)

24 COUNCILWOMAN SANCHEZ: Any
25 other questions from members of the

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2 committee?

3 (No further questions.)

4 COUNCILWOMAN SANCHEZ: Okay.

5 Thank you.

6 Seeing none, the Chair
7 recognizes Beth Grossman from the DA's
8 Office.

9 (Witnesses come forward.)

10 MS. GROSSMAN: Good morning,
11 Chairwoman Quiñones-Sanchez and members
12 of the committee. With me I have my
13 nuisance bar prosecutor, Matthew Miller,
14 and we ARE both members of the Public
15 Nuisance Task Unit OF the Philadelphia
16 District Attorney's Office.

17 On behalf of District Attorney
18 Seth Williams, I'm honored to be able to
19 testify before you today with respect to
20 the bill, as amended, and I thank
21 Councilman Greenlee for his efforts with
22 this.

23 I will not repeat all of my
24 testimony that has been submitted to the
25 committee, but I just WILL make some

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2 comments.

3 First, I want the record to
4 reflect that please be assured that the
5 District Attorney's Office does not seek
6 in any way to prevent lawful activities
7 or economic development. On the
8 contrary, a vibrant economy improves
9 public safety; and as Philadelphians, we
10 too enjoy it when business prospers

11 What we do support, however,
12 are attempts to hold these promoters who
13 think nothing of breaking the law and
14 endangering the safety of others to be
15 held accountable for their actions. This
16 legislation and its amendments appear to
17 achieve this important goal. And, again,
18 we thank the Councilman.

19 I think most would agree that
20 maintaining the health, safety, and
21 welfare of the public is paramount. And
22 I must acknowledge that what I will term
23 "fly-by-night promoters" are the
24 exception and not the rule. But it's
25 these illegitimate promoters who give the

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2 legitimate promoters a bad name. You
3 know, it's clear that they do not have
4 business-privilege licenses, they do not
5 pay taxes, and it is extremely easy for
6 them to escape liability should anything
7 occur in the venue that results in harm
8 to somebody or something.

9 They have no regard for the
10 negative consequences of overpromoting an
11 event and, clearly, the common sense that
12 overly large crowds of disgruntled people
13 and alcohol is not a good mix and places
14 patrons, staff, and an already overtaxed
15 Police Department at risk of harm.

16 This legislation will prevent
17 events that have resulted in necessary
18 police response and help ensure the
19 safety of the public. Requiring
20 promoters to register with the City, have
21 a BPL, and prohibiting special-occupancy
22 licensees from contracting with
23 non-registered promoters will further
24 this goal.

25 I'm aware that there are some

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2 issues perhaps with respect to having
3 them register with the City, but I would
4 like to submit that I think it is an
5 important and necessary thing to have
6 done.

7 Unlike most businesses in the
8 City that have tangible addresses -- such
9 as food or liquor distributors -- these
10 fly-by-night promoters have demonstrated
11 that they exist in the gray world of the
12 Internet and technology. They don't have
13 offices and can essentially disappear
14 just like that, literally leaving the
15 venue owner essentially holding the bag
16 if something happens at the venue. All
17 they have to do is simply change their
18 website or Facebook page and they are
19 gone

20 They could also use someone's
21 BPL license and misrepresent who they
22 are. This registration allows for
23 accountability and ensuring the
24 legitimacy of promoters

25 Again, it's a nominal fee, and

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2 I believe the benefits outweigh the cost
3 of doing this.

4 It really will protect business
5 owners who contract with these promoters
6 should they be held liable for something
7 that occurs on the premises. It will
8 weed out fly-by-night promoters, and will
9 also be a positive thing for law
10 enforcement purposes, whether
11 investigating a crime or being able to
12 determine when an extremely large event
13 is going to be happening

14 So, again, the District
15 Attorney's Office wants the City to
16 flourish economically, but in the safest
17 way possible

18 Again, I thank Councilman
19 Greenlee and cosponsor Councilman Clarke
20 for their hard work. And Mr. Miller and
21 I are open to answer any questions that
22 the committee should have.

23 COUNCILWOMAN SANCHEZ: Any
24 questions from the committee for the
25 District Attorney's Office?

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2 (No questions.)

3 COUNCILWOMAN SANCHEZ: Did you
4 have anything?

5 MR. MILLER: I have nothing
6 toed r add.

7 COUNCILWOMAN SANCHEZ: Okay.
8 Thank you so much.

9 MS. GROSSMAN: Thank you so
10 much.

11 COUNCILWOMAN SANCHEZ: Thank
12 you, Beth, for all the work you do at the
13 Nuisance Task Force. We all know how
14 important it is to the quality of life
15 for the City. So thank you.

16 MS. GROSSMAN: Thank you. It's
17 our honor.

18 MR. MILLER: Thank you.

19 COUNCILWOMAN SANCHEZ: So Phil
20 Grutzmacher from the Lawncrest Civic
21 Association. I note that he is being
22 joined by Mr. Dolbow.

23 (Witnesses come forward.)

24 COUNCILWOMAN SANCHEZ: Thank
25 you. Please proceed and identify

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2 yourself for the record.

3 MR. GRUTZMACHER: Sure. Good
4 morning. My name is Phillip Grutzmacher,
5 and I am the Secretary of the Lawncrest
6 Community Association, and I'm testifying
7 in favor of Bill No. 100267, imposing
8 various requirements on promoters of
9 events at special-assembly occupancies.

10 Our community has been impacted
11 by large-scale, heavily-promoted events
12 and supports further regulation of these
13 activities. We see the need for
14 regulation clearly in two areas: the
15 enforcement of occupancy limits and the
16 need for increased security both inside
17 and outside venues.

18 Our community contains four
19 venues, which have been the location of
20 large-scale events. Two are currently
21 under cease-and-desist orders by the
22 Department of Licenses and Inspections.
23 In each case, events occurred without
24 notification to police and created
25 considerable impact on the surrounding

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2 community, including blocking of
3 sidewalks and streets, public urination,
4 noise, under-age drinking, disorderly
5 conduct, and destruction of residential
6 property.

7 Legal occupancy limits were
8 grossly exceeded in each case, causing
9 safety and fire hazards. These events
10 were heavily promoted posters and
11 electronic media, including modern media
12 such as web pages, Facebook, and Twitter.
13 Such events can easily get out of
14 control.

15 The current proposed
16 regulations would address these issues in
17 several ways. First, registration would
18 ensure that events promoters would be
19 informed of occupancy limits and
20 hopefully encourage them to hold events
21 in venues of proper size.

22 Second day 14-day notice to
23 police prior to scheduled events will
24 enable both the police as well as the
25 surrounding community to plan for the

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2 events.

3 One area that should be
4 addressed in the legislation is events
5 where venue owners function as the
6 promoter of the event. The negative
7 impacts described in this testimony apply
8 to those situations as well. In fact,
9 this has been the case with most of the
10 problems in our community.

11 Normal operations of the venues
12 cause no extraordinary impacts on the
13 surrounding community, but special,
14 heavily-promoted events do. Notice of
15 these events to the surrounding community
16 and the police should be required as
17 well.

18 In addition, additional
19 security should be required outside these
20 venues at heavily-promoted events. This
21 security preferably should be off-duty
22 police officers or bonded security
23 officers, not someone who just dons a
24 yellow T-shirt for the evening.

25 Thank you for your time and

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2 consideration, and I look forward to
3 working with City Council to enact this
4 legislation.

5 And if you have any questions,
6 I'd be happy to answer them.

7 COUNCILWOMAN SANCHEZ: The
8 Chair recognizes Councilman Greenlee.

9 COUNCILMAN GREENLEE: Thank
10 you, Madam Chair.

11 Mr. Grutzmacher and Mr. Dolbow,
12 again, more a comment. I understand that
13 this bill doesn't actually touch
14 everything that is a concern, and we
15 understand that. But we thought we would
16 focus on one particular part of this.

17 And, as always, not just me,
18 but I'm sure all members of Council, if
19 down the road, if there's other issues
20 that come up, we're certainly open, as
21 you know, to address them with you, with
22 your association and other people in the
23 City, but I appreciate your support of
24 this bill.

25 Thank you.

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2 MR. GRUTZMACHER: Thank you.

3 COUNCILWOMAN SANCHEZ: Do you
4 have anything to add, sir?

5 MR. DOLBOW: Not at this time.

6 COUNCILMAN GREENLEE: For the
7 record, that's the quietest I ever saw
8 Mr. Dolbow.

9 (Laughter.)

10 COUNCILWOMAN SANCHEZ: I don't
11 know.

12 Councilman Green wants to be
13 recognized.

14 COUNCILMAN GREEN: I just want
15 to say for the record that I wasn't sure
16 about this bill, but now that I know that
17 Mr. Dolbow is in favor of it, you've got
18 my vote.

19 (Laughter.)

20 COUNCILWOMAN SANCHEZ: Thank
21 you.

22 The Chair recognizes Councilman
23 Kelly.

24 COUNCILMAN KELLY: Thank you,
25 Madam Chair.

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2 I just want to take this time
3 and opportunity to thank both of you
4 gentlemen, especially Mr. Dolbow, for the
5 great work that he does in the Lawncrest
6 community. You're doing everything to
7 improve the lives of everyone that lives
8 in that community.

9 And I know that most people
10 will never give you your due. But
11 believe me, it doesn't go unnoticed,
12 okay? I just want to make it on the
13 public record that you do a great job in
14 that Lawncrest community.

15 MR. DOLBOW: Thank you.

16 COUNCILMAN KELLY: And keep up
17 the great work.

18 Thank you.

19 MR. DOLBOW: Thank you very
20 much. It's because I have great people
21 around. We just share everything and we
22 get it done, and with the work of our
23 Councilwoman Tasco also and all the
24 members of Council. So thank you for
25 making my job easier.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 The Chair recognizes
5 Councilwoman Brown.

6 COUNCILWOMAN BROWN: I do want
7 to underscore Councilman Kelly's remarks,
8 and I was actually going to cite the
9 extraordinary partnership you enjoy with
10 Councilwoman Tasco in that area and the
11 difference it has made on a number of
12 different fronts.

13 So, again, kudos and thank you.

14 MR. DOLBOW: I'd just like to
15 add that I'd also like to -- because of
16 belief advisory board that I sit on, with
17 the cooperation of our Captain McCarrick
18 and Community Officer Maraz and along
19 with Beth from the DA's Office. We have
20 a very good (indiscernible) organization
21 also.

22 COUNCILWOMAN SANCHEZ: Yes.
23 They celebrated their Community Day this
24 Saturday, and we were all out there, and
25 were happy it wasn't as hot as it

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2 normally is.

3 MR. DOLBOW: But it was hot.

4 COUNCILWOMAN SANCHEZ: Yes.

5 When it's hot, it's hot up there.

6 Thank you so much, gentlemen.

7 We have one more person that's
8 here that we know that's registered for
9 this bill, and we want to make sure --
10 'cause then we need to go back to some
11 testimony from the previous bill.

12 Will Mr. Patrick Rogers from
13 Dancing Ferret come up.

14 (Witness comes forward.)

15 COUNCILWOMAN SANCHEZ: You may
16 identify yourself for the record and
17 proceed with your testimony.

18 MR. ROGERS: My name is Patrick
19 Rogers.

20 Councilwoman Sanchez and
21 committee members, good morning. I thank
22 you for this opportunity to speak on the
23 matter of Bill No. 100267.

24 It has been my privilege to
25 live in Philadelphia for almost two

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2 decades, and I've worked in the music
3 industry for 15 of those years, most
4 notably as a club and concert promoter.

5 As you may have already heard,
6 the initial draft of the bill would, if
7 signed into law, have disastrous
8 consequences for the City's music and
9 arts communities. None of those
10 catastrophes were intended by the bill's
11 authors, who crafted this legislation
12 with the noble purpose of enabling City
13 law enforcement to better respond to
14 unsafe events and to locate the operators
15 of those events.

16 I initially called Councilman
17 Greenlee's office to determine when and
18 where this hearing would be held so that
19 I could speak out against this bill.
20 Instead, Julie O'Connell asked if I would
21 explain some of my concerns to her so
22 that she could pass them on to the
23 Councilman. After nearly an hour of
24 hearing me out, she asked me to send some
25 notes to Noelle Marconi, the Councilman's

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2 legislative aide.

3 It became clear to me that
4 Councilman Greenlee was not merely
5 interested in hearing my concerns but in
6 addressing them as well. He desired a
7 greater understanding of the inner
8 workings of the business of promotion,
9 and his staff actively engaged our
10 industry in order to obtain that
11 knowledge.

12 I offered to work directly with
13 the Councilman's staff to reform the
14 bill; and as a result, I had many direct
15 meetings with them in furtherance of that
16 goal.

17 Throughout the process of those
18 meetings, I was in constant contact with
19 dozens of colleagues, not only from my
20 own field, but from others in related
21 fields who were concerned by the language
22 of the bill's first draft. I took their
23 questions and comments with me to every
24 one of those meetings and reported back
25 on the progress that was being made.

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2 I believe I can speak for most,
3 if not all, of them when I tell you that
4 our industry respectfully but vehemently
5 urges this committee to vote in approval
6 of the amendments that have come before
7 you today.

8 These amendments represent an
9 exhaustive collaborative effort on the
10 part of: Councilman Greenlee, Noelle
11 Marconi and other Greenlee staff,
12 Lieutenant Fran Healey of the Police
13 Department, Dominic Verdi of Licenses and
14 Inspections; Steven Masters of the
15 Technical Services Unit, myself, others
16 in my industry and related fields, and
17 other City employees and elected
18 officials who read and contributed to our
19 drafts as they developed.

20 Every effort was made to
21 address every concern raised, and I am
22 fiercely proud of the substantial reforms
23 we achieved, as evidenced by the
24 amendments now in front of you.

25 As a registered Libertarian, I

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2 am disinclined to support additional
3 government regulation in most cases.
4 However, should this esteemed committee
5 vote to approve these amendments, Bill
6 No. 100267 will pose only a minor
7 one-time inconvenience to legitimate
8 promoters who operate within the law
9 while still fully serving the public
10 safety needs for which it was originally
11 designed. As such, I am pleased to
12 endorse the amendments to this bill.

13 I thank the committee again for
14 hearing my testimony today, and I thank
15 Councilman Greenlee and his staff for
16 their tireless to revise this bill.

17 Should the committee have any
18 questions, I would be pleased to
19 entertain them at this time. Absent
20 that, with the Councilwoman's permission,
21 I will return to my seat.

22 Thank you.

23 COUNCILWOMAN SANCHEZ: I want
24 to thank the industry members. There was
25 great concern in the beginning. There's

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2 been a lot of media attention.

3 And I want to acknowledge my
4 colleague because he did what all of us
5 here on Council are elected to do, which
6 was listen and try to improve the bill to
7 give the residents who are concerned
8 about these issues the quality of life
9 that they want and allow the industry to
10 continue to promote important eclectic
11 opportunities for art expression.

12 So I want to thank you. I know
13 I got calls quickly as chair of the
14 committee and was very pleased to be able
15 turn those over to my colleague, and he
16 addressed all of those concerns. So I
17 just wanted to note that for the record.

18 Councilman Greenlee.

19 COUNCILMAN GREENLEE: Thank
20 you, Madam Chair, and thank you for those
21 comments.

22 I just want to get on the
23 record, Patrick, you certainly did a
24 tremendous job. You put tremendous hours
25 in on this with myself and particularly

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2 with Noelle and the staff.

3 I learned a lot during this
4 thing. I admit, at my age, I'm a Motown
5 guy, so I don't know a lot about, you
6 know, the promoters and your industry,
7 but you were very open, and we discussed
8 things. When we didn't agree, we found a
9 middle ground.

10 And, again, I appreciate
11 everything that you did. And you had a
12 big reason why this bill, I think, is
13 going to become law.

14 And thank you very much.

15 MR. ROGERS: Thank you for the
16 kind words. It was an educational
17 experience for me as well, but I thank
18 you for making it a positive one.

19 COUNCILWOMAN SANCHEZ: Well,
20 thank you. And per your testimony, you
21 can go back to your seat.

22 Oh, I'm sorry. Councilwoman
23 Blondell Reynolds-Brown has a comment.

24 COUNCILWOMAN BROWN: Thank you.
25 Thank you, Madam Chair.

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2 Good morning.

3 MR. ROGERS: Good morning.

4 COUNCILWOMAN BROWN: Let me
5 thank you also for your testimony. And
6 our hope is that you've been -- we're
7 assured that good outcomes can happen
8 when open minds sit down and figure out a
9 way how two different worlds can coexist.
10 That's number one.

11 Number two, what genre of the
12 industry do you represent?

13 MR. ROGERS: I primarily do
14 nightclub promotion and concert
15 promotion, so mostly I work with either
16 live music or with deejays.

17 COUNCILWOMAN BROWN: I see.
18 And so, the genre might differ from
19 Motown, old school, to new age, I guess.

20 MR. ROGERS: It's mostly more
21 modern, electronic-based music.

22 COUNCILWOMAN BROWN: I see.
23 And those that you confer with in your
24 industry, do they represent different
25 genres as well?

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2 MR. ROGERS: Yes, ma'am.

3 COUNCILWOMAN BROWN: Such
4 as...?

5 MR. ROGERS: The whole gamut,
6 from hiphop, R&B, soul, techno rock, a
7 gentleman that does country shows. A
8 wide range.

9 COUNCILWOMAN BROWN: Well,
10 thank you for your leadership in this
11 effort.

12 MR. ROGERS: Thank you.

13 COUNCILWOMAN BROWN: Thank you
14 very much.

15 COUNCILWOMAN SANCHEZ: Thank
16 you.

17 We have the last person to
18 testify on this bill, which is Mr. Arthur
19 Green, the ward leader of the 14th Ward.

20 (Witness comes forward.)

21 COUNCILWOMAN SANCHEZ: Thank
22 you.

23 MR. GREEN: Good morning.

24 COUNCILWOMAN SANCHEZ: Good
25 morning.

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2 MR. GREEN: I'd just like to
3 say this:

4 COUNCILWOMAN SANCHEZ: Can you
5 identify yourself for the record?

6 MR. GREEN: Oh, my name is
7 Arthur N. Green.

8 COUNCILWOMAN SANCHEZ: You can
9 proceed with your testimony.

10 MR. GREEN: Okay, thank you.

11 I think this is a very good
12 bill, and it needs to happen, 'cause I
13 think that what we're talking about is
14 social control, all right?

15 And we look at what's going on
16 in the city right now, and we're trying
17 to keep the city clean, we're trying to
18 deal with the killings and just the
19 outright sinful nature, if I can put in
20 in -- I can't put it in any other words.

21 And the reason why I say this,
22 you know, I know that this city and
23 everybody in this country looks for peace
24 on earth and goodwill toward men, and I
25 think that's the ultimate goal, all

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2 right?

3 And I know that where I live
4 at, we have a lot of homeowners that get
5 up and go to work, clean up they
6 property; and then, on Saturday mornings,
7 clean up their area and Saturday nights.
8 It's a hell hole out over there. Friday
9 nights, it's the hell hole all over --
10 glass, trash, noise.

11 And I just want to point out
12 just this one particular incident; this
13 is just how bad it's getting in my
14 neighborhood. Right on 6th and Green is
15 Club Palmers, all right? And we have
16 public nuisance, all right? There was a
17 girl in the car, with her legs wide open,
18 and a young man just doing his thing and
19 everybody standing around, looking at it,
20 like it was nothing happening, all right?

21 So anytime that we can monitor
22 this type of behavior or any kind of
23 legislation that we can put together to
24 monitor this type of stuff, it's a good
25 thing, all right?

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2 There's nothing wrong with
3 making money. I mean, this is a
4 pleasure-oriented country in my mind, all
5 right? But it has to be pleasure with
6 responsibility, all right?

7 Anything the legislation can do
8 to help that, all right, it's very well
9 welcome, and I surely would appreciate.
10 And I sure that my neighbors and I think
11 the whole city would appreciate it.

12 Thank you very much.

13 COUNCILWOMAN SANCHEZ: Thank
14 you, Mr. Green.

15 The Chair recognizes Councilman
16 Greenlee.

17 COUNCILMAN GREENLEE: Very
18 quickly, Madam Chair.

19 First, thank you, Mr. Green,
20 for coming down. And I know you were one
21 of the first people to bring the
22 attention of a problem to me, and I
23 appreciate that.

24 And I want to note for the
25 record that you are a musician, you are

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2 an entertainer.

3 MR. GREEN: Oh, yes, I am.

4 COUNCILMAN GREENLEE: So you're
5 certainly not against the entertainment
6 industry.

7 MR. GREEN: Not at all.

8 COUNCILMAN GREENLEE: But you
9 also, I know, are very active in your
10 community, and you want that balance, and
11 you and I talked about that.

12 So thank you very much. Thank
13 you for taking the time to testify.

14 COUNCILWOMAN SANCHEZ: Thank
15 you so very much.

16 We're going to take some public
17 testimony for our first bill, which was
18 100162. We have a panel of three people
19 who are coming before -- I know you don't
20 have written testimony, so please make
21 sure you identify yourself for the
22 record.

23 (Witnesses come forward.)

24 COUNCILWOMAN SANCHEZ: I'm
25 sorry about that confusion. We have,

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2 like, six bills. Thank you.

3 MR. AVALINO: You're welcome.

4 Thank you very much for fitting us in.

5 We really appreciate it. And thanks to
6 the members of our coalition for waiting;
7 we really appreciate it.

8 Good morning. My name is
9 Jeremy Avalino and I live at 4th and
10 Jefferson Streets, in North Philly, and
11 I'm part of Circle of Hope Church.
12 Circle of Hope is a proud member of the
13 Eastern North Philadelphia Coalition.

14 Councilman Clarke, thank you
15 for introducing legislation to increase
16 the licensing fees paid by owners of
17 vacant land and vacant buildings. This
18 is an issue that I, my church, and the
19 coalition care a lot about.

20 I cared enough to take the
21 morning off of work to come here and
22 speak with you. Many others switched
23 shifts with someone at their job or found
24 child care for kids and grandkids so they
25 could be here today.

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2 We care about this issue
3 because of how much it affects our
4 neighborhood. In the 100-square-block
5 area around where I live in lower North
6 Philly, 25 percent of all the land sits
7 vacant, 25 percent.

8 All of this vacancy is a
9 problem. It invites littering and
10 dumping. It brings down property values.
11 It attracts crime.

12 Just last Wednesday, three
13 blocks from my house, at 4th and Girard,
14 Sabina Rose O'Donnell, 20 years old, was
15 found dead in a vacant lot next to the
16 apartment building where she lived, a
17 block away from Northern Liberties.

18 Yet this vacant land also
19 represents a huge opportunity to solve
20 some of the other problems in our
21 neighborhood. When the Eastern North
22 Philadelphia Coalition interviewed more
23 than 300 residents, the two things people
24 said the neighborhood needed were more
25 affordable homes and access to fresh food

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2 through urban farming and community
3 gardens.

4 To build houses, grow fresh,
5 healthy food, and help jump-start food
6 markets and other businesses, you need
7 land.

8 Since 2007, the Eastern North
9 Philadelphia Coalition has been working
10 to turn the problem of vacant land into a
11 solution. We've researched community
12 land trusts which have been used in over
13 200 cities and towns in the U.S. to care
14 for vacant land, keep homes and gardens
15 affordable and protected, and give
16 communities a voice.

17 We identified the owner of
18 every vacant lot and abandoned building
19 in our area. We completed a neighborhood
20 plan for a portion of our community. Our
21 plan was even approved last month by the
22 City Planning Commission.

23 In order to implement our
24 vision, we asked our councilwoman, Maria
25 Quiñones Sanchez, to use some of her

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2 Neighborhood Transformation Initiative
3 money to acquire blighted land identified
4 by our community. We made our request to
5 the Councilwoman in December.

6 Since then, we have asked the
7 Councilwoman to meet with the community
8 and provide an answer to our request no
9 fewer than a half a dozen times. We
10 still don't have an answer. This is why
11 a few of us have come here today to tell
12 you, Councilwoman Sanchez, how important
13 this issue is for us.

14 Speaking personally -- and it's
15 good to see you, but I haven't seen the
16 Councilwoman since she was candidate
17 Sanchez.

18 I don't know if I should tell a
19 group of elected officials for this, but
20 I don't have much faith in the political
21 process. Yet during a candidate forum
22 the NPC held in 2007, I was so excited
23 about Ms. Sanchez's vision for
24 transforming vacant land, I went out and
25 voted for her the following month.

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2 More than three years later,
3 I'm here to say I still care about this
4 issue. Hundred of other 7th District
5 voters, all in my neighborhood alone, do
6 too. On their behalf I am asking you,
7 Councilwoman Sanchez, to meet with the
8 community and give us an answer to our
9 request.

10 Thank you for the opportunity
11 to address you all today. I appreciate
12 it.

13 COUNCILWOMAN SANCHEZ: Thank
14 you.

15 I just want to -- for the
16 record, we're testifying on one
17 particular bill. I'd be happy to
18 continue to hear your testimony.

19 I thank all of you. I thank
20 all of you for the work that you've done.

21 I think it is, as I have
22 committed to time and time again, to use
23 my NTI resources to leverage projects in
24 that direct. I continue to be committed
25 to that.

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2 Our last meeting was in March,
3 for the record. And at that particular
4 time, I said that we would work towards
5 that. The NTI money just got released
6 last week. I think that I have
7 demonstrated my continuing commitment.
8 You're not working just in my
9 neighborhood, in the district, you're in
10 my neighborhood in which I live.

11 So, again, I continue to say
12 I'm going to work with the coalition, as
13 I have for the last three years. We have
14 moved many projects in that time, and I'm
15 committed to continue that discussion, as
16 I have made it clear to many of the
17 members.

18 MR. AVALINO: Thank you. We
19 look forward to setting up a day where
20 you'll meet with a few hundred of us.
21 Thank you.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 MS. ENGLISH: Good morning. My
25 name is Christina English, and I'm a

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2 volunteer for WCRP.

3 Hello. My name is Christina
4 English, and I am a proud mother of a
5 beautiful one-year-old child. I am also
6 a co-block captain on the 1500 block of
7 North 6th Street. I care a lot about my
8 community, and I'm here today to talk
9 about the problems I see and what I think
10 should be done about them.

11 I care about this issue of the
12 vacant land in my community because my
13 block has too many vacant properties on
14 my side of the block. There are more
15 vacant lots than standing houses. I
16 can't even walk down the street without
17 -- excuse me -- without being worried
18 about the drugs and the crime that comes
19 along with living near empty lots.

20 Excuse me.

21 I am a part of the Eastern
22 North Philadelphia Coalition. As Jeremy
23 said, we've made a request to our
24 councilwoman, Ms. Sanchez, for her to use
25 some of her Neighborhood Transformation

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2 Initiative money to acquire blighted land
3 in our community.

4 Some of this land is on my
5 block. We want this land to be
6 transferred to our community land trust
7 and turn it into truly affordable houses.

8 This is so important to me
9 because my child and I are forced to live
10 with my mother because I can't afford
11 houses in my neighborhood. We are right
12 between Temple, Northern Liberties, and
13 Fishtown, and prices have really gone up.
14 And it's not just me; I have cousins,
15 sisters, brothers, and friends who all
16 need houses and can't forward it.

17 I'm here today because I want
18 to ask my representative, Councilwoman
19 Sanchez, to meet with the community and
20 respond to our requests to acquire vacant
21 lots so that we can turn something
22 negative in our community to a positive,
23 in (indiscernible) trust.

24 Thank you for time, and I would
25 like to turn it over to Cruz Rodriguez.

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2 MR. RODRIGUEZ: Buenos dias.

3 (Mr. Rodriguez testified in
4 Spanish; the English translation of his
5 testimony is attached hereto.)

6 COUNCILWOMAN SANCHEZ: We have
7 one more testimony.

8 Are you going to testify? I'm
9 going to ask you to be brief. I
10 appreciate all of you coming down because
11 we're testifying on another bill, but I
12 think it's important you're here and you
13 get your comments on the record.

14 I would have liked for you guys
15 to be here yesterday, when we had the RDA
16 and members of the Office of Housing and
17 Community Development, and what we were
18 talking about was land acquisition and
19 NTI.

20 And, unfortunately, you missed
21 four hours -- actually, Monday, you
22 missed four hours of what I thought was
23 very difficult -- I think Councilwoman
24 Blondell Reynolds, who joined me at that
25 particular time, your level of

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2 frustration at that that particular time
3 was expressed by us with the
4 Administration on our inability to get an
5 agreement on releasing NTI and our
6 agreement -- or our frustration about the
7 new disposition policy of the City, which
8 is all market value. We spent four hours
9 on Monday, having a very serious
10 discussion.

11 Tomorrow, I am hosting a
12 discussion with state legislators in
13 Council, after our Council session, to
14 talk about land-banking, so I just wanted
15 to let you know for the record that we
16 continue to move very, very aggressively
17 in Council to try to come up with an
18 agreement with the Administration around
19 the disposition of land.

20 And, unfortunately, that's
21 where I would have loved to have
22 incorporated this testimony in the
23 discussion. I think it was very
24 appropriate at that particular time.

25 So with that, I'm going to

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2 allow for the last testimony, and then we
3 have to move on with the bills. Thank
4 you so very much.

5 MS. BARISH: Good morning. My
6 name Doris Barish. And I'm aware of the
7 hard work of all of the Councilpeople.
8 I've attended several meetings and I'm
9 kind of familiar because of my chair.

10 And I just wanted to recognize
11 all of you for your hard work. I want to
12 thank you, Councilwoman Sanchez, for
13 making this effort to schedule a meeting
14 with us so we can go even further.

15 And I just want to say thanks.

16 COUNCILWOMAN SANCHEZ: Thank
17 you so much. Thank you, all of the
18 members from the coalition, and I look
19 forward to work with you.

20 I'm going to recognize
21 Councilman Green.

22 COUNCILMAN GREEN: Thank you.

23 You know, I just want to make
24 it clear to you, as one of Councilwoman
25 Quiñones-Sanchez's colleagues, that she

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2 talks to the rest of us, especially the
3 at-large people, all the time about the
4 needs of her district. She has taken me
5 touring the vacant land in her district
6 and is passionate about doing something
7 to improve her community where she lives
8 and where you all live.

9 And that has been consistent
10 since I've known her in 2007, and it has
11 been consistently said and done every
12 opportunity she gets to bring us into
13 that community and to show us what's
14 happening so that we can be there to help
15 her get the resources she needs for your
16 organization and other organizations.

17 I do want to point out that,
18 you know, there are extraordinarily
19 limited resources in the City of
20 Philadelphia for things like land
21 acquisition. Even though a Councilperson
22 has allocated to them NTI money, some of
23 it is going to perhaps existing projects
24 that were in place before that
25 Councilperson was in office. Some of it

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2 is -- there are many, many demands on
3 public dollars. And what we have to do
4 is choose between competing ideas for
5 good with limited resources.

6 So whether or not -- and I
7 don't know the Councilwoman's intentions.
8 Whether or not you are allocated NTI
9 dollars for this purpose or another
10 purpose, you can be assured that she is
11 working hard for you with respect to the
12 issue of vacant land, and has been since
13 I've known her.

14 Thank you.

15 MS. BARISH: Once again, thanks
16 very much.

17 COUNCILWOMAN SANCHEZ: Thank
18 you.

19 MR. AVALINO: Can I just say
20 one quick thing in response to that?

21 COUNCILWOMAN SANCHEZ: Mm-hmm.

22 MR. AVALINO: I just wanted to
23 say that we really do appreciate the work
24 that you're doing; that's why we voted
25 for you. We're interested in partnering

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2 with you and not just focusing on the
3 limitations of a bureaucracy. So if we
4 can move forward together in that aspect,
5 we're at the table and we're ready for
6 you to come to our table, your
7 constituents.

8 So thank you for your time in
9 dealing with all of this.

10 COUNCILWOMAN SANCHEZ: I want
11 you go use all of this energy -- again,
12 the stalling has been done by the
13 Administration and not by us in Council.

14 MR. AVALINO: It sure sounds
15 like it.

16 COUNCILWOMAN SANCHEZ: But I
17 look forward to being able to use all of
18 the energy of all of the coalition
19 members to help me get the Administration
20 to understand how important this is.

21 MR. AVALINO: Well, we'll be in
22 touch with -- I think Justin is who we
23 talk to, to schedule our next meeting?

24 COUNCILWOMAN SANCHEZ: Yes.

25 MR. AVALINO: Maybe in the next

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2 week or two?

3 COUNCILWOMAN SANCHEZ: No, it
4 will not be in the next week or two.

5 MR. AVALINO: Okay.

6 COUNCILWOMAN SANCHEZ: As I've
7 said in the past, you know, the
8 scheduling of meetings is done when we
9 can schedule it and we have something to
10 report out.

11 MR. AVALINO: Okay. Thank you.

12 COUNCILWOMAN SANCHEZ: All
13 right, with that, Councilman Greenlee.

14 COUNCILMAN GREENLEE: Yeah,
15 very quickly. I don't want to elongate
16 the record.

17 Councilwoman Sanchez doesn't
18 need me to defend her, but I certainly
19 wholeheartedly with Councilman Green and
20 his comments. And with all due respect,
21 if people are not aware of the advocacy
22 she has had, people have not been paying
23 attention.

24 Thank you.

25 COUNCILWOMAN SANCHEZ:

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2 Councilwoman Blondell Reynolds-Brown.

3 COUNCILWOMAN BROWN: I would
4 certainly be remiss not to echo and
5 underscore comments and remarks by my
6 colleagues. And recognize that even when
7 you might think we are silent, we are
8 indeed paying attention.

9 Councilwoman Sanchez has a
10 vision that is huge and thoughtful and
11 strategic, given, as Councilman Green
12 indicated, extremely limited resources.
13 So ultimately, it's collective will with
14 regards to approaching RDA that's going
15 to move the needle.

16 And recognize also she's been
17 here for three years, not thirty, and it
18 takes a long time to move the needle
19 towards the better good for any
20 community.

21 Thank you, Madam Chair.

22 COUNCILWOMAN SANCHEZ:

23 Councilman Kelly.

24 COUNCILMAN KELLY: Last but not
25 least, I just want to -- I want to agree

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2 with all of my colleagues here that
3 Councilwoman Sanchez has a very, very
4 large district, believe me.

5 COUNCILWOMAN SANCHEZ: You
6 represented it.

7 COUNCILMAN KELLY: I
8 represented it many, many years ago, and
9 I know how diverse it is and how many
10 people and how important it is to her.

11 I know that sometimes you get
12 frustrated because you seem to not get a
13 timely meeting, in your opinion. But the
14 Councilwoman has been working, and I'm
15 sure she will continue to work for you
16 and for your endeavors. I really do.

17 I think that she has to meet
18 with a lot of people, there's a lot of
19 groups in that district, and she has to
20 give them all a good amount of her time.
21 So please be patient if you can.

22 MR. AVALINO: Can I just
23 address that very quickly?

24 We have been patient for months
25 now, and we represent hundreds, if not a

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2 few thousand, of your constituents. It's
3 a very --

4 I just want to say one thing.
5 I'm glad that you guys -- I think you're
6 working tirelessly in a job I wouldn't
7 want, in a system that's quite broken, to
8 be honest. So we thank you for that
9 tireless effort.

10 Your plans, Councilwoman
11 Sanchez, are a little bit nebulous and
12 unknown to your constituents. We'd like
13 to get you to the table in a meeting
14 that's a little more conducive to a
15 family conversation than this.

16 COUNCILWOMAN SANCHEZ: And
17 again --

18 MR. AVALINO: So it's been
19 trying to try to get you to that table
20 over the past few months. And we feel a
21 little -- just a little left out of the
22 process.

23 COUNCILWOMAN SANCHEZ: Okay.
24 Well, I'm going to end with this. I was
25 very clear in my meeting in March with

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2 you that I was going to meet with you in
3 June, and that was not good enough for
4 you guys. And it's unfortunate because I
5 was in the middle of a budget, where we
6 were defending the Utilities Fund,
7 Community Legal Services, the supportive
8 housing, the Housing Trust Fund.

9 I will meet with you. I just
10 don't -- will not meet you when you give
11 me deadlines and you give me ultimatums;
12 that's not a productive relationship.

13 And, you know, the issue of my
14 agenda not being known, I think I've been
15 very public around my commitment to
16 affordable housing, all the
17 groundbreakings that we've done.

18 And, again, I will meet with
19 the group.

20 MR. AVALINO: We really look
21 forward to that.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 MR. AVALINO: I just want to
25 stress that we very much look forward to

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2 partnering with you.

3 COUNCILWOMAN SANCHEZ: Thank
4 you.

5 MR. AVALINO: Thank you for
6 time.

7 COUNCILWOMAN SANCHEZ: Again, I
8 really appreciate all of your efforts and
9 all of your work. Thank you.

10 Will the clerk please read the
11 title of the next bill.

12 THE CLERK: Bill No. 090910, an
13 ordinance amending Section 9-603 of the
14 Philadelphia Code, entitled "Pawn
15 brokers," and Section 9-615, entitled
16 "Dealers in Precious Metals," to require
17 pawnbrokers and dealers in precious
18 metals to share transactional information
19 with the Police Department through an
20 Internet-accessible electronic inventory
21 tracking system, to comply with
22 additional safeguards in order to
23 facilitate the recovery of stolen
24 property, to increase the license fee for
25 dealers in precious metals, and to

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2 enhance the penalties for violations, all
3 under certain terms and conditions.

4 COUNCILWOMAN SANCHEZ: Before
5 we begin this, Councilman Kelly, who is
6 the sponsor of this bill, wants to open
7 up with brief remarks.

8 I do want to reiterate that
9 anyone who's here to testify for this
10 bill who has not signed in with us,
11 please do so, 'cause we had no
12 preregistered testimony.

13 With that, Councilman Kelly.

14 COUNCILMAN KELLY: Thank you,
15 Madam Chair.

16 I just want to go on the
17 record. This legislation, of course, is
18 necessary. I what it does is, it brings
19 the policies regarding pawnbrokers and
20 the people who buy and sell precious
21 metals into the 21st century.

22 This legislation will assist
23 the Philadelphia Police Department
24 greatly, and it changes the existing laws
25 in several ways. Principal among them

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2 are:

3 1. It updates antiquated
4 languages and closes loopholes currently
5 on the books and brings the laws up to
6 speed with the times regarding pawn shops
7 and dealers in precious metals.

8 2. It enables the Philadelphia
9 Police Department to easily track and
10 monitor items which might have been soled
11 or pawned as a result of a crime which
12 took place. It holds the sellers of
13 items and the buyers to more stringent
14 reporting regarding their identity and
15 the nature of their transaction.

16 And at this time, I would like
17 to commend and thank Commissioner Ramsey,
18 Lieutenant Healey, Detective Tom Peters,
19 and Steve Masters of the Council staff,
20 who have been working -- who have been
21 working greatly to make sure this
22 legislation is not only approved but
23 passed by this Council.

24 Thank you, Madam Chair.

25 COUNCILWOMAN SANCHEZ: Thank

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2 you.

3 I believe we have testimony
4 from the Administration on this bill. Is
5 there anyone here from the Administration
6 to testify on this bill?

7 (Witnesses come forward.)

8 COUNCILWOMAN SANCHEZ: You may
9 proceed with your testimony.

10 LT. HEALEY: Thank you,
11 Councilwoman. Good morning, Councilwoman
12 Sanchez, Councilman Kelly, and other
13 members of the Committee of Licenses and
14 Inspections.

15 Again, my name is Francis
16 Healey, and I'm special advisor to Police
17 Commissioner Ramsey, and I'm here to
18 testify on his behalf regarding Bill No.
19 090910.

20 As I said before, the
21 Commissioner would like me to extend his
22 gratitude for allowing the department to
23 voice its opinion on this piece of
24 legislation.

25 With that being said, the

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2 department strongly supports this bill.

3 The purpose of this legislation is simply
4 to allow the Police Department to use
5 current technology to make a serious
6 impact on the flow of stolen property to
7 precious-metal dealers and pawnbrokers
8 that occurs on a daily basis in
9 Philadelphia.

10 The current manual system
11 that's in place is outdated and simply
12 ineffective in tracking criminal activity
13 for stolen property.

14 Regrettably, this industry has
15 historically been laden with stolen
16 property concerns, which necessities the
17 need for additional regulations.
18 Nevertheless, even though the
19 requirements of this bill will
20 substantially enhance law enforcement's
21 ability to investigate and prosecute
22 property crimes, these requirements are
23 simply the codification of sound business
24 practices in an industry so fraught with
25 stolen property.

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2 The issues that affect law
3 enforcement and legitimate dealers and
4 pawnbrokers alike first involve the true
5 identity of the people actually selling
6 or pawning property. Next it involves
7 the fact that stolen property coming into
8 the establishments are often sold,
9 altered, or melted long before law
10 enforcement feasibly be aware and can
11 take any action.

12 The final issue involves the
13 antiquated system that currently exists
14 in connecting stolen property coming into
15 the establishments and with the
16 information from police reports.

17 Bill No. 090910 addresses each
18 of these issue. Specifically, pawn shops
19 and precious-metal dealers are required
20 to take good identification from
21 individuals pawning property or selling
22 precious metals. They're required to
23 retain any property received, I believe
24 it's been downgraded to, 60 days before
25 it can be altered, sold, or melted.

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2 And, finally, the bill requires
3 dealers and pawnbrokers to notify the
4 police via an Internet connection of all
5 business transactions for the day. This
6 will allow us to track this property to
7 stolen police reports.

8 These changes will
9 substantially enhance the department's
10 ability to investigate and prosecute
11 property crimes and are long overdue.

12 For these reasons, the
13 departments fully supports this bill and
14 respectfully recommends that this
15 honorable committee do the same.

16 This will conclude my
17 testimony. I have Sergeant Cella, from
18 the Major Crimes Unit, with me to answer
19 any questions that the committee may
20 have.

21 COUNCILWOMAN SANCHEZ: Thank
22 you.

23 Councilman Green.

24 COUNCILMAN GREEN: Thank you,
25 Madam Chair.

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2 I want to thank you for your
3 testimony, Lieutenant. I don't have any
4 questions for you guys; you've made it
5 very clear that you support this, and
6 that this is something that's needed
7 that's going to help you enforce our
8 laws.

9 I do want to say for the record
10 that this is the kind of bill that I hope
11 will set an example for the state
12 legislature, because while this will be
13 extremely effective in the City of
14 Philadelphia -- and we're taking a
15 leadership issue on this in the state --
16 this will be far more effective, just
17 like the cell phone ban, once the State
18 legislature acts to do something like
19 that statewide.

20 So I want to thank Councilman
21 Kelly for this leadership on this issue.

22 LT. HEALEY: On a very quick
23 side note, the information you requested
24 earlier, Deputy Commissioner Johnson's
25 working on it, the information on code

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2 violation notices.

3 COUNCILMAN GREEN: Okay.

4 CAPT. WILSON: And, quite
5 frankly, this will make Philadelphia the
6 leader in Pennsylvania in this industry.
7 Right now, the software that's proposed
8 to be used is out of MacLaughlin, which
9 is a consortium of federally-funded
10 consortium of regions, and that region
11 had developed a software package up in
12 the New England that tracks very
13 effectively all of the stolen property
14 coming in and out of these locations, and
15 the police in that area, up in New
16 England, are actually making a dramatic
17 impact on property-crime investigations
18 and prosecutions.

19 So this will make Philadelphia
20 the leader, and we're certain that once
21 we do tie into the system with the
22 MacLaughlin software that other
23 jurisdictions in the surrounding
24 communities will follow suit.

25 SGT. CELLA: And if I could add

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2 to Lt. Healey's --

3 COUNCILWOMAN SANCHEZ:

4 identify yourself for the record, please.

5 SGT. CELLA: Oh. Sergeant

6 Joseph Cella, C-E-L-L-A.

7 If I could add to Lieutenant
8 Healey's response to Councilman Green,
9 this is groundbreaking in this area. I
10 can attest to the fact from regional
11 crime share meetings that I attend that
12 Chester County, Delaware County,
13 Montgomery County, and Bucks County are
14 awaiting the action of this council in
15 order to take similar action in those
16 counties.

17 And the district attorney of
18 Montgomery County, Risa Ferman, as
19 chairperson of the legislative section of
20 the Pennsylvania District Attorneys
21 Association, is also looking forward to
22 the passage of this legislation here in
23 order to go forward at the Commonwealth
24 level to make this statewide, to
25 enable -- because, obviously, we're a

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2 mobile society, and suburban burglars do
3 come into the City, unfortunately,
4 because we have more pawnbroker shops
5 than they do in the suburbs.

6 So it is a regional problem and
7 bigger than just our own town.

8 COUNCILWOMAN BROWN: Point of
9 information, Madam Chair?

10 COUNCILWOMAN SANCHEZ: Sure.
11 The Chair recognizes Councilwoman Brown.

12 COUNCILWOMAN BROWN: Thank you
13 very much.

14 Councilman Green, do you know
15 if any legislation has been introduced at
16 the state yet on this matter? It has
17 not.

18 Well, let me also commend my
19 colleague Councilman Kelly for moving
20 this matter into this century. I know
21 too often in the Wynnefield section of
22 town, residents become outraged -- well,
23 were outraged years ago, when a new pawn
24 shop opened up on City Avenue, because
25 that was a signal of other type of

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2 activity.

3 So to have your support on this
4 measure matters. And to know that the
5 counties are looking closely to see how
6 they can replicate is big.

7 Thank you very much.

8 SGT. CELLA: And, Councilwoman,
9 if I could add, that shop on City Avenue
10 that you allude to is not a licensed pawn
11 shop in the State of Pennsylvania. He
12 uses kind of -- he calls himself "a pawn
13 shop outlet" and actually purchases goods
14 for resale at flea markets.

15 COUNCILWOMAN BROWN: Is that
16 right?

17 SGT. CELLA: Yes. He's a
18 check-casher, and he's licensed in that
19 manner. We've been out there in response
20 to some of your constituents on a number
21 of occasions and investigated that shop.

22 COUNCILWOMAN BROWN: Okay.

23 Thank you for that information.

24 COUNCILWOMAN SANCHEZ: The
25 Chair recognizes Councilman Kelly.

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2 COUNCILMAN KELLY: Thank you,
3 Madam Chair.

4 I just want to thank my
5 colleagues here for their comments. And
6 I don't want to get into this, but
7 Sergeant Cella and Lieutenant Healey,
8 that the antiquated system that you
9 currently are using, I'm just amazed that
10 you found anything, I really am.

11 But now I think that since we
12 are going into the 21st century, I think
13 we're going to see a lot of major crimes
14 solved and a lot of, of course,
15 burglaries, I'm hoping, reduced. Okay?

16 And paperless, also, for
17 Councilman Green's benefit.

18 (Laughter.)

19 COUNCILWOMAN SANCHEZ: Thank
20 you both, gentlemen, for your testimony.

21 Is there anyone else here to
22 testify on Bill No. 090910? If you can
23 proceed to the witness table.

24 (Witnesses come forward.)

25 COUNCILWOMAN SANCHEZ: Do you

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2 have written testimony with you?

3 MR. KAPLAN: Yes, I do,
4 Councilwoman.

5 COUNCILWOMAN SANCHEZ: It's
6 been copied and distributed, okay.

7 I also want to make a note
8 that there is an amendment to this bill,
9 and I want to make sure that you have
10 that prior to you --

11 MR. KAPLAN: Yes, I am,
12 Councilwoman. We just only received that
13 this morning.

14 COUNCILWOMAN SANCHEZ: Okay.
15 Please identify yourself for the record
16 and proceed with your testimony.

17 MR. KAPLAN: Certainly. Thank
18 you.

19 Good morning, members of
20 Philadelphia City Council. My name is
21 David Kaplan, and I'm an attorney here on
22 behalf of a group of precious-metal
23 buyers that operate in the City that wish
24 to have our voices heard concerning Bill
25 No. 0909010. I thank you for allowing me

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2 to address you today.

3 Let me make it perfectly clear
4 that my group is an advocate of the law,
5 and I think the genesis of how this bill
6 came into introduction, it's my
7 understanding that there was a couple of
8 bad actors out there, and they were
9 purchasing stolen merchandise, and the
10 City got wind of it, and Councilman
11 Kelly's office produced this bill, which,
12 in principle, is an excellent idea.

13 It's certainly an excellent
14 idea to be a leadership in this city and
15 set precedence throughout counties and
16 also the Commonwealth. And I commend and
17 applaud that goal as well.

18 The group I represent wishes to
19 cooperate with the City and, until this
20 morning, I really thought we had
21 cooperation working with City Councilman
22 Kelly's office. It was my understanding
23 that we were to receive the amendments in
24 advance.

25 A representative for the group

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2 who will testify today, Mr. Gelber, who
3 is one of the City's many precious-metal
4 buyers, lawfully-abiding precious-metal
5 buyers, that we were working in
6 conjunction with Councilman Kelly's
7 office to be able to take the bill and to
8 make sure that its principles, or
9 guidelines, were not over-restrictive and
10 did not drive precious-metal buyers out
11 of the business or out of the City.

12 When you look closely,
13 examining some of the bills, some of the
14 directives of the bill, there are several
15 concerns. The first concern is that the
16 bill survived legal scrutiny. The City
17 -- the Commonwealth has spoken -- or this
18 is an area that encompasses the
19 Commonwealth's regulation under Title 73,
20 Chapter 27, Section 1934.

21 Specifically, there are several
22 concerns that my group has. Originally,
23 when the bill was introduced, there was a
24 90-day holding period for precious-metal
25 buyers. And what that means essentially

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2 is that -- to put you in the position of
3 precious-metal buyers, you have a store
4 and you have maybe 20 to 30 transactions
5 a day totaling 150 to 180 transactions
6 that you would have to hold the metal for
7 submission to the refineries for three
8 months. And that's been amended to 60
9 days, to two months.

10 Essentially, somebody would
11 need to -- gold buyers or precious-metal
12 buyers would need to not be able to use,
13 turn, or convert the inventory, lawful
14 inventory, to dollars, to proceeds to be
15 able to pay their bills. We think that
16 that is untenable; it certainly will put
17 my client out of business and certainly
18 many other precious-metal buyers.

19 Our proposal -- and we thought
20 we were in agreement with Councilman
21 Kelly's office -- orally, we were at an
22 understanding of 14 days, and we thought
23 we reached that common ground, and we
24 didn't have anything in writing until
25 this morning, as I stated. But now we

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2 found out, at the 11th hour, that that's
3 not the case.

4 There are several other
5 concerns, which are critical and are
6 going to affect lawful operators in the
7 precious metal business.

8 The implementation of an
9 electronic inventory system is an
10 excellent idea. We certainly have to
11 move with the times, into the 21st
12 century.

13 The problem is, when you read
14 the bill closely, it gives a tremendous
15 amount of unbridled discretion.
16 Specifically, it states that this
17 electronic inventory system shall,
18 quote/unquote, be designated by the
19 Police Department. We don't know at what
20 cost that's going to come.

21 We heard about this system from
22 Boston, and we heard about another system
23 that they're thinking of using. We don't
24 know if that system is going to be
25 feasible or user-friendly or require

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2 extraordinary upgrades, and, in addition
3 to those precious-metal buyers that don't
4 have computer systems, but should, to
5 operate or upgrade their operating
6 systems. And for all we know, this
7 system could be 5, 10, 15, \$20,000. We
8 don't know the cost of it.

9 Furthermore, the bill gives
10 unbridled -- gives the police certain
11 powers to be able to specify requirements
12 to obey with the new law, with the bill.

13 And some of those requirements,
14 for example, are that the police, if they
15 suspect that inventory has -- or that
16 certain inventory is stolen, that the
17 police shall notify the precious-metal
18 buyers, and within 24 hours, the
19 precious-metal buyers shall produce that
20 inventory for inspection. There's
21 nothing wrong with that.

22 What follows that, though, is
23 disturbing in that it requires -- it
24 states that the police can give notice to
25 hold the inventory for a, quote,

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2 reasonable period of time. What is "a
3 reasonable period of time"? In order for
4 any group or law-abiding citizens to
5 comply with the law, they must have more
6 than just ambiguous and completely
7 unbridled discretion which is subject to
8 whatever the Police Department shall
9 state it is.

10 Again, we're looking to comply,
11 but we need guidelines that are not going
12 to put my client out of business -- or
13 the group, that will not drive them from
14 the City, which small business is the
15 lifeblood of the City.

16 There are several other thing
17 that are critical that will affect the
18 industry of precious-metal buyers in the
19 City if this bill is passed.

20 The penalties. Before I
21 address the penalties, just a procedural
22 requirement. The bill is proposing that
23 forms of ID shall be taken by the
24 precious-metals buyers before the
25 transaction or the purchase shall take

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2 place. That's certainly reasonable.

3 The only problem is that the
4 forms of identification stated in the
5 bill don't provide for a very common
6 situation. The bill provides that one
7 who wants to sell precious metals must
8 produce either valid state or federal ID,
9 a valid personal driver's license with a
10 photo ID, a valid military ID, a valid
11 passport with photo ID or a valid alien
12 registration with photo ID, or a valid
13 senior citizen ID with photo.

14 Many of the public people who
15 wish to sell their gold come into many of
16 the stores in the group, and they don't
17 have -- they're not drivers, they don't
18 drive, they don't have driver's licenses;
19 they're dropped off or they're taken by
20 car or they take public transportation
21 and show up at the doorsteps of the
22 group, of the stores.

23 A very simple solution would be
24 to just add that a non-photo -- I'm
25 sorry, correction -- a non-driver's

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2 license ID would resolve that problem.

3 It's a simple issue, but it places the
4 group in violation for restrictive
5 standards that are over-restrictive and
6 burdensome and do not anticipate or
7 understand the business operations from
8 day-to-day.

9 Penalties are a concern. The
10 bill provides for penalties for a first
11 offense for three full months. So we
12 have a hypothetical where we have a
13 person who has never violated any laws,
14 never been shut down, such as Mr. Gelber,
15 been in business 25 years, and has an
16 employee who does not follow procedure,
17 and, inadvertently and without intent,
18 violates the procedure, the law.

19 And that could be as simple as
20 a violation as not uploading the
21 inventory at the end of the -- each
22 business day, which is one of the
23 requirements of the bill. But it's
24 certainly an innocuous situation.

25 Well, in that situation,

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2 Mr. Gelber's business would be closed for
3 90 days, three full months; he's shut
4 down, he's out of business. One
5 violation, 25 years, innocuous in nature,
6 he's closed.

7 They post on his storefront,
8 and they also shut down every other
9 location that Mr. Gelber may have.

10 Mr. Gelber, at the present time, is one
11 location, but there are group members who
12 with have multiple locations. So you
13 have potentially precious-metal buyers
14 that have 10, 12, 15 locations. That
15 would shut every single location down for
16 one violation, first-time violation,
17 three months, and ten to fifteen
18 locations are out of business.

19 The original bill had a
20 \$600-per-license fee. The amended bill
21 added \$600 per location. So, again,
22 multiple-location precious-metal buyers
23 would be forced with a tremendous cost
24 burden.

25 However, in fairness to

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2 Councilman Kelly's office, the amendment
3 reduced that from \$600 to \$200. However,
4 there's a brand-new addition that was,
5 again, read for the first time in the
6 amendment, of an additional fee of \$400,
7 which is an annual fee to each location
8 to defray the cost of Internet access of
9 the Police Department.

10 So, in essence, they reduced
11 the 600 to 400 -- I'm sorry, to 200, but
12 they added in a fee of 400, so we're back
13 to \$600 per location. Again, a cost
14 burden that is not directly correlated to
15 maybe the cost associated with that.

16 We respectfully request and
17 implore City Councilmembers, rather than
18 feel the need to do a drive-through
19 legislation, because of the approaching
20 summer session, to get the law right and
21 not make it burdensome and put the
22 legitimate business precious-metal buyers
23 out of business.

24 I respectfully request that our
25 group be given an opportunity to review

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2 the amendments and to be able to make
3 sure that they conform to state law,
4 which we're of the opinion that they do
5 not, because state law has a holding
6 period of five days. So any holding
7 period in contradiction of that is, under
8 the preemption doctrine, in violation.

9 I was told by a representative
10 of Councilman Kelly's office this morning
11 that there may be consumer-protection
12 statutes under the Philadelphia Home
13 Charter that allow to be able to add
14 supplemental regulations. I merely
15 respectfully request the time to be able
16 to research the law to make an informed
17 decision, to be able to see if that is --
18 is law and in line with the law.

19 We're willing to cooperate.
20 Again, we're not here -- and we thought
21 we were on a cooperative stance with your
22 office, and we implore you to give us
23 sufficient time and address -- allow us
24 to consider the exorbitant hold period,
25 which essentially is the most critical

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2 issue heard before you today within this
3 bill that will drive precious-metal
4 buyers out of business and/or out of the
5 City.

6 In appreciation of our great
7 city's need to retain businesses that are
8 its lifeblood and create regulation that
9 serves governmental interest while not
10 preempting the laws of our Commonwealth,
11 your consideration of our request is
12 being asked.

13 Unless there are any other
14 questions, which I would be happy to
15 answer and expand on any of the nuances,
16 which are some lesser important points,
17 but nevertheless, the list which I've
18 provided or the illustrative critical
19 issues are not exclusive; they are merely
20 the most important ones. There are
21 lesser important ones, which I will
22 reserve for questioning. But in the
23 interest of maintaining brevity with
24 respect for the Council's time, I thank
25 you for allowing us to be heard.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 Councilman Greenlee has one
5 point for clarification.

6 COUNCILMAN GREENLEE: Yeah,
7 just quickly on one issue that you
8 raised, sir.

9 You said about -- if I heard
10 you right, you said that a non-driver's
11 license would be acceptable, correct?

12 MR. KAPLAN: Yes, Councilman
13 Greenlee.

14 COUNCILMAN GREENLEE: Okay.
15 Well, the first identification here that
16 Councilman Kelly has is a valid
17 identification document issued by a state
18 or federal government containing a
19 photograph. Doesn't a non-driver's
20 license figure in that?

21 MR. KAPLAN: You are correct,
22 and you raise a good point. However,
23 just as legal training sometimes
24 over-trains or anticipates interpretation
25 of plain-meaning language, that just by

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2 context of having a separate paragraph,
3 or under item ii, the fact that it has
4 the requirement of a Pennsylvania or an
5 operator's license by any state
6 containing a photograph, if we read that
7 in context with the first state or
8 federal ID, one would have to ask, what
9 was the legislative intent? If they
10 meant to include a non-photo driver's
11 license, why would they have a separate
12 item that addresses federal or state ID?
13 Why wouldn't they just address it in line
14 2?

15 So it's just perhaps critical
16 reading but excellent point, Councilman.

17 COUNCILMAN GREENLEE: Okay,
18 thank you.

19 MR. KAPLAN: You're welcome.

20 COUNCILWOMAN SANCHEZ: That's
21 why you get 12 lawyers and 20 opinions.

22 Councilman Kelly.

23 (Laughter.)

24 COUNCILMAN KELLY: Thank you,
25 Madam Chair.

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2 Mr. Kaplan, thank you very much
3 for your testimony, and thank you again
4 for your cooperation. You have been
5 very, very cooperative in this whole
6 process.

7 But there are some questions
8 that, of course -- Councilman Greenlee
9 just addressed one of them that I was
10 going to bring to your attention.

11 But I would like to say that
12 the 14 days which you're objecting to, I
13 would like to get Lieutenant Healey's
14 version or comments about why it's
15 necessary for the Police Department to
16 respond to that.

17 But, let's face it, your
18 client, I'm sure, is very legitimate and
19 is a good businessman, and we certainly
20 don't want to put anyone out of business
21 in Philadelphia; God knows we need all
22 the business we can get in Philadelphia.

23 But there are many, many people
24 -- not many, but there are a few people
25 out there that are not legitimate, and

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2 they're not doing the things that they
3 should be doing, and they're skirting the
4 law, if not breaking the law. And this
5 is why this legislation is so important
6 to get on the books.

7 We can make changes to it
8 during time, and we'll be working with
9 you on that, but we have to address the
10 problems that are out there.

11 Councilwoman Brown addressed a
12 problem in her area that people have been
13 working -- I guess been doing a lot of
14 illegal activity in regard to selling of
15 all sorts of jewelry and precious metals,
16 and God knows what.

17 But we have to make a stand and
18 we have to send a message to them that
19 it's not going to be tolerated. We're
20 not going to be -- I think that we're not
21 going to be the city that's going to
22 allow this practice to continue. We just
23 -- we just can't.

24 So I would like to bring up
25 Lieutenant Healey, if I can, to address

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2 that 14 days that you seem to be really
3 objecting --

4 MR. KAPLAN: Thank you,
5 Councilman Kelly.

6 May I make a correction,
7 though, on the record that we're not
8 objecting to the 14 days; we merely raise
9 the issue that it is in contradiction
10 with the state law of five days; however,
11 my group was willing to concede to that
12 14 days, not object to it.

13 COUNCILMAN KELLY: Oh, all
14 right. Then that's not necessary, then.

15 Again, I want to commend you
16 for your cooperation in this matter.

17 MR. KAPLAN: Thank you.

18 COUNCILMAN KELLY: And I think
19 that we can work with you in the future,
20 we really can. We don't want to see
21 anyone out of business.

22 MR. KAPLAN: Thank you,
23 Councilman Kelly. And we can appreciate
24 the need to be able to weed out the bad
25 actors to be able make the industry as

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2 clean as possible, because, let's face
3 it, bad actors ruin it for the good
4 actors in any industry.

5 And we're onboard, we're
6 completely in a cooperative stance, as I
7 initially said.

8 But at the same time, I'm
9 certain that your office and that the
10 City of Philadelphia does not want to
11 implement things that would be over-
12 restrictive and put people out of
13 business. As you astutely mentioned,
14 it's important to preserve business in
15 the City of Philadelphia.

16 Can I make -- I'm sorry.

17 COUNCILWOMAN SANCHEZ: I wasn't
18 sure 'cause I know that your client is
19 here to testify. If he just wants us to
20 submit his testimony for the record or
21 have him read his testimony.

22 (Addressing Mr. Gelber.) Do
23 you want to just put it in the record?

24 MR. KAPLAN: (Addressing
25 Mr. Gelber.) Do you want to read it?

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2 (Mr. Gelber shakes head.)

3 COUNCILWOMAN SANCHEZ: Okay. I
4 just want to make a note, and we'll make
5 sure that we give it to the stenographer.

6 MR. KAPLAN: Okay. I would
7 just like to just expand on the most
8 critical point, and that is the hold
9 period of 60 days and even if the hold
10 period was hypothetically 30, which the
11 amendment now is 60 days.

12 The price of gold or precious
13 metal is a volatile industry; it changes
14 on market-based fluctuations and on a
15 day-to-day basis.

16 A 30-day holding requirement
17 essentially is... insisting on precious-
18 metal buyers being able to make
19 predictions that they are not able to
20 predict that even a most qualified
21 economist could.

22 If somebody comes into a store
23 and the price of gold is \$1,000 today,
24 they purchased the gold for 900, they
25 make their \$100-profit they're entitled

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2 to. In 30 days, that price of gold can
3 go from \$1,000 to \$800, in which case,
4 that would cause a tremendous loss based
5 on 150 to 200 transactions per week.

6 It's simply over-restrictive,
7 it's simply unreasonable, it's simply
8 more than what is necessary for law
9 enforcement to be able to do their job.

10 Fourteen days is absolutely --
11 I'm advocating a very reasonable
12 requirement. You have this requirement
13 for an inventory system, and at the end
14 of each day, that inventory's going to be
15 uploaded. That's two full weeks to be
16 able to take that -- conduct their
17 investigation or provide written notice
18 to the precious-metal buyers. But 30
19 days would put this group out of
20 business.

21 Thank you.

22 COUNCILMAN KELLY: Can I
23 address this?

24 COUNCILWOMAN SANCHEZ: Yes.
25 You may proceed, Councilman Kelly.

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2 COUNCILMAN KELLY: Thank you,
3 Madam Chair.

4 Mr. Kaplan, one of the reasons
5 why we purposely put it at 60 days is
6 because in this day and age, a lot of
7 people, of course, are away -- they could
8 be away for two weeks or three weeks
9 before they come home and find out that
10 their home was burglarized, there's a lot
11 of property that's missing.

12 And if you're saying the 14
13 days, the Police Department would be
14 handcuffed; they wouldn't be able to do
15 anything because the material would be
16 wiped out, be gone. This way, I think it
17 gives them an opportunity and it gives
18 them the time that they're going to need.

19 Now, we can tweak that later,
20 but right now, I think that's a
21 legitimate, I think, complaint that
22 the -- or a legitimate tool that the
23 Police Department can use.

24 They need that time to track
25 down some of this material which has been

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2 stolen, and that's the reason why we
3 have -- right now, we've reduced it from
4 90 to 60, and I think that's a reasonable
5 amount of time.

6 Thank you.

7 MR. KAPLAN: Thank you,
8 Councilman Kelly.

9 With all due respect, just a
10 brief response.

11 For the -- I guess what's
12 important here is being able to ask, At
13 what cost will that come? And although I
14 agree with you, it certainly would give
15 the Police Department 30 days to be able
16 to conduct their investigation, but at
17 the cost it's going to come would be for
18 tens of thousands of dollars' worth of
19 purchases be frozen for a month.

20 In essence, it's like owning a
21 grocery store and having to be forced to
22 take the cash from the proceeds of the
23 grocery store and completely hold them
24 for 30 days. It's not uncommon for a
25 business to do 15 to \$20,000 a week in

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2 their industry, so we're talking about 60
3 to \$80,000 a month.

4 So, basically, what this group
5 would have to do is either have the
6 resources to be able to fulfill that and
7 back 60 to \$80,000, which, in a bad
8 economy, is not going to be the case; or
9 go out and secure a loan to be able to
10 pay their creditors and rent and license
11 fees and be able to sustain, and they
12 simply cannot afford to do that. And
13 that's the cost of the 30 day.

14 With all due respect to the
15 Police Department, an extending of the
16 time would come at a tremendous cost and
17 an impossible and untenable way of
18 forcing a policy to do business that
19 would drive them out of business.

20 COUNCILWOMAN SANCHEZ: Okay.
21 Since we have no further -- do you have
22 --

23 COUNCILMAN KELLY: I would just
24 like to invite Lieutenant Healey up here
25 to give us the reason -- and Sergeant

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2 Cella to come up and give us their
3 reasoning for having the 60-day time
4 period involved in this.

5 MR. KAPLAN: Sure, Councilman.

6 COUNCILWOMAN SANCHEZ: I thank
7 the witnesses.

8 If Lieutenant Healey could come
9 forward.

10 COUNCILMAN KELLY: And Sergeant
11 Cella.

12 MR. KAPLAN: Is it possible to
13 reserve the right to briefly rebuttal
14 after Sergeant Healey?

15 COUNCILWOMAN SANCHEZ: We have
16 a hearing at 11:30.

17 MR. KAPLAN: Oh, okay.

18 COUNCILWOMAN SANCHEZ: I wanted
19 to just note for the record --

20 COUNCILMAN KELLY: This will be
21 very brief.

22 COUNCILWOMAN SANCHEZ: Yeah. I
23 wanted to note for the record you said we
24 were speeding through this. And,
25 unfortunately, those of in us Council

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2 would disagree; we don't speed through
3 anything.

4 MR. KAPLAN: I'm sorry. I just
5 meant the passing -- taking it from
6 committee. I didn't mean today's forum;
7 I meant taking it out of committee.

8 COUNCILWOMAN SANCHEZ: But I am
9 sure that the bill's sponsor will be
10 willing to continue to work with you if
11 further amendments need to be made later
12 on, but we do intend to move this one out
13 of committee today. You know, there's
14 two different weeks of voting, so I'm
15 sure Councilman Kelly will continue to
16 work with you.

17 With that, Lieutenant?

18 LT. HEALEY: Yes. Once again,
19 Francis Healey, from the Police
20 Department.

21 In reference the 60-day --
22 originally the 90-day, now the 60-day
23 requirement, from a law enforcement
24 perspective, unlike violent crimes that
25 are reported actually contemporaneous

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2 with most incidents, and there are a
3 couple of different exceptions, with
4 property crimes, there's a delay in the
5 reporting or property crimes from when
6 people do become aware.

7 Even once they become aware,
8 oftentimes, victims are traumatized and
9 don't realize what's been missing. So
10 they'll make an initial police report
11 and, at a later point in time, amend that
12 report saying, you know, my jewelry box
13 from the garage is missing as well, or my
14 guns missing from the gun cabinet.

15 For those very reasons, in
16 addition to the reasons that the
17 Councilman mentioned -- the delay from
18 people, you know, vacationing and stuff
19 like that -- it's just that a lot of
20 times, the property doesn't come into our
21 police reports until days, weeks,
22 sometimes even months after the fact,
23 where a victim will come back and say,
24 Listen, I had something in storage, I had
25 something in the back bedroom I didn't

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2 realize missing; I need to amend the
3 police report. And we'll do so.

4 That was the initial reason why
5 we asked for the time period.

6 Now, granted, hopefully we will
7 be able to track things in a quicker,
8 more effective manner in tandem with the
9 new computer stuff that's associated with
10 this.

11 So, you know, we'd be willing
12 to work with you to see what is the bare
13 minimum that the Police Department could
14 work with. I mean, the last thing we
15 want to do is inhibit business. We too
16 want businesses to flourish in the City.

17 So I would be willing to work
18 with the Councilman and the industry to
19 see what is a reasonable number of days
20 that we can all work with. So 60 days
21 may be a little too much; I've been
22 talking with the experts.

23 The bottom line is, we need a
24 little more than two weeks but what point
25 do we need to come up with, and I think

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2 we could work something out.

3 COUNCILWOMAN SANCHEZ: Thank
4 you.

5 Councilman Kelly, anything else
6 to add?

7 COUNCILMAN KELLY: Nothing to
8 add.

9 Thank you, Lieutenant. Thank
10 you, Sergeant.

11 COUNCILWOMAN SANCHEZ: Thanks
12 to all of you for your hard work on this
13 matter?

14 Anybody else here to testify on
15 that bill, on Bill 090910?

16 (No response.)

17 COUNCILWOMAN SANCHEZ: Seeing
18 none, will the clerk read the title of
19 Bill No. 100282.

20 THE CLERK: Bill No. 100282, an
21 ordinance amending Section PM-304.10 of
22 the Philadelphia Property Maintenance
23 Code (Subcode "PM" of Title 4 of the
24 Philadelphia Code), entitled "Periodic
25 Inspection of Exterior Walls and

1 6/9/10 - L&I - BILL 100282

2 Appurtenances of Buildings," by providing
3 for appeals, under certain terms and
4 conditions.

5 COUNCILWOMAN SANCHEZ: Thank
6 you.

7 (Witness comes forward.)

8 COUNCILWOMAN SANCHEZ: Otis, if
9 you want to proceed with your testimony.

10 MR. HAIGLER: Good morning.

11 COUNCILWOMAN SANCHEZ: Good
12 afternoon -- no, morning.

13 MR. HAIGLER: No, it's still
14 morning.

15 COUNCILWOMAN SANCHEZ: Doesn't
16 feel like it.

17 MR. HAIGLER: Good morning,
18 Chairwoman Sanchez and members of the
19 committee. I am Otis Haigler, Jr.,
20 Director of Legislative Affairs for the
21 Department of Licenses and Inspections.

22 Today, I'm here to provide
23 testimony on Bill No. 100282, which, if
24 enacted, will further clarify that
25 appeals of façades can be made to the

1 6/9/10 - L&I - BILL 100282

2 Board of Licenses and Inspections Review
3 after a decision rendered on the appeal
4 that was made to the Board of Building
5 Standards.

6 Simply put, the first appeal
7 regarding this matter will be made to the
8 Board of Building Standards and Appeals.
9 The Board of Building Standards' decision
10 will be made -- or can be appealed to the
11 Board of Licenses and Inspections Review.

12 The purpose of this bill is to
13 further clarify and highlight the
14 sequence for making such appeals, and the
15 department, therefore, offers no
16 objection to the enactment of this bill.

17 Thank you for the opportunity
18 to provide testimony, and I will be happy
19 to answer any questions.

20 COUNCILWOMAN SANCHEZ: Thank
21 you.

22 Anyone here to testify on this
23 bill?

24 (No response.)

25 COUNCILWOMAN SANCHEZ: Seeing

1 6/9/10 - L&I - BILL 100380

2 none, will the clerk read the title --

3 thank you, Mr. Haigler. I believe you're
4 going to stay there for the next couple.

5 MR. HAIGLER: Yes, I am.

6 COUNCILWOMAN SANCHEZ: The
7 clerk will read the title of the bill for
8 100308.

9 THE CLERK: Bill No. 100308, an
10 ordinance amending Subcode "F" of Title 4
11 of The Philadelphia Code, entitled "The
12 Philadelphia Fire Code," by adopting the
13 2009 edition of the International Code
14 Council Fire Code, with certain
15 amendments thereto, all under certain
16 terms and conditions.

17 COUNCILWOMAN SANCHEZ: Thank
18 you.

19 You can proceed, Mr. Haigler.

20 MR. HAIGLER: Good morning,
21 Chairwoman Sanchez and members of the
22 committee. I am Otis Haigler, Jr.,
23 Director of Legislative Affairs for the
24 Department of Licenses and Inspections.

25 Today I'm here to provide

1 6/9/10 - L&I - BILL 100380

2 testimony on Bill No. 100308, which, if
3 enacted, will amend Title 4 of the
4 Philadelphia Code for the purpose of
5 adopting the 2009 edition of the
6 International Code Council Fire Code as
7 part of the Philadelphia Fire Code.

8 Pursuant to Act 45 of 1999,
9 also known as "The Pennsylvania Uniformed
10 Construction Code Act," all
11 municipalities that have opted to enforce
12 the Pennsylvania Uniform Construction
13 Code locally must enact legislation
14 adopting the Pennsylvania Uniform
15 Construction Code and Model Codes adopted
16 thereto, following the publication of the
17 latest edition of the codes.

18 A thorough and comprehensive
19 review was conducted in order to ensure
20 that all previous local amendments that
21 were adopted by the City were carried
22 forward with the adoption of the 2009
23 edition of the Fire Code.

24 Thank you for the opportunity
25 to provide the department's testimony,

1 6/9/10 - L&I - BILL 100380

2 and I'll be happy to answer any
3 questions.

4 COUNCILWOMAN SANCHEZ: Thank
5 you.

6 We can proceed with the
7 testimony from the Fire Department.

8 Mr. Richard Bailey, proceed,
9 please.

10 DEPT. CHIEF BAILEY: Thank you.

11 Good morning, Chairwoman Sanchez and the
12 members of the Department of Licenses and
13 Inspections Committee. I am Richard
14 Bailey, Deputy Chief, Fire Department.
15 I'm in charge of the department's Fire
16 Code Unit, which is responsible for
17 maintaining the City's Fire Code.

18 I am here today to seek your
19 support of an ordinance to adopt the 2009
20 International Fire Code, with amendments
21 that are needed to address fire hazards
22 in our city. The new code will be known
23 as "The 2010 Philadelphia Fire Code," and
24 will continue the City's use of our
25 latest national fire code to safeguard

1 6/9/10 - L&I - BILL 100380

2 residents and businesses from the hazards
3 are fire.

4 Most of the changes in the 2009
5 international code from the 2006 edition
6 are minor. There is one section that was
7 added to the new code that will have a
8 financial impact on existing buildings.
9 This section has also been added to the
10 new building code which regulates new
11 construction.

12 This section requires owners of
13 high-rise buildings, but excluding
14 high-rise apartment buildings, to install
15 luminescent tape or paint in exit
16 stairways on the edge of the treads on
17 the top of the rails, around the
18 perimeter of landings on protruding
19 obstructions, and on exit discharge
20 doors. The markings are intended to
21 guide occupants exiting a building in an
22 emergency where the primary and emergency
23 electrical power to the egress lighting
24 has failed and the building is in
25 darkness.

1 6/9/10 - L&I - BILL 100380

2 This addition to the Building
3 and Fire Codes was prompted by the car
4 bombing in the parking lot of the north
5 tower of the World Trade Center in New
6 York City in 1993.

7 Regarding the luminous exit
8 marking requirement in the new Fire Code,
9 the department -- meaning the Fire
10 Department -- is planning to exempt
11 existing buildings that have the
12 following: a sprinkler system installed
13 throughout the building and the
14 building's exit stairway lighting is
15 connected to an emergency generator or
16 other secondary power source.

17 The department is planning to
18 permit this exemptions because they
19 believe that a building sprinkler system
20 would contain a fire to a small area, and
21 the sprinkler system confining the fire
22 in a building having a emergency
23 generator, the probability of the loss of
24 primary and emergency power and the
25 building is unlikely.

1 6/9/10 - L&I - BILL 100251

2 Thank you. This concludes my
3 testimony.

4 COUNCILWOMAN SANCHEZ: Think.

5 Anyone here to testify in
6 addition to the Bill 100308?

7 (No response.)

8 COUNCILWOMAN SANCHEZ: Seeing
9 none, will the clerk please read the
10 title of Bill 100251.

11 THE CLERK: Bill No. 100251, an
12 ordinance amending Title 4 of the
13 Philadelphia Code, entitled "The
14 Philadelphia Building Construction and
15 Occupancy Code," by amending Subcode "PM"
16 (The Philadelphia Property Maintenance
17 Code), by amending Section PM-704.0,
18 entitled "Building Standards Applicable
19 to Designated Areas," by adding portions
20 of the 1st Councilmatic District to the
21 list of areas covered, all under certain
22 terms and conditions.

23 COUNCILWOMAN SANCHEZ: Thank
24 you.

25 In addition to the

1 6/9/10 - L&I - BILL 100251

2 Administration, I believe Stacy Irving
3 will be testifying for the Center City
4 District. She can also begin to approach
5 the witness table.

6 You can proceed, Mr. Haigler.

7 MR. HAIGLER: Good morning,
8 Chairwoman Sanchez and members of the
9 committee. I am Otis Haigler, Jr.,
10 Director of Legislative Affairs for the
11 Department of Licenses and Inspections.

12 Today, I'm here to provide
13 testimony on Bill 100251, which, if
14 enacted, will expand the requirements of
15 the Property Maintenance Code, Section
16 PM-704.3.1 related to security devices on
17 commercial business establishments to all
18 establishments within the 1st
19 Councilmatic District.

20 The department offers no
21 objection to the enactment of this bill.
22 Currently, the provisions of this section
23 only apply to certain designated areas of
24 the East Passyunk Avenue Business
25 Improvement District located within the

1 6/9/10 - L&I - BILL 100251

2 1st Councilmatic District. The proposed
3 bill will expand the requirements
4 governing the design and maintenance of
5 security gates that are located on
6 commercial business establishments to all
7 business establishments in the 1st
8 Council District.

9 Certain requirements of this
10 section include prohibitions on solid
11 security gates that prevent visibility
12 into the establishment when the gate is
13 lowered and requirements to maintain the
14 gate free of graffiti at all times.

15 Thank you for the opportunity
16 to provide the department's testimony.
17 And I will be happy to answer any
18 questions.

19 COUNCILWOMAN SANCHEZ: Thank
20 you.

21 No questions at this time. If
22 you could just remain in case there's any
23 questions. Will Miss Stacy Irving please
24 approach the witness table.

25 (Witness comes forward.)

1 6/9/10 - L&I - BILL 100251

2 MS. IRVING: Good morning.

3 COUNCILWOMAN SANCHEZ: You can
4 proceed with your testimony.

5 MS. IRVING: Thank you.

6 Good morning. My name is Stacy
7 Irving, and I am the senior director for
8 crime prevention services at the Center
9 City District.

10 In 1994, the Center City
11 District worked in partnership with the
12 Department of Licenses and Inspections
13 and with City Council on the passage of
14 legislation requiring security grills or
15 gates to have 75 percent or more
16 visibility when installed in Center City.

17 This program has proven to be
18 very successful in Center City and has
19 helped to create a more open and
20 attractive environment.

21 As you can see from our
22 publication Storefront Security Grills,
23 published in 1994, we offered suggestions
24 to merchants on how to secure their
25 storefronts and contribute to a greater

1 6/9/10 - L&I - BILL 100251

2 sense of safety on the street.

3 In the late '80s and early
4 '90s, merchants throughout the City
5 installed solid-metal security gates,
6 which closed off the entire shop window
7 from view. What we learned at the time
8 was that many of them had installed solid
9 gates only after hearing about a crime in
10 the area and after they were approached
11 by representatives of security gate
12 installation companies who were eager to
13 capitalize on an opportunity to make a
14 quick sale. These security gate
15 salespeople were in a one-size-fits-all
16 business and rarely advised shopkeepers
17 on alternatives.

18 But while these gates may have
19 given the owners a greater sense of
20 security, they had other negative effects
21 on the businesses in the entire
22 commercial corridor, block, or
23 neighborhood in the following ways:

24 Solids gates do not allow
25 police or fire personnel to look into a

1 6/9/10 - L&I - BILL 100251

2 shop to determine if anyone has entered
3 such as a burglar or if there is a fire
4 burning inside.

5 They allow a thief who may have
6 entered through the rear of vacant
7 neighboring storefront or rooftop perfect
8 cover while stealing inventory from the
9 business.

10 Solid gates prevent potential
11 customers from window-shopping after
12 hours.

13 They also discourage other
14 businesses from locating in the area for
15 fear that the neighborhood is unsafe.

16 They prevent interior lighting
17 from illuminating the sidewalk, give the
18 shop and the entire street a dark and
19 foreboding feeling, and may actually
20 deter customers from walking on the
21 street.

22 Solid gates also create an
23 opportunity for unsightly graffiti that
24 diminishes the attractiveness of the
25 block and the community.

6/9/10 - L&I - BILL 100251

It was our conclusion that solid gates were actually counterproductive and that they created an unsafe, isolating, and desolate perception that only served as a template for graffiti. In addition, if a business is burglarized and the police responded, they would be unable to see a perpetrator inside.

Many merchants were apprehensive about changing from solid gates to a more open grill, fearing an increase in burglaries or broken storefront windows, but these fears were unwarranted. There wasn't an increase in burglaries or broken windows as a result of merchants switching or installing more open security gates. In fact, in 1994, there were 270 burglaries reported in Center City; in 1995, the following year, burglaries declined to 220; and in 2009, to 117.

The increased visibility gave shopkeepers the opportunity to highlight

1 6/9/10 - L&I - BILL 100251

2 their storefront window, promote their
3 products and services, provide additional
4 lighting onto the sidewalks, which, in
5 turn, helped to animate the block. As a
6 result of the more open security gate,
7 requirement, merchants and the business
8 associations were very happy with the
9 overall change in the public environment.

10 Lastly, if businesses are able
11 to avail themselves of any incentive
12 programs to help them offset the costs
13 for installing new security gates in
14 order to be in compliance, they will be
15 more inclined to make the improvements.
16 These funds are critical to small
17 businesses to help them offset costs for
18 security improvements, especially in a
19 challenging economy.

20 In conclusion, we have found
21 that requiring the more open security
22 gate has a positive overall impact on the
23 commercial corridor and creates an
24 attractive and safe business district.

25 Thank you for the opportunity

1 6/9/10 - L&I - BILL 100251

2 to testify on behalf of this bill.

3 COUNCILWOMAN SANCHEZ: Thank
4 you. And thank you for all the work that
5 you do at the Center City District.

6 Is there anyone else here to
7 testify on this bill?

8 (No response.)

9 COUNCILWOMAN SANCHEZ: Seeing
10 none, we are going to recess for 30
11 seconds and go into our public meeting.

12 (Short recess.)

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1 6/9/10 - L&I - PUBLIC MEETING

2 COUNCILWOMAN SANCHEZ: The
3 Committee on Licenses and Inspections
4 will now go into its public meeting.

5 For the record, Bill No. 100313
6 is being held by the sponsor, so I will
7 proceed with asking Councilwoman Blondell
8 Reynolds-Brown for a motion on the
9 amendment to Bill No. 100162.

10 COUNCILWOMAN BROWN: Madam
11 Chair, I move that Bill No. 100162 be
12 amended.

13 (Motion duly seconded.)

14 COUNCILWOMAN SANCHEZ: All in
15 favor.

16 Any opposition?

17 (No opposition.)

18 And a motion to move the bill,
19 please.

20 COUNCILWOMAN BROWN: Madam
21 Chair, I move that Bill No. 100162, as
22 amended, be reported out of committee
23 with a favorable recommendation and
24 further move that the rules of Council be
25 suspended so as to permit first reading.

1 6/9/10 - L&I - PUBLIC MEETING

2 (Motion duly seconded.)

3 COUNCILWOMAN SANCHEZ: All in
4 favor?

5 (None opposed.)

6 Bill 100162, as amended, will
7 be moved out of committee favorably, and
8 the rules of Council will be suspended to
9 allow for first reading at our next
10 public session.

11 The Chair recognizes Councilman
12 Kelly for a motion on the amendment to
13 Bill 090910.

14 COUNCILMAN KELLY: Thank you,
15 Madam Chair.

16 I move that the amendments to
17 Bill No. 090910 be adopted.

18 (Motion duly seconded.)

19 COUNCILMAN GREEN: I'd like to
20 make a clarification there.

21 I'm looking at a handwritten
22 amendment to the holding period, which
23 would change it from 60 days in the
24 current amendment to 30 days.

25 COUNCILMAN KELLY: Yes.

1 6/9/10 - L&I - PUBLIC MEETING

2 COUNCILMAN GREEN: And so, it's
3 that -- that's the only change from the
4 amendments before everybody.

5 Thank you, Councilman.

6 COUNCILMAN KELLY: Yes. Thank
7 you, Councilman. That is the only change
8 from the previous changes that we made to
9 this bill.

10 COUNCILWOMAN SANCHEZ: Can I
11 get a second?

12 (Motion duly seconded.)

13 All in favor?

14 (None opposed.)

15 Councilman Kelly, a motion to
16 move the bill.

17 COUNCILMAN KELLY: Madam Chair,
18 I move that Bill 090910, as amended, be
19 approved by this council. And also, I
20 request a suspension of the rules in
21 order that this bill may be heard at the
22 next session of City Council.

23 (Motion duly seconded.)

24 COUNCILWOMAN SANCHEZ: All in
25 favor?

1 6/9/10 - L&I - PUBLIC MEETING

2 Any opposition?

3 (No opposition.)

4 Bill 090910, as amended, will
5 be moved out of this committee with a
6 favorable recommendation, and the rules
7 of Council will be suspended to allow for
8 first reading at our next public session.

9 Councilman Green, can I have a
10 motion for Bill No. 100251?

11 COUNCILMAN GREEN: I move that
12 Bill 100251 be reported from this
13 committee with a suspension of the rules
14 to allow for first reading at our next
15 session of second.

16 COUNCILWOMAN SANCHEZ: Can I
17 get a second?

18 (Motion duly seconded.)

19 Any opposition?

20 (No opposition.)

21 Bill No. 100251 will be moved
22 out of the committee with a favorable
23 recommendation and the rules of Council
24 will be suspended to allow for first
25 reading at our next public session.

1 6/9/10 - L&I - PUBLIC MEETING

2 Councilman Greenlee, could I
3 get a motion on the amendment to Bill
4 100267?

5 COUNCILMAN GREENLEE: Thank
6 you, Madam Chair. I move the adoption of
7 the amendment to Bill No. 100267.

8 (Motion duly seconded.)

9 COUNCILWOMAN SANCHEZ: All in
10 favor?

11 Any opposition?

12 (No opposition.)

13 Councilman Greenlee, can I get
14 a motion on the bill?

15 COUNCILMAN GREENLEE: Thank
16 you, Madam Chair.

17 I move that Bill 100261, as
18 amended, be reported out of this
19 committee with a favorable recommendation
20 and that the rules of Council be
21 suspended to allow for first reading at
22 our next session of Council.

23 (Motion duly seconded.)

24 COUNCILWOMAN SANCHEZ: All in
25 favor?

1 6/9/10 - L&I - PUBLIC MEETING

2 Any opposition?

3 (No opposition.)

4 Bill No. 100267, as amended,
5 will be moved out of this committee with
6 a favorable recommendation, and the
7 Council rules will be suspended so as to
8 allow first reading at our next public
9 session.

10 Councilwoman Reynolds-Brown,
11 can I get a motion on Bill No. 100282.

12 COUNCILWOMAN BROWN: Yes, Madam
13 Chair. I move that Bill No. 100282 be
14 reported out of committee with a
15 favorable recommendation and further move
16 that the rules of Council be suspended so
17 as to permit first reading.

18 (Motion duly seconded.)

19 COUNCILWOMAN SANCHEZ: All in
20 favor?

21 Any opposition?

22 (No opposition.)

23 Seeing none, Bill 100282 will
24 be out of this committee with a favorable
25 recommendation and the rules of Council

1 6/9/10 - L&I - PUBLIC MEETING

2 will be suspended to allow for first
3 reading at our next public session.

4 Councilman Green, can I get a
5 motion on Bill No. 100308.

6 COUNCILMAN GREEN: I move that
7 100308 be reported from this committee
8 with a favorable recommendation and that
9 the rules of Council be suspended to
10 permit first reading at our next session
11 of Council.

12 (Motion duly seconded.)

13 COUNCILWOMAN SANCHEZ: All in
14 favor?

15 Any opposition?

16 (No opposition.)

17 Seeing none, Bill 100308 will
18 be moved out of this committee with a
19 favorable recommendation, and the rules
20 of Council will be suspended so as to
21 allow for first reading at our next
22 public session

23 This concludes the Committee on
24 Licenses and Inspections. Thank you,
25 everyone, for your patience and your

1 6/9/10 - L&I - PUBLIC MEETING

2 time.

3 COUNCILWOMAN BROWN: You're

4 welcome.

5 (Proceedings end at 11:48 a.m.)

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I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Licenses and Inspections
are contained fully and accurately in the
stenographic notes taken by me on Wednesday,
June 9, 2010, and that this is a true and
correct statement of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(The foregoing certification of
this transcript does not apply to any
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