

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, November 16, 2010
10:20 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY
COUNCILMAN DARRELL CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN FRANK RIZZO, JR.

BILLS 100555, 100556, 100656, 100673, 100536
and 100710

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1
2 COUNCILMAN KENNEY: Good
3 morning, ladies and gentlemen. The
4 Council Committee on Rules is now in
5 session. We have a quorum with
6 Councilmen DiCicco, Goode, Greenlee and
7 Clarke in attendance and Councilman
8 Kenney chairing for Council President
9 Verna.

10 We have a number of bills today
11 to hear. Our first bill is Bill No.
12 100555, which is an ordinance to amend
13 the Philadelphia Zoning Maps by changing
14 the zoning designations of certain areas
15 of land located within an area bounded by
16 Broad Street, Cecil B. Moore Avenue, Park
17 Avenue, and Oxford Street.

18 (Witness approached witness
19 table.)

20 COUNCILMAN KENNEY: Please
21 identify yourself for the record.

22 MR. KRAMER: Good morning,
23 Councilman Kenney, members of the Rules
24 Committee. I am William Kramer, Division
25 Director of the Development Division of

1 11/16/10 - RULES - BILL 100555, ETC.

2 the Philadelphia City Planning
3 Commission. I am here today to testify
4 on Bill No. 100555, which was introduced
5 into City Council September 16th, 2010.

6 Bill No. 100555 will rezone the
7 block bounded by Broad Street, Cecil B.
8 Moore Avenue, Park Avenue, and Oxford
9 Street from its base zoning of "C-4"
10 Commercial to a new classification of
11 "IDD" Institutional Development District.
12 Additionally, Bill No. 100555 will amend
13 the Master Plan for Temple University in
14 order to permit the construction of the
15 new South Gateway Student Residences on
16 that site.

17 The Temple University Gateway
18 Residence Complex is a high-rise student
19 resident community comprised of
20 approximately 1,576 student beds
21 organized in various suite
22 configurations. The residential areas
23 include lobbies, lounges, teaching and
24 administrative support spaces. The
25 complex includes a dining pavilion/food

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2 court with approximately 950 seats and
3 food preparation facilities; a parking
4 garage/service area at grade with six
5 loading dock positions and approximately
6 70 parking spaces; a raised open-air
7 exterior courtyard in the center of the
8 site and several residential apartments
9 at the street level along Oxford Street.

10 The facility is anticipated to
11 be LEED-certified construction and is
12 designed to fully accommodate
13 accessibility needs of the Temple
14 community.

15 The Philadelphia City Planning
16 Commission at its meeting of September
17 21st, 2010 approved the rezoning of this
18 block to the "IDD" zoning designation as
19 well as the required amendment to the
20 Institutional Development District Master
21 Plan for Temple University by
22 recommending that Bill No. 100555 be
23 approved.

24 At the request of the Law
25 Department, we would respectfully request

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2 that Bill No. 100555 be amended to allow
3 a large hard copy of the proposed new
4 Master Plan to be listed as an exhibit to
5 the bill and kept on file with the City
6 Clerk's Office as part of the public
7 record.

8 This concludes my testimony.
9 I'd be happy to answer any questions you
10 may have.

11 COUNCILMAN KENNEY: Thank you
12 for your testimony.

13 Any questions for this witness?

14 (No response.)

15 COUNCILMAN KENNEY: Anyone else
16 to testify on this bill?

17 (No response.)

18 COUNCILMAN KENNEY: Seeing
19 none, we'll move to Bill No. 100556, an
20 ordinance to amend the Institutional --
21 yes, Councilman Clarke.

22 COUNCILMAN CLARKE: I think...

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN KENNEY: Anyone else

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2 to testify on this bill?

3 MR. WAGNER: Good morning,
4 Councilman Kenney, members of the
5 Council.

6 COUNCILMAN KENNEY: Please
7 identify yourself.

8 MR. WAGNER: My name is Anthony
9 Wagner and I serve as Executive
10 Vice-President, CFO and Treasurer of
11 Temple University. I am before you today
12 to provide testimony on legislation Bills
13 100555 and 100556, respectively, that
14 would amend Temple University's
15 Industrial Development District to
16 include a new architecture building and a
17 residence hall complex.

18 Temple University has embarked
19 on several major projects as the first
20 steps towards its goal of transforming
21 the main campus into a state-of-the-art
22 21st century learning and living
23 environment. The work arises from
24 priorities outlined in the recently
25 articulated framework for campus

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2 development, Temple 20/20: Destination
3 Temple. As can be seen on Broad Street,
4 we have begun the framework with a \$48
5 million renovation and expansion of
6 McGonigle and Pearson Halls. The work to
7 upgrade these 1960 era buildings will add
8 additional athletic courts, exercise
9 space, classrooms, faculty and coaching,
10 staff offices, upgraded studio for the
11 Department of Dance, new men's and
12 women's basketball practice courts and a
13 new front atrium providing retail
14 opportunities in transparency to Broad
15 Street. Our next steps are to construct
16 a new state-of-the-art architecture
17 building and a new residence hall
18 complex, which is why I am before you
19 today.

20 Temple University Architecture
21 building will consist primarily of open
22 studio spaces for the academic
23 requirements of the Architecture
24 Department, as well as classrooms,
25 offices, shops and related support

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2 functions. The main entrance to the
3 facility will be on 13th Street. It is
4 our hope that the new Architecture
5 building will be designated to meet LEED
6 certification. The project will be
7 located directly adjacent to and attached
8 to the existing Presser Hall School of
9 Music and the Tyler School of Art, which
10 is bounded to the south by Norris Street,
11 west by 13th Street and north by Diamond
12 Street and east by 12th Street.

13 Temple's Board of Trustees this
14 past March authorized the University to
15 secure \$175 million in bonds to finance
16 construction of a new residence hall
17 complex with student dining and retail
18 space and a parking facility. The new
19 residence complex will be built at the
20 corner of North Broad Street and Cecil B.
21 Moore Avenue at the south end of main
22 campus where the University Services
23 building stood recently.

24 The requests for student
25 housing have significantly increased in

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recent years and this project will go a long way towards addressing that demand. Room and board and retail rental income will ensure the complex pays for itself over time.

The award-winning architectural firm of MGA Partners of Philadelphia has been selected to design the new residence hall complex which, along with the privately redeveloped Progress Plaza and Avenue North retail and entertainment complex, will give the main campus a dramatic new southern gateway.

The building will be unlike any current Temple residence hall complex and will add more than 1,500 beds, along with campus dining, food preparation facilities, street-level retail space. Additionally, the complex will include parking garage services area with a loading dock positions -- with six loading dock positions and 70-plus parking spaces, a raised open-air exterior courtyard in the center of the

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site and several residential apartments
at street level along Oxford Street.

The tower component will have
lower-level back-of-the-house areas, a
street-level restaurant, plaza-level
lobby, 24 residential floors, a rooftop
meeting area and a mechanical penthouse.
In addition, a street-level restaurant is
planned with access from CB Moore Avenue.

The L-shaped mid-rise facility
will consist of lower-level
back-of-the-house areas, a plaza-level
lobby, eight residential floors and
rooftop mechanical spaces. The dining
pavilion/food court is a three-story
building plus a mechanical penthouse.
The street level will have a "Taste of
Philly" theme operating in a market-style
configuration with access from Broad
Street. The second level will be a more
standard food court and can be accessed
from the central terrace or stairs from
the market. The third level will be a
special functions area. The central

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2 terrace is one level above street and is
3 accessed from a ramp at the northeast
4 corner of the site and a grand stair at
5 the southwest corner.

6 Temple University desires to
7 exert a positive economic impact on North
8 Philadelphia through job creation. The
9 University is recognized for its
10 leadership in contracting with minority,
11 women and disabled business enterprises
12 and its longstanding emphasis on hiring
13 local workforce. It is our desire to
14 promote and facilitate employment of
15 residents residing in the University
16 area, and the University expects the
17 South Gateway project to create
18 approximately 110 new positions at the
19 University and its associated service
20 providers. It is expected that
21 approximately ten of the new positions
22 will be housekeeping positions and
23 approximately 100 will be food service
24 positions. These jobs will be available
25 to qualified applicants, with an emphasis

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2 on recruiting from the University area.

3 Further, we have an expectation
4 to achieve a substantial and meaningful
5 level of participation by minority
6 businesses, women businesses and disabled
7 business enterprises as subcontractors
8 for the Gateway South. The University
9 also desires meaningful and appropriate
10 participation by minority, women and
11 disabled workers. Subject to an analysis
12 of the project requirements as well as
13 qualified contractors and workers
14 available, the University, working with
15 the Greater Philadelphia Urban Affairs
16 Coalition, expects to establish
17 participation goals of 25 percent or more
18 for minority business enterprises, women
19 business enterprises and disabled worker
20 business enterprises subcontractors and
21 the like. We also desire to encourage
22 the growth and development of local and
23 minority-owned businesses.

24 The Gateway South Complex will
25 include retail space facing Broad Street.

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2 The University will, through its Small
3 Business Development Center and other
4 entrepreneurial-ship programs, pursue
5 local and minority-owned businesses as
6 tenants and provide advice and guidance
7 to those businesses.

8 The Temple 20/20 plan:

9 Destination Temple framework will ensure
10 that the University has the facilities
11 that support its education and research
12 goals, and it is securely anchored in
13 those goals the faculty outlined so well
14 in the academic compass. The framework
15 is a 10- to 20-year vision that gives the
16 Board of Trustees a flexible
17 decision-making tool to ensure rational
18 short- and long-range campus development.
19 Temple's trustees endorsed the framework
20 last spring and will consider each
21 project as they come up for review.

22 Funding for the current
23 projects and additional facilities
24 envisioned by the Temple 20/20 framework
25 will come from three sources:

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2 Philanthropy, borrowing and the
3 Commonwealth.

4 Thank you for this opportunity
5 to speak and we're happy to answer any
6 questions you may have.

7 COUNCILMAN KENNEY: Councilman
8 Clarke.

9 COUNCILMAN CLARKE: Thank you,
10 Mr. Chairman.

11 Good morning.

12 MR. WAGNER: Good morning.

13 COUNCILMAN CLARKE: Thank you
14 for your testimony. Pretty detailed.

15 Just real quick, as you all
16 know, anything we do at Temple,
17 particularly something of this size, of
18 this significance, tends to bring some
19 level of controversy. Do you have the
20 support of the local community on this
21 one? I know the answer, but I have to
22 ask it on the record.

23 MR. LAWRENCE: I'm Ken
24 Lawrence, Senior Vice-President for
25 Government, Community and Public Affairs.

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2 Thank you for the opportunity to testify.

3 We've worked very closely with
4 the community on this project. We have
5 letters of support from the Yorktown
6 Residents Organization and Jefferson
7 Manor, which are the two major
8 neighborhood groups in the area there,
9 and also several letters from area
10 non-profits and businesses as well in
11 support of the project.

12 COUNCILMAN CLARKE: My
13 understanding is that the most
14 significant basis for the support is the
15 hope that it will create an environment
16 where the students will now be back on
17 campus as opposed to in the community,
18 which has been a significant challenge.

19 MR. LAWRENCE: Absolutely. Our
20 neighbors are very excited for us to draw
21 the students back onto campus and have
22 them in one building as opposed to spread
23 out.

24 COUNCILMAN CLARKE: All right.
25 Thank you.

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2 Thank you, Mr. Chairman.

3 COUNCILMAN KENNEY: Councilman
4 Goode.

5 COUNCILMAN GOODE: Thank you,
6 Mr. Chairman.

7 Good morning. You talked a lot
8 about diversity in your testimony without
9 any specificity, but beyond what you've
10 done or haven't done in the past and
11 while you've cited some things within
12 your testimony, we don't have copies of
13 your written testimony. My question
14 really is, is there a formal economic
15 opportunity plan?

16 MR. LAWRENCE: Yes. We have
17 submitted an EOP.

18 COUNCILMAN GOODE: And do you
19 believe it should be attached as an
20 amendment to the bill?

21 MR. LAWRENCE: If Councilman
22 Clarke -- yes.

23 COUNCILMAN GOODE: Thank you.

24 Thank you, Mr. Chairman.

25 COUNCILMAN KENNEY: Thank you

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2 very much.

3 Any more questions for these
4 witnesses?

5 (No response.)

6 COUNCILMAN KENNEY: Anyone else
7 to testify on this bill?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing
10 none, we will now move to Bill No.
11 100556, which is an ordinance to amend
12 the Institutional Development District
13 Master Plan of Temple University, located
14 on the block bounded by 13th Street,
15 Diamond Street, 12th Street, and Norris
16 Street, by allowing for the construction
17 of a new building addition for use as the
18 School of Architecture.

19 Please identify yourself for
20 the record.

21 MR. KRAMER: Good morning,
22 Councilman Kenney, members of the Rules
23 Committee. I am William Kramer, Division
24 Director of the Development Division of
25 the Philadelphia City Planning

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2 Commission. I am here today to testify
3 on Bill No. 100556, which was introduced
4 into City Council September 16th, 2010.

5 The purpose of Bill No. 100556
6 is to permit the construction of a new
7 School of Architecture for Temple
8 University, which will consist of four
9 floors plus a mechanical penthouse. The
10 total gross floor area of the new school
11 will be approximately 51,020 square feet
12 and will be located on the Mini-Arts
13 Campus as an addition to Presser Hall on
14 the block bounded by 13th Street, Diamond
15 Street, 12th Street, and Norris Street.

16 The new Architectural School
17 building will consist primarily of open
18 studio spaces for the Architectural
19 Department, as well as classrooms,
20 offices, shops and related support
21 functions. The main entrance to the
22 school will be at 13th Street, with a
23 one-story enclosed corridor connecting
24 the addition with the student lounge.

25 The Philadelphia City Planning

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2 Commission at its meeting of August 17th,
3 2010 approved the amendments to the
4 Institutional Development District Master
5 Plan for Temple University.

6 Subsequently, the City Planning
7 Commission at its meeting of September
8 21st, 2010 recommended that Bill No.
9 100556 be approved as an item in accord
10 with previous policy.

11 At the request of the Law
12 Department, we respectfully request that
13 Bill No. 100556 be amended in order to
14 allow a large hard copy of the proposed
15 new Master Plan to be listed as an
16 exhibit to the bill and kept on file with
17 the City Clerk's Office as part of the
18 public record.

19 This is the conclusion of my
20 testimony. I'd be happy to answer any
21 questions you may have.

22 COUNCILMAN KENNEY: Any
23 questions for Mr. Kramer?

24 (No response.)

25 COUNCILMAN KENNEY: Do you have

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2 any testimony to add?

3 MR. WAGNER: My previous
4 remarks actually included some discussion
5 of the Architecture building.

6 COUNCILMAN KENNEY: Fine.

7 Any more questions for these
8 witnesses?

9 (No response.)

10 COUNCILMAN KENNEY: Seeing
11 none, thank you very much.

12 Anyone else to testify on the
13 bill?

14 (No response.)

15 COUNCILMAN KENNEY: Seeing
16 none, we will move to Bill No. 100656, an
17 ordinance amending Section 14-305 of The
18 Philadelphia Code, entitled "'C-4'
19 Commercial District," all under certain
20 terms and conditions; and amending the
21 Philadelphia Zoning Maps by changing the
22 zoning designations of certain areas of
23 land located within an area bounded by
24 Hamilton Street, 19th Street, Callowhill
25 Street and 20th Street.

1 11/16/10 - RULES - BILL 100555, ETC.

2 Mr. Kramer, please identify
3 yourself.

4 MR. KRAMER: Good morning,
5 Chairman Kenney and members of the Rules
6 Committee. I am William Kramer, Division
7 Director of the Development Planning
8 Division of the Philadelphia City
9 Planning Commission. I am here today to
10 testify on Bill No. 100656, which was
11 introduced by Councilmember Clarke on
12 October 7th, 2010.

13 Bill No. 100656 amends the
14 Philadelphia Zoning Code by amending
15 Section 14-305 of The Philadelphia Code,
16 entitled "'C-4' Commercial District" and
17 amending the Philadelphia Zoning Maps by
18 changing the zoning designations of
19 certain areas of land located within an
20 area bounded by Hamilton Street, 19th
21 Street, Callowhill and 20th Street.

22 This bill amends the
23 Philadelphia Zoning Maps by rezoning the
24 area just mentioned from the existing
25 zoning designations of partly "C-2"

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2 Commercial, partly "G-2" Industrial and
3 partly "RC-4" Residential to designations
4 that are partly "C-2" Commercial, partly
5 "RC-4" Residential and partly "C-4"
6 Commercial in order to facilitate the
7 redevelopment of the Granary building
8 located at the northeast corner of 20th
9 and Shamokin Streets. Additionally, the
10 proposal calls for the construction of a
11 new mixed-use structure along Callowhill
12 Street between 19th and 20th Streets.

13 The project will consist of
14 approximately 209,000 square feet and
15 will provide 174 residential units,
16 31,000 square feet of retail, 110 parking
17 spaces and 64 bicycle parking spaces.
18 This property will take a vacant lot and
19 the former Granary building and create a
20 mixed-use development compatible with the
21 neighborhood just north of the Benjamin
22 Franklin Parkway.

23 Bill No. 100656 also amends
24 Section 14-304 of the Zoning Code in
25 order to permit accessory parking on this

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2 lot at a ratio of one space for every two
3 dwelling units. There are provisions to
4 allow legally required windows to be
5 located within 25 feet of the property
6 line.

7 The current plans indicate a
8 pedestrian bridge to be located above
9 Shamokin Street, a canopy and terrace
10 above the sidewalk on Callowhill Street,
11 and a cluster of four columns on
12 Callowhill Street, all of which will
13 require additional legislative action.

14 After Bill No. 100656 was
15 drafted, the owners acquired additional
16 property along the northern edge of the
17 property and have requested that the maps
18 be amended to reflect this acquisition.
19 I have respectfully submitted the
20 requested amendment for your
21 consideration.

22 The Philadelphia City Planning
23 Commission considered Bill No. 100656 at
24 their meeting of October 19th, 2010 and
25 recommended that it be approved with the

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2 requested map amendments.

3 This concludes my testimony.

4 I'd be happy to answer any questions you
5 may have.

6 COUNCILMAN KENNEY: Thank you
7 very much for your testimony.

8 Any questions for Mr. Kramer?

9 (No response.)

10 COUNCILMAN KENNEY: Seeing
11 none, Mr. Slogoff, Mr. Pearlstein.

12 (Witnesses approached witness
13 table.)

14 MR. SLOGOFF: Good morning.

15 COUNCILMAN KENNEY: Good
16 morning.

17 MR. SLOGOFF: Good morning,
18 Council. My name is Reed Slogoff and I'm
19 here today with my partner, Jim
20 Pearlstein, and our counsel, Bill Martin,
21 from Fox Rothschild. We're the
22 principals of Pearl Properties, a Center
23 City-based full-service real estate
24 investment firm and we're here to speak
25 in support of Bill No. 100656.

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2 COUNCILMAN KENNEY: Excuse me.

3 Didn't we just do this in another
4 hearing? Didn't you present these plans?
5 Because they look awful familiar.

6 MR. SLOGOFF: No, not at a
7 Council hearing.

8 COUNCILMAN KENNEY: Was it
9 Streets?

10 MR. SLOGOFF: We were at Street
11 Services.

12 COUNCILMAN KENNEY: I
13 apologize. Please proceed.

14 MR. SLOGOFF: Sure. Jim and I
15 were both born and raised in Philadelphia
16 and have been investing and developing
17 properties in Center City Philadelphia
18 over the past 15 years. We have acquired
19 and developed more than 50 urban
20 mixed-use properties in important
21 locations throughout Center City. In
22 addition to handling property management
23 for all of our properties, Pearl
24 Properties also has construction and
25 leasing divisions.

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2 Our developments have included
3 office buildings, apartment buildings,
4 retail and restaurants, and have been
5 instrumental in stimulating economic
6 growth, including bringing new residents,
7 employees, shoppers and diners to Center
8 City. We are currently under
9 construction on several new developments
10 and have been continuously over the past
11 ten years, even during these most
12 difficult recent economic times. In the
13 process, we have created thousands of
14 jobs.

15 In 2006, we acquired a large
16 site between 19th and 20th Streets along
17 Callowhill Street in the Logan Square
18 neighborhood. Our site is notable for
19 the Granary building, which sits vacant
20 on approximately 10,000 square feet at
21 the northwest corner of the site. A
22 photograph of the Granary building in its
23 current condition is reflected on the
24 board that you see.

25 Philadelphia was once a

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distribution center for grain grown in the farmlands of Pennsylvania. The Granary was originally constructed in 1925 to function as a grain elevator in the long-since-passed industrial era in Philadelphia. The building contains 72 silos, which make their way vertically through the building and encompass the entire midsection of the building. These thick concrete silos render the bulk of the building unusable. For many years, grain elevators were a common sight in the City. However, now, the Granary building is the last remaining grain elevator in the City, the others having been demolished.

In 1981, the Granary building was placed on the Philadelphia Register of Historic Places, and in 1982, it was placed on the National Register of Historic Places. Originally known as the Reading Company Grain Elevator, the Granary building was constructed in 1925 on the same site that housed a wood frame

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2 grain elevator which dated back to the
3 Civil War. Following the explosion of
4 the original structure, the Granary
5 building was built to replace it.

6 The Granary building is a
7 unique remnant of Philadelphia's
8 industrial era. Buildings like this are
9 in danger of disappearing. Its
10 construction is robust and specific,
11 making it extremely difficult to
12 repurpose. The Granary building is
13 located in a precinct that was once
14 ground-zero for the Industrial
15 Revolution. In 1895, Baldwin Locomotive,
16 Malleable Iron Works and Bement, Miles
17 and Company were immediate neighbors and
18 world-class producers. The Granary
19 building remained as the precinct evolved
20 from a highly industrial zone to an
21 institutional armature driven by the
22 Benjamin Franklin Parkway.

23 Today, the Granary building
24 remains as the only industrial trace left
25 in the surrounding neighborhood. The

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2 Granary building is now adjacent to a
3 busy Whole Foods Market, the planned Free
4 Library expansion and the soon-to-be
5 global tourist destination with the new
6 Barnes Foundation. There are several
7 important historical buildings in the
8 area, and the future points to a new
9 collection of significant architectural
10 pieces. The Granary redevelopment is
11 primed to contribute to this environment.

12 Over the past several months,
13 we have worked closely with the Logan
14 Square Neighborhood Association to
15 develop exciting plans for a mixed-use
16 development on our site. Our original
17 plans were to add a vertical expansion
18 above the existing Granary building,
19 adding 12 floors of rental apartments and
20 reactivating the ground floor of the
21 building with vibrant retail.

22 After receiving input from the
23 Logan Square Neighborhood Association,
24 immediate neighbors, preservation groups
25 and others, we revised our plan to

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2 respond to concerns. We eliminated the
3 vertical expansion, incorporated the
4 entire site into the development plan and
5 retained the desirable elements of our
6 original plan.

7 Our current plan is focused on
8 three exciting components: The historic
9 rehabilitation of the Granary building, a
10 brand new residential and retail building
11 along Callowhill Street, the reopening of
12 Shamokin Street, a public street which
13 runs through our site.

14 We intend to develop
15 approximately 210 rental apartments,
16 ground floor retail along Callowhill
17 Street and 20th Street, and significant
18 parking, both underground and on grade.
19 The new building will be below the 125
20 foot height limitation in the Benjamin
21 Franklin Parkway Controls and will
22 complement the exciting and developing
23 immediate neighborhood, including the new
24 Barnes Museum, Whole Foods and the
25 planned Free Library expansion. The

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2 rendering of our coordinated development
3 of the site is reflected on the board
4 that you see in front.

5 Our plans for the Granary
6 building are to revitalize and bring the
7 unique structure back to life, adaptively
8 repurposing the building to house active
9 ground floor retail and restaurants,
10 amenities and 12 apartments at the very
11 top of the building. We have been
12 developing similar sites for several
13 years in Center City, returning vacant
14 buildings and sites back to lively
15 destinations with economic benefit to the
16 City.

17 Our new construction, which
18 will connect to the Granary building via
19 a pedestrian bridge over Shamokin Street,
20 will consist of the following:

21 Apartments - approximately 198 rental
22 units; amenities - common amenities for
23 residents, including a community room,
24 fitness center, business center, green
25 roof, dog area and terrace; restaurant

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2 and retail - active retail and restaurant
3 along both Callowhill Street and 20th
4 Street in the Granary building and
5 parking and circulation, significant
6 parking below ground and parking on
7 grade. Our site will offer both CarShare
8 and bicycle-share as well as bicycle
9 parking.

10 Sustainability and the
11 implementation of green elements will be
12 a central aspect to our development.
13 Residents will have access and use of a
14 green roof. On-site storm water
15 management will be designed to maximize
16 on-site rainwater collection and reuse.
17 Energy-efficient appliances and building
18 systems will be installed in the units.
19 The property's proximity to the
20 Philadelphia bike path will also
21 encourage the use of bicycles as a means
22 of transportation.

23 Bill No. 100656 provides for
24 the rezoning of our parcel to "C-4" and
25 includes certain other changes in

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2 application of the "C-4" requirements to
3 our parcel. The change of zoning which
4 the bill will facilitate will leave the
5 parcel in a new zoning classification in
6 harmony with the surrounding parcels and
7 no longer as an isolated spot of "G-2"
8 zoning. In addition, our proposed
9 project will be able to proceed in full
10 conformance with the City's zoning
11 requirements upon passage of the bill.

12 With respect to the
13 construction of the development, we are
14 mindful of the City of Philadelphia's
15 economic opportunity plan and the City's
16 anti-discrimination policy administered
17 through the Office of Economic
18 Opportunity. We are committed to the
19 principles established in the plan and we
20 are committed to the implementation of
21 these principles in connection with the
22 construction and operation of this
23 important project. In concert with our
24 general contractor, we expect to target
25 the following percentages of

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2 subcontracting and hours worked:

3 Construction contractors, MBE 15 to 25

4 percent and WBE 5 to 15 percent;

5 construction workforce, minority 15 to 25

6 percent and women 5 to 15 percent.

7 At this juncture, we have
8 received approval from the Philadelphia
9 Historical Commission to proceed with our
10 plans to renovate the Granary building.

11 We have also received the support and
12 recommendation from the City Planning
13 Commission to proceed with the rezoning
14 of our property to "C-4" to enable our
15 development as presented to proceed.

16 Additionally, the Logan Square
17 Neighborhood Association has indicated
18 their unanimous non-opposition to our
19 planned development, and we are working
20 closely with them to finalize the
21 neighborhood development agreement.

22 In closing, thank you very much
23 for your time today. This is a very
24 exciting development that offers an
25 opportunity to develop an important site

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2 in a very challenging economic time. We
3 would welcome any questions or comments.

4 COUNCILMAN KENNEY: Councilman
5 Greenlee.

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

8 Good morning. There's a lot of
9 good things I think that are in this
10 plan, and I'm familiar with this area. I
11 live a little bit north of it, but the
12 one thing that I noticed when Mr. Kramer
13 spoke and you didn't get specific on
14 this, but you talk about the parking,
15 because as somebody who goes through that
16 area, I see right now I would call it a
17 little parking challenged. Now, you're
18 talking about maybe one -- I think it's
19 one spot for every two units?

20 MR. SLOGOFF: There's a minimum
21 in the legislation I believe of one for
22 every two units, correct.

23 COUNCILMAN GREENLEE: Why do
24 you think that's enough? What kind of
25 studies did you do to show that that's

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2 enough? Because it sounds like a lot of
3 people that won't have parking.

4 MR. SLOGOFF: Do you want to
5 take that.

6 MR. PEARLSTEIN: Reed and I
7 have developed several hundred apartments
8 throughout the City and we find that 0.5
9 to one is more than sufficient enough to
10 handle the apartment dwellers who are
11 going to be in this building.

12 COUNCILMAN GREENLEE: Do you
13 think -- and I know you can't tell
14 exactly. Will these be people that maybe
15 were City dwellers or a lot of people
16 come from outside the City? Do you have
17 any idea? I mean, in your other
18 experiences what kind of has happened
19 there?

20 The reason I ask that, because
21 I found where I live, if you come from
22 the suburbs, you're kind of wedded to a
23 car. So that's one of the ways.

24 MR. PEARLSTEIN: Sure. Sure.
25 In the rental community, we find that our

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2 apartment buildings maybe average 20
3 percent of residents having a car.

4 COUNCILMAN GREENLEE: Twenty
5 percent?

6 MR. PEARLSTEIN: Maybe 20
7 percent, maybe less.

8 COUNCILMAN GREENLEE: That
9 sounds awful low. Look, I've never
10 studied it. It just seems like in the
11 units, again, in that general area --

12 MR. PEARLSTEIN: Very, very low
13 percent. And as part of our plan, we
14 have several spots that are for CarShare.
15 We have several spots that are for like
16 ten-minute parking, like if they get a
17 delivery or something to get them off the
18 streets. We are reopening Shamokin
19 Street. Shamokin Street has been closed
20 for several years. I'm not sure exactly
21 how many, but there's bollards up on both
22 sides. We're going to reopen that to
23 help the circulation, to get people
24 bottlenecked off of 20th Street up.
25 We're working with the Streets Department

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2 to be able to come in to Shamokin Street
3 so you don't tie up traffic.

4 COUNCILMAN GREENLEE: You got a
5 lot of circulation, but you probably
6 won't be able to park on Shamokin, right?
7 That's pretty small.

8 MR. PEARLSTEIN: Not on
9 Shamokin, no.

10 COUNCILMAN GREENLEE: All
11 right. Just on that one last thing, I
12 know you worked with the Logan Square
13 Neighbors. So they're comfortable with
14 the parking? Has that been something
15 that's been in dialogue?

16 MR. SLOGOFF: Well, there have
17 been several issues that were raised,
18 which we responded to. Initially we got,
19 after several meetings -- we hosted
20 meetings in our office, we attended
21 meetings throughout the entire summer,
22 and we got the unanimous non-opposition.
23 And then we're now in the process of
24 finalizing the development agreement. We
25 received a number of comments. We

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2 responded to them twice. We are
3 absolutely in discussions about the
4 parking, if there's a concern.

5 Just to give a little more
6 color on the parking question, one of the
7 benefits, as you know, to living in the
8 City is that you can walk to work. You
9 don't necessarily need a car. So if
10 you're in your 20's, late 20's, you can
11 actually get the benefits of City living
12 and walking to work. So we've seen that
13 in our properties and we anticipate that
14 at this development.

15 COUNCILMAN GREENLEE: Okay.

16 Again, I've never done the study on it.
17 Just visually it seems like a lot of
18 people do the walking in Center City, but
19 they still want to have a car. But I
20 hear what you're saying.

21 All right. Thank you.

22 Thank you, Mr. Chairman.

23 COUNCILMAN KENNEY: Thank you
24 very much.

25 Councilman Goode.

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2 COUNCILMAN GOODE: Thank you,
3 Mr. Chairman.

4 Good morning. Thank you for
5 your testimony. Is there a formal
6 economic opportunity plan for this
7 project?

8 MR. MARTIN: Councilman, Bill
9 Martin, attorney for the project.

10 Yes, there will be. We've been
11 in dialogue with Councilman Clarke's
12 office. He shared with us --

13 COUNCILMAN GOODE: We've had
14 this conversation, Mr. Martin. We had
15 this conversation in several hearings,
16 haven't we?

17 MR. MARTIN: The plan will
18 clearly be in place in advance of any
19 legislation being passed.

20 COUNCILMAN GOODE: We've had
21 this conversation before, right?

22 MR. MARTIN: Not in connection
23 with a privately financed project. We've
24 had this conversation in public projects
25 that I was involved in.

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2 COUNCILMAN GOODE: But you
3 represent other developers on projects?

4 MR. MARTIN: Yes.

5 COUNCILMAN GOODE: You've come
6 before this Committee before?

7 MR. MARTIN: Yes.

8 COUNCILMAN GOODE: You've said
9 the same thing, and I've said that the
10 plan should be available at the hearing;
11 did I not?

12 MR. MARTIN: Sir, I don't
13 recall that conversation, but I'm sure
14 you may have.

15 COUNCILMAN GOODE: Okay. It's
16 on the record now in this transcript.

17 MR. MARTIN: Yes, sir.

18 COUNCILMAN GOODE: So next time
19 if you bring a client here without an
20 economic opportunity plan, I'll just pull
21 out that transcript.

22 Now, do you have any objection
23 to it being included as an amendment to
24 the bill?

25 MR. MARTIN: Sir, if that's the

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2 preference of Council, that will be fine.

3 COUNCILMAN GOODE: Thank you.

4 Thank you, Mr. Chairman.

5 COUNCILMAN KENNEY: Thank you
6 very much.

7 Any other questions for these
8 witnesses?

9 (No response.)

10 COUNCILMAN KENNEY: Thank you
11 very much.

12 Jovida Hill, Ashley Angert and
13 Ed Panek, please.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN KENNEY: Good
17 morning.

18 MS. HILL: Good morning.

19 COUNCILMAN KENNEY: Please
20 identify yourself for the record.

21 MS. HILL: Good morning. I'm
22 Jovida Hill. I'm a resident of 419 North
23 20th Street. I reside on the same block
24 as the Granary project.

25 I appreciate Councilman

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2 Greenlee's comments in terms of parking.

3 Just to give you an idea, we live in the
4 same neighborhood practically. We're
5 practically neighbors.

6 An idea, when Korman Suites
7 converted to condominiums, if you will
8 recall, there was not one-for-one parking
9 there. That really did impact the
10 neighborhood tremendously. There are
11 more people who live at CityView, which
12 is now the CityView Condominiums. There
13 are more people who live there who want
14 parking and don't have it. And as you
15 have said, our neighborhood is parking
16 challenged and it probably -- as the
17 Barnes Foundation is built and the Free
18 Library expansion is built and this new
19 project goes forward, we will be even
20 more challenged.

21 And so those were comments that
22 were not on my prepared text, and now I
23 will proceed to my prepared statement.

24 I am opposed to the passage of
25 this bill on the following grounds:

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2 Number one, the Logan Square Neighborhood
3 Association issued a letter of
4 non-opposition prematurely. Residents
5 have not had adequate time to review and
6 weigh in on Pearl Properties' development
7 proposal for this site. And while we are
8 in the process of negotiating our
9 neighborhood development agreement, there
10 are still major unresolved issues,
11 including the plan's inadequate parking
12 as required by a "C-4" zoning
13 designation.

14 Two, the developers are seeking
15 spot zoning through ordinance to bypass
16 the ZBA, which would require the
17 developer to provide more parking spaces
18 than the proposal calls for with regard
19 to the planned number of residential and
20 commercial units.

21 Number three, there is
22 sufficient concern that the proposed plan
23 for 100 percent valet parking would pose
24 serious consequences to already congested
25 20th Street traffic. We expect that

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2 traffic will double after the completion
3 of the Barnes Foundation and the Free
4 Library expansion, all of which will
5 share the same intersection at 20th and
6 Callowhill Streets.

7 Our fourth concern is that
8 outstanding issues still include a
9 complete plan for landscaping and
10 construction materials. This is
11 extremely important, considering the
12 signature buildings that will be in close
13 proximity to this proposed project and
14 its proximity to the Benjamin Franklin
15 Parkway.

16 Until these outstanding issues
17 are resolved, I ask that Council not pass
18 this bill, and your consideration will be
19 greatly appreciated.

20 COUNCILMAN KENNEY: Thank you
21 very much for your testimony.

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

24 MR. ANGERT: Yes. I'm
25 Dr. Ashley Angert. I'm a near neighbor

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2 to this project. I live right next door
3 to it.

4 Can I give these to the
5 members?

6 COUNCILMAN KENNEY: The
7 Sergeant-At-Arms will take your --
8 they're coming this way.

9 MR. ANGERT: What I'm passing
10 out is the diagram given to us by the
11 developer of what the parking would look
12 like, and one of the reasons we're
13 testifying -- let me precede this. One
14 of the reasons that we're testifying is
15 that we feel that the signing off on this
16 by the Logan Square Association was
17 premature and we have serious concerns
18 about the project.

19 Parking is one example of the
20 difficulties that we face, and I guess
21 it's the major one. If you look at this
22 Exhibit E, it shows little rectangular
23 representations of cars, and if you
24 notice, they're stacked two and three
25 deep. This was not meant for people to

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2 park their own car. There are only 98
3 spaces for 210 people, and it's
4 impossible to do this without valet
5 parking. And if you could read small
6 print, you would see that it says this is
7 all 100 percent valet parking.

8 Now, I'd like you to imagine
9 for a minute -- this project is not at
10 20th and Shamokin. It's really at 20th
11 and Callowhill. That's the major
12 intersection.

13 Imagine for a minute the Barnes
14 Museum is up, the Library project is
15 underway, 20th Street is already backed
16 up because of the supermarket, and
17 imagine people coming home from work
18 dropping off -- driving in with their
19 car, getting out and waiting for valet
20 parking. There's probably room, I'm
21 guessing, for three or four, maybe five
22 cars to line up there, and I can just see
23 cars lined up down 20th Street waiting to
24 get in to have a valet park their car.
25 This is a totally inappropriate

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2 situation. It's going to cause gridlock
3 in that area like you wouldn't believe.
4 Nobody is going to be able to get past
5 the intersection of 20th and Callowhill,
6 let alone get into or out of the Barnes.
7 And I think that it is relatively
8 outrageous to assume that somehow these
9 people are going to find places to park
10 who don't have spaces within the complex.

11 The zoning calls for 0.7 at a
12 minimum. That's 70 percent of the people
13 in there should have parking. In
14 addition, there's supposed to be
15 additional spaces for staging of cars,
16 for cars that are waiting to pick up
17 people and so forth.

18 In addition to that, this is a
19 commercial area as well and there's going
20 to be at least one restaurant, and we
21 were told that there would be valet
22 parking for that restaurant so that it
23 wouldn't cause problems. Well, where are
24 they going to park the cars? You'd have
25 to assume at least another 20 or 30 cars,

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2 or whatever, for that purpose. So as it
3 stands now, there's no way I could see
4 agreeing to 0.5 parking.

5 The contention that there
6 aren't that many people who have cars in
7 the City is simply not true. We checked
8 around. The Tivoli, almost 100 percent
9 of the people who live there have cars.
10 CityView, as Jovida said, has people
11 lined up waiting for spaces. If you go
12 down further, all of the buildings, if
13 you go to down to 18th and 17th, those
14 are rental buildings and they're backed
15 up with people waiting for spaces. There
16 is no parking in that area. So I do not
17 believe that it is correct to allow
18 someone to put up a new building without
19 having completely adequate parking, fully
20 in compliance with the zoning for that
21 area. To let it go at 0.5 is going to
22 destroy the neighborhood.

23 The other issue is that we need
24 information. The developer, I
25 understand, is saying now that they will

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2 put some parking underground. I have no
3 idea what that means. We were told there
4 was adequate parking, and there isn't
5 when we really looked at it.

6 In order for us to go along
7 with this project, I think we need
8 specific diagrams, specific drawings. We
9 have to know exactly what the developer
10 plans to do for parking and everything
11 else.

12 They talk also in terms of
13 "C-4" zoning being required because of
14 the types of businesses that they want to
15 put in there. Nobody will tell us what
16 they want. I don't know if they want to
17 put a bowling alley in there. We have no
18 idea. We need specific ideas of what
19 is -- what are the sizes of the stores
20 they're putting in, what types of stores
21 do they plan to put in, does "C-4" allow
22 more than what we think the neighborhood
23 should bear. We just don't know answers
24 to too many questions, and for this
25 reason, the parking and the fuzziness of

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2 the plans, I think we need to postpone
3 this until we have more information to
4 act on.

5 The other thing I'll just add
6 is that the Logan Square Neighbors
7 Association did pass on this bill. They
8 did write a letter of non-opposition. We
9 are the near neighbors. We are on the
10 north side of the Parkway, and I don't
11 know why they jumped the gun and did
12 this. I can only assume that being north
13 of the Parkway it was always felt to be
14 great to have developers there. People
15 are happy to have that area developed,
16 but now there are a couple of thousand
17 people living in high-end condominiums
18 and apartments in that area and we're
19 very concerned about what comes into that
20 area. I'm not sure what the motivation
21 is for LSNA to quickly approve the
22 project, but as you can see, there are
23 some significant problems that need to be
24 dealt with.

25 I thank you for your attention.

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2 COUNCILMAN KENNEY: Thank you
3 for your testimony.

4 Councilman DiCicco.

5 COUNCILMAN DiCICCO: Thank you,
6 Mr. Chairman.

7 Good morning. Notwithstanding
8 your issues and concerns for the valet, I
9 did hear both of you mention your concern
10 for the Barnes and the Library expansion.
11 Might I assume that you're concerned that
12 patrons to those facilities will be
13 parking in your neighborhood?

14 MS. HILL: No. I'm sorry. The
15 concern basically is, it's already
16 congested. No, we're not -- I mean,
17 actually, we welcome this new project.
18 We welcome the Barnes. We welcome the
19 Library expansion. What we're saying is
20 that there is -- this project, as far as
21 we can tell, has inadequate parking for
22 the residents. It's residential parking
23 we're concerned about.

24 COUNCILMAN DiCICCO: I hear
25 that. I just didn't know if you were

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2 concerned about the parking being more
3 problematic or is it more about
4 circulation? Because I believe you
5 probably have permit parking?

6 MS. HILL: Yes, and we're
7 already tight on -- as a matter of fact,
8 it took us a year and a half to negotiate
9 with a businessowner who wanted four
10 spaces taken from our Permit 6, because
11 Permit 6 parking is still -- our
12 neighborhood is very big and there's not
13 even enough Permit 6 spaces for the
14 people that already live there.

15 MR. ANGERT: The other thing
16 is, this project will take away Permit 6
17 parking, because in order for trucks to
18 be able to get onto Shamokin Street,
19 they're going to have to have no parking
20 across from the driveway. There's no way
21 trucks could swing in there without
22 taking away parking places.

23 COUNCILMAN DiCICCO: Again, I
24 just was concerned -- I do represent a
25 district that has parking issues, South

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2 Philadelphia, Center City, Society Hill.

3 You can figure out what I'm talking
4 about, if you've ever driven through
5 there. I just was concerned that you
6 thought you might be losing some parking
7 spaces as a result of more patrons coming
8 to the Barnes, not necessarily ignoring
9 your concern for circulation.

10 MS. HILL: Yeah. We're
11 concerned that the residents who will be
12 moving into the apartments will not have
13 enough parking spaces.

14 COUNCILMAN DiCICCO: I
15 understand that again, but I thought you
16 might think you were losing additional,
17 and I'd say maybe you need to talk to
18 your Councilman about adjusting the hours
19 that are permitted with the permit
20 parking to a lesser amount of time,
21 because my guess is -- I don't travel
22 20th Street all that often, but when I do
23 at certain hours, I do notice it is a bit
24 congested, and I think most of it -- and
25 you live there, so you would know better

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2 than I would obviously -- that comes out
3 of the Whole Foods --

4 MS. HILL: I live right across
5 from Whole Foods. I'm on the block.

6 COUNCILMAN DiCICCO: You got a
7 lot of that circulation stuff going on
8 with Whole Foods and I didn't know if
9 patrons who go to Whole Foods were
10 parking on 20th Street or adjacent
11 streets. So you may want to look at
12 readjusting the permit time that's being
13 allowed anyway. I mean, if you have
14 two-hour permit parking -- I'm not sure
15 what you have up there.

16 MS. HILL: Permit parking is 24
17 hours, and I don't think any of the
18 residents would --

19 COUNCILMAN DiCICCO: I know
20 it's 24, but for non-residents what's the
21 maximum?

22 MS. HILL: It varies. Some
23 places it's two-hour parking, some places
24 three-hour parking, some places four-hour
25 parking.

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2 COUNCILMAN DiCICCO: Well, you
3 may want to look to adjust that, because
4 my guess is you're getting people who are
5 maybe doing business in the area parking
6 there for two, three and four hours,
7 taking up parking spaces that would
8 traditionally be for the community. You
9 may want to look at -- overall, I'm
10 saying look at the entire area and see if
11 you need some adjustments.

12 MS. HILL: As a matter of fact,
13 there have been discussion about looking
14 into an overall parking plan for the
15 neighborhood.

16 COUNCILMAN DiCICCO: That may
17 help. Again, I'm not sure what it does
18 to the circulation, but it may help at
19 least with the on-street parking issues a
20 little bit.

21 MS. HILL: Thank you.

22 COUNCILMAN DiCICCO: Thank you.

23 COUNCILMAN KENNEY: Thank you
24 very much for your testimony.

25 Any other questions for these

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2 witnesses?

3 (No response.)

4 COUNCILMAN KENNEY: Seeing
5 none, thank you very much.

6 Mr. Panek.

7 (Witness approached witness
8 table.)

9 COUNCILMAN KENNEY: Please
10 identify yourself for the record.

11 MR. PANEK: Good morning,
12 members of City Council. My name is Ed
13 Panek, P-A-N-E-K. I'm the Chairman of
14 the Zoning Committee for the Logan Square
15 Neighborhood Association and I'm here to
16 give testimony in respect to Bill No.
17 100656.

18 The first thing that members of
19 Council are to be aware of concerning
20 this project is that it is not the
21 original project that was proposed for
22 this site. The original project was very
23 unacceptable to the neighbors, and to the
24 developers' concern and to their credit,
25 I should say, in response to the concerns

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2 of the near neighbors, they completely
3 redesigned the project to what you saw
4 presented here today. In concept, that,
5 I believe, is a good project for the
6 neighborhood. What remains to be done,
7 however, is the finalization of a
8 neighborhood development plan.

9 We have done neighborhood
10 construction and development plans with
11 respect to any number of projects in the
12 Logan Square area, and those are
13 important in terms of providing guidance,
14 rules and principles with respect to
15 construction dates, times, hours, as well
16 as to what gets built on it and how it
17 looks and how it's maintained.

18 We are in the process of going
19 through that neighborhood type of
20 development plan now. As a matter of
21 fact, both Dr. Angert and Jovida Hill are
22 members of the committee, which I chair,
23 to produce the final neighborhood
24 development agreement.

25 My testimony here will be, I

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2 don't think, totally inconsistent with
3 either the developers' testimony or the
4 testimony that you just heard from Jovida
5 Hill and Dr. Angert. I believe that we
6 do need more time to finalize the
7 neighborhood development agreement, and I
8 believe that it is important that that be
9 done before this ordinance is passed.
10 But I don't know, I can't give a specific
11 timeframe on it right now.

12 Here is my understanding of how
13 the bill is scheduled to proceed: It's
14 my understanding that the bill would be
15 read in public for the first time on
16 Thursday, the 18th. The second reading
17 of the bill, if required, would be on
18 December the 2nd. As I understand it,
19 there is a provision that would allow
20 someone to apply for a waiver of the
21 second reading; in other words, a
22 suspension of the rules, so the second
23 reading would not be required. I'm here
24 to oppose that. We want both dates
25 required for the reading of the bill,

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2 which would mean, as I understand it,
3 that the earliest that this bill could
4 possibly pass is December the 9th. That
5 may well be adequate time for us to be
6 able to finalize the neighborhood
7 development agreement with the
8 developers. And they've been responsive,
9 frankly, to what our concerns are.
10 Because this is a redevelopment, they are
11 perhaps a little bit behind in terms of
12 where they might otherwise have been
13 concerning the detailed nature of their
14 plans, but I think that this is something
15 that we can in fact do and I think it can
16 be worked out. And I think the option,
17 if it's not finalized before December the
18 9th, the option would be to go back to
19 Councilman Clarke and say we need some
20 additional time to do this. And I think
21 it's premature to make a judgment as to
22 whether the bill needs to be held on
23 passage at this time until we know more
24 about exactly how far we can get with the
25 neighborhood development agreement.

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2 So that's my testimony, and I'm
3 here to answer any questions anybody may
4 have.

5 COUNCILMAN KENNEY: Thank you
6 very much for your testimony.

7 MR. LITTLE: My name is Sam
8 Little. I'm the President of Logan
9 Square Neighborhood Association, and I
10 would like to support but for a little
11 bit stronger, more general position, that
12 you Councilpeople hear controversies all
13 the time, and this is a project that
14 started as a highly controversial one.
15 And, in fact, Logan Square Neighborhood
16 Association, when the first controversy
17 occurred, which was in June, met with the
18 developer. We've had over nine meetings
19 in terms, and each one has been an
20 interaction back and forth. More has
21 been added, and the developer has been
22 responsive to the concerns that have been
23 raised.

24 We are actually right now --
25 it's always fun being in the middle --

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2 we're in the middle between the developer
3 and the near neighbors, but we're also in
4 the middle in terms of the process. And
5 we are right now planning a meeting at
6 the end of this week. And what Ed is
7 talking about in terms of the 9th, we not
8 only think it can be done, but it's an
9 obligation to provide you a report at
10 that time, Councilman, as to where it is.
11 We think that the remaining issues can be
12 resolved, and if they're not, we should
13 not. But we would like Council in
14 general to support these neighborhood
15 development agreements and getting
16 developers and communities together to
17 work things out. I think that's
18 important.

19 That's my testimony.

20 COUNCILMAN KENNEY: Thank you
21 very much.

22 Any questions for these
23 witnesses?

24 Councilman Clarke.

25 COUNCILMAN CLARKE: Thank you,

1 11/16/10 - RULES - BILL 100555, ETC.

2 Mr. Chair.

3 First, how you doing today?

4 Just real briefly, because I know a
5 number of people are here and I
6 anticipate that at least one of the bills
7 on the docket today will be rather
8 lengthy, so it's probably best that you
9 not have to sit to determine what the
10 outcome of this particular bill would be.
11 So what I would like to do at this time
12 is ask the Chair to hold the bill in
13 Committee today, have the bill recessed
14 until I believe we have a hearing on the
15 29th.

16 COUNCILMAN KENNEY: 29th.

17 COUNCILMAN CLARKE: 29th in
18 Rules.

19 COUNCILMAN KENNEY: At 10:00
20 a.m.

21 COUNCILMAN CLARKE: That will
22 give you some time to do some work. I
23 don't necessarily anticipate that you
24 will have it resolved by the 29th, but it
25 will delay the first stage of this

1 11/16/10 - RULES - BILL 100555, ETC.

2 process, which is passage out of the
3 Committee.

4 So while we understand that
5 there has been significant changes to the
6 development, some of which actually may
7 have diminished parking opportunities,
8 because I believe we're building out as
9 opposed to up, I think it's fair to say,
10 to use that term to the developer to show
11 some sense and acknowledge that there has
12 been some changes. But as the
13 Councilperson for the district, I believe
14 that community residents should have
15 every opportunity to have significant
16 input. The closer you live to the
17 project, frankly speaking, the more I pay
18 attention to it. So I think those
19 individuals who live directly adjacent
20 should have some additional time and not
21 feel that they're under the gun to come
22 to some solution before it's time for
23 that solution to be put before us.

24 So I would ask the Chair, if he
25 could, at the time of the public meeting,

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2 to have the bill held in Committee today,
3 refer it to the 29th, and we can kind of
4 see where we are at that time.

5 MR. PANEK: Thank you,
6 Councilman Clarke.

7 COUNCILMAN CLARKE: And as this
8 proceeds, personally I don't think that I
9 will ask for this Committee to proceed on
10 a vote of the bill until it's ready to be
11 voted on. All right?

12 MR. PANEK: Thank you,
13 Councilman Clarke. Just one additional
14 comment. It is true that parking is an
15 issue. It is, however, something that I
16 believe is resolvable, and the developer
17 has recently committed to put parking
18 underground for the new building, which
19 is a significant expenditure. Now we
20 have to deal with the number of spaces
21 and that type of thing. But I think it's
22 a resolvable issue.

23 Thank you.

24 COUNCILMAN KENNEY: Thank you
25 very much for your testimony.

1 11/16/10 - RULES - BILL 100555, ETC.

2 Anyone else to testify on this
3 bill?

4 (No response.)

5 COUNCILMAN KENNEY: Seeing
6 none, we will move to Bill No. 100673, an
7 ordinance approving the thirty-eighth
8 amendment of the redevelopment proposal
9 for the Model Cities Urban Renewal Area,
10 being the area beginning at the northwest
11 corner of Front Street and Spring Garden
12 Street, including the thirtieth amendment
13 to the urban renewal plan and the
14 twenty-seventh amendment to the
15 relocation plan, which provides, inter
16 alia, for the additional land acquisition
17 of approximately 15 properties for
18 residential, institutional and related
19 uses; the provision of certain relocation
20 services, as required by law and
21 declaring that condemnation is not
22 imminent with respect to the project.

23 Please identify yourself for
24 the record and proceed, whoever wants to
25 go first.

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2 (Witnesses approached witness
3 table.)

4 MR. REDDING: Good morning,
5 Mr. Chairman and members of the Rules
6 Committee. My name is Richard Redding.
7 I am Director of Community Planning at
8 the Philadelphia City Planning
9 Commission. I am here to testify in
10 support of Bill No. 100673.

11 The bill approves the
12 thirty-eighth amendment of the
13 redevelopment proposal for the Model
14 Cities Urban Renewal Area. It authorizes
15 acquisition of 15 properties at four
16 locations in North Philadelphia: 1312
17 North 16th Street where Community
18 Ventures proposes to construct affordable
19 rental housing. That's the first area of
20 acquisition, and the second is six
21 properties in the vicinity of 26th and
22 Fletcher, where Michaels Development
23 Company proposes to construct affordable
24 rental housing. Thirdly, five properties
25 at Susquehanna and Fairhill Streets where

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2 APM plans a new headquarters; and,
3 finally, acquisition of three parcels at
4 2310 to 14 North Marshall Street where
5 APM intends to create outdoor play space
6 for children using the adjacent community
7 center.

8 All of the properties are
9 vacant lots. The proposals are in
10 accordance with the North Philadelphia
11 Redevelopment Area Plan. The Planning
12 Commission staff approved this proposal
13 on October 19th of 2010.

14 I'll be happy to answer any
15 questions of the Committee.

16 COUNCILMAN KENNEY: Thank you
17 very much for your testimony.

18 Councilman Clarke, do you have
19 anything?

20 COUNCILMAN CLARKE: Thank you,
21 Mr. Chair. Mr. Chair, just for the
22 record, I just want to say some of these
23 properties are actually in Councilwoman
24 Maria Quinones-Sanchez's district, but
25 because they're in the same Model Cities

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2 Area, I believe that they had to
3 consolidate those properties in one
4 particular bill, and for the record, she
5 has indicated support for the passage of
6 this particular legislation.

7 COUNCILMAN KENNEY: Thank you
8 very much, Councilman.

9 Please identify yourself for
10 the record.

11 MR. COVINGTON: Good morning,
12 Chairman Kenney and members of the
13 Committee. I am Ed Covington, Executive
14 Director of the Redevelopment Authority
15 of the City of Philadelphia. I'm joined
16 by Michael Koonce, Deputy Executive
17 Director. I am here to speak in support
18 of Bill No. 100673, which is the
19 thirty-eighth amendment to the
20 redevelopment proposal and the thirtieth
21 amendment to the urban renewal plan for
22 the Model Cities Urban Renewal Area. All
23 of these properties will be acquired
24 utilizing funds from the Neighborhood
25 Transformation Initiative.

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2 The proposal and plan provide
3 for the acquisition of a total of 15
4 properties. One vacant lot will be
5 acquired on behalf of Community Ventures.
6 This property will be assembled with
7 others already in their ownership for the
8 development of 39 new construction
9 affordable rental units.

10 Six vacant lots will be
11 acquired on behalf of Michaels
12 Development. These properties will be
13 assembled with others already in RDA's
14 ownership for the development of a 50- to
15 55-unit townhouse and apartment complex.

16 Five vacant lots will be
17 acquired and combined with several
18 properties that APM already owns to
19 create the assemblage necessary for the
20 development of their new headquarters.

21 And, finally, three vacant lots
22 will be acquired that are adjacent to
23 APM's community center, which will be
24 used to create outdoor space to use by
25 the children in their Head Start program.

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2 Chair and members of the
3 Committee, I respectfully request
4 favorable consideration of Bill No.
5 100673, and I would also ask the
6 suspension of Council rules to allow
7 first reading on November 18th, 2010.

8 That concludes my testimony.
9 We welcome any questions.

10 COUNCILMAN KENNEY: Thank you
11 very much for your testimony.

12 Any questions for this witness?

13 (No response.)

14 COUNCILMAN KENNEY: Anyone else
15 to testify?

16 (No response.)

17 COUNCILMAN KENNEY: Seeing
18 none, thank you very much.

19 We will now hear testimony on
20 Bill No. 100710, which is an ordinance
21 amending Section 9-605 of The
22 Philadelphia Code, entitled "Towing," by
23 revising the requirements for signs that
24 give notice that unauthorized parking is
25 prohibited and unauthorized vehicles will

1 11/16/10 - RULES - BILL 100555, ETC.

2 be towed from a private lot or private
3 property, under certain terms and
4 conditions.

5 Mr. Haigler, please.

6 (Witness approached witness
7 table.)

8 MR. HAIGLER: Good morning,
9 Chairman Kenney and members of the
10 Committee. I am Otis Haigler --

11 COUNCILMAN KENNEY: Hold on.
12 Hold on. Hold on.

13 MR. HAIGLER: I'm sorry.

14 COUNCILMAN KENNEY: Thank you.
15 Please proceed.

16 MR. HAIGLER: Again, good
17 morning, Chairman Kenney and members of
18 the Committee. I am Otis Haigler, Jr.,
19 Director of Legislative Affairs for the
20 Department of Licenses and Inspections.
21 Today, I am here to provide testimony on
22 Bill 100710, which is a technical
23 amendment to Section 9-605(11)(a) to
24 indicate that the size of the lettering
25 of signs placed on properties that

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2 authorize towing from said property must
3 be of sufficient size in order to be
4 easily read from the public right-of-way
5 leading to the property in question. All
6 other requirements related to the content
7 required to be included on the signs
8 remain intact.

9 The proposed bill will have no
10 impact on L&I's operations and,
11 therefore, we offer no objections to its
12 enactment.

13 Thank you for the opportunity
14 to provide the Department's testimony,
15 and I'll be happy to answer any
16 questions.

17 COUNCILMAN KENNEY: Thank you
18 for your strong lack of objection. I
19 appreciate that.

20 MR. HAIGLER: You're welcome.

21 COUNCILMAN KENNEY: Any
22 questions of Mr. Haigler?

23 (No response.)

24 COUNCILMAN KENNEY: Seeing
25 none, anyone else to testify on this

1 11/16/10 - RULES - BILL 100555, ETC.

2 bill?

3 (No response.)

4 COUNCILMAN KENNEY: Thank you.

5 We will now move to Bill No. 100536,
6 which is an ordinance amending provisions
7 of The Philadelphia Code relating to
8 towing; in particular, amending Section
9 9-605, entitled "Towing," by revising the
10 provisions for the licensing of towing
11 companies; by revising the rotation
12 system for towing certain vehicles; by
13 providing for fines, penalties and
14 license suspensions, and for
15 administrative adjudication of certain
16 violations; and by delegating the
17 administration of enforcement of the
18 Section to the Philadelphia Parking
19 Authority; and amending Section
20 12-2406.1, relating to fees for towing
21 and storage of immobilized or impounded
22 vehicles; all under certain terms and
23 conditions.

24 I'd like members of the
25 Administration who are going to testify

1 11/16/10 - RULES - BILL 100555, ETC.

2 to please come forward.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN KENNEY: We've had a
6 few hearings on this issue already. This
7 hearing is being conducted for the
8 purpose of recognizing amendments to the
9 pending bill, but prior to the taking of
10 testimony, I wanted to take an
11 opportunity to have the individuals who
12 are primarily now responsible for the
13 administration and enforcement of our
14 current system to view a short video that
15 appeared on cable television recently. I
16 believe there are four installments
17 scheduled. This was the first
18 installment, and this is under our
19 current system that we are operating
20 under now. So it doesn't have
21 commercials in it. We won't probably
22 show the whole thing, but it's not that
23 long. So I would like to just take an
24 opportunity for you to view this, if you
25 haven't seen it, and offer whatever

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2 comments you feel appropriate relative to
3 the discussion that we're having.

4 (Video shown.)

5 COUNCILMAN KENNEY: Thank you
6 very much. I'd just like to get some
7 reaction from the Administration on what
8 we currently have out here relative to
9 two instances in this particular case,
10 one involved an accident and the
11 break-neck response to the scene, and the
12 second is the issue that we've dealt with
13 recently relative to whether or not a car
14 should be ticketed prior to being towed
15 off a private lot. So I just generally
16 would like to get your reaction and then
17 we can discuss some of the amendments.

18 DEPUTY MAYOR GILLISON: Yes.
19 Thank you. Everett Gillison, Deputy
20 Mayor for Public Safety. Thank you to
21 members of City Council present and to
22 you, Councilman Kenney, for the
23 opportunity to provide testimony.

24 The reaction to what I just saw
25 on the screen, obviously the reason why

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2 we put and the reason why Council passed
3 the rotational tow was to stop wreck
4 chasing, was to create a better
5 environment for the citizens of the City
6 of Philadelphia, to provide better
7 safety. Obviously there are some
8 additional issues that this shows.

9 I will say that we do
10 understand that a part of the problem was
11 is that the airwaves were being
12 monitored. And by the "airwaves," I mean
13 the radio transmissions from police were
14 being monitored by the various aspects of
15 the towing industry, and we have since
16 August stopped deploying in that manner
17 in order to curb some of the abuses that
18 we would see racing, going from one place
19 to another. We still have issues
20 concerning that and we are trying to
21 address those issues when we come
22 forward.

23 The second issue, the illegally
24 parked vehicle -- strike that; the
25 vehicle that was in the shopping area

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2 that was reported to be parked illegally
3 overnight, before a car can be towed, we
4 have instituted the fact that a police
5 officer has to ticket the car before they
6 can move. That gives a modicum of
7 requirement by the industry to see that
8 there's a ticket on the vehicle by a
9 Philadelphia police officer. That will
10 keep that discretionary aspect from being
11 done, and we will be able to monitor
12 compliance with those kinds of issues and
13 regulations.

14 So all of those things taken
15 together, those are problems. I don't
16 like seeing what I just saw, but every
17 time we try to see what's happening, we
18 try to have an adequate response, and we
19 believe that we are working with Council
20 on a variety of ways to respond to the
21 things that we've seen.

22 COUNCILMAN KENNEY: Thank you
23 for your testimony.

24 Anyone else like to respond at
25 the table?

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2 (No response.)

3 COUNCILMAN KENNEY: Have any or
4 all of you had the opportunity to review
5 the amendments that have been circulated
6 as a result of our past hearing and now
7 this hearing specifically dealing with
8 the proposed amendments and the chart
9 explaining what was initially introduced,
10 what's amended and what's to come?

11 DEPUTY MAYOR GILLISON: Yes.

12 COUNCILMAN KENNEY: Do you have
13 any comments relative to that?

14 DEPUTY MAYOR GILLISON: I know
15 that we have worked over the summer on a
16 lot of these amendments, and both your
17 matter that has come forward -- also, I
18 see Councilman Rizzo to my left, and
19 we've had several discussions.

20 We have looked at the
21 amendments to the matter and we find as
22 an Administration these are an
23 improvement to where we are currently and
24 we can be in support.

25 COUNCILMAN KENNEY: Is that

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2 concurrence with --

3 COMMISSIONER BURNS: Good
4 morning.

5 COUNCILMAN KENNEY: Please
6 identify yourself.

7 COMMISSIONER BURNS: Fran
8 Burns, Commissioner of the Department of
9 Licenses and Inspections.

10 I also just want to go on
11 record for Bill 100536 that we are
12 supportive of the proposal in the
13 amendments, and we'll look to work with
14 City Council on the further details.

15 COUNCILMAN KENNEY: Okay.
16 Lieutenant Healy.

17 LIEUTENANT HEALY: I'm sorry.
18 Lieutenant Healy for Philadelphia Police
19 Commissioner's Office.

20 Deputy Commissioner -- or
21 Deputy Mayor Gillison addresses the
22 Police Department's concerns.

23 COUNCILMAN KENNEY: Thank you
24 very much.

25 Are there any other questions

1 11/16/10 - RULES - BILL 100555, ETC.

2 for these witnesses?

3 Councilwoman.

4 COUNCILWOMAN MILLER: No. I
5 have questions of the amendments.

6 COUNCILMAN KENNEY: Okay. You
7 could ask them now, if you'd like.

8 COUNCILWOMAN MILLER: It's not
9 of them. Who made the amendments?

10 COUNCILMAN KENNEY: The
11 amendments were done in conjunction with
12 my office, License and Inspections, the
13 Police Department, the Parking Authority
14 and Deputy Mayor Gillison.

15 COUNCILWOMAN MILLER: Okay.
16 Then I'll ask them now, then.

17 COUNCILMAN KENNEY: Okay.
18 Thank you.

19 COUNCILWOMAN MILLER: On my way
20 into this Chambers today, I was having a
21 discussion with some folks, particularly
22 some of the legislative assistants, and
23 as I read the amendments and the bill, I
24 thought if I had AAA, I could call my AAA
25 and get my car towed, and someone said I

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2 cannot do that now. It's my
3 understanding that you can, but people
4 think you can't because of some state
5 law.

6 I want to make sure that people
7 have a choice in this matter, and if I'm
8 in an accident, if I want to call AAA,
9 that's who I want to call.

10 COUNCILMAN KENNEY: Correct.

11 Lieutenant Healy.

12 LIEUTENANT HEALY: Yes, ma'am.

13 The way the rotational system is set up,
14 there's a distinction between a
15 consensual tow and a non-consensual tow.
16 Only the non-consensual tows can the City
17 set statutory rates to make sure that
18 people don't get price gouged that are in
19 accidents. To do that, though, however,
20 only a small limited number of those type
21 of tows fall within the parameter of the
22 rotational tow. So if you have a
23 contract with somebody else and your
24 vehicle is not blocking the sidewalk or
25 not in an accident, then you're free to

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2 contract with whoever you want. However,
3 if your vehicle is immovable and it's
4 blocking the scene of the highway, from a
5 public emergency perspective, we have a
6 responsibility to clear the scene as
7 quickly as possible. So we will move the
8 car. You don't really have a choice.
9 That's the whole point of the
10 non-consensual. But you have a choice of
11 where it goes. So you can move it to the
12 side of the road, get it out of the way,
13 move it down the street to an available
14 parking spot and have AAA pick it up from
15 there. That's the whole concept of the
16 non-consensual tow, is that you don't
17 have a choice because it's a public
18 emergency exception. And it should be a
19 very small number of the accidents that
20 fall within that purview. I mean,
21 because they have to be immovable. If
22 the car can roll off to the side of the
23 road, it doesn't really comport with the
24 rotational tow program.

25 COUNCILWOMAN MILLER: Okay. So

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2 consensual versus non-consensual, moving
3 it to block -- so that it's not blocking
4 the highway.

5 LIEUTENANT HEALY: Correct.

6 COUNCILWOMAN MILLER: But there
7 is no state law that would forbid AAA or
8 my son or my cousin or my friend that has
9 a tow truck from coming in and towing my
10 car?

11 COUNCILMAN KENNEY: The only
12 thing I think there may be confusion
13 with -- and correct me if I'm wrong -- is
14 that there is a requirement on state
15 highways that only certain tow truck
16 operators are contracted with PennDot to
17 go on interstate highways, not from City
18 streets.

19 LIEUTENANT HEALY: Correct.

20 COUNCILWOMAN MILLER: I think
21 that was brought out at the last hearing.
22 I'm not sure about the state highways.

23 COUNCILMAN KENNEY: Right. So
24 just for the record, that was imposed
25 upon us by the state. That was not an

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2 action of City Council. The state
3 required that.

4 COUNCILWOMAN MILLER: I'm fine
5 with that.

6 I had some questions regarding
7 the weight of the tow truck, the weight
8 of the actual tow truck, and moving it
9 from 10,000 pounds to 16,000 pounds and
10 15,000 to 18,500 pounds, and I just want
11 to know why. Why is that?

12 DEPUTY MAYOR GILLISON: That's
13 a safety issue. On our review of the
14 requirements of the tow truck itself, we
15 believe that these weights are consistent
16 with the overall safety that we want to
17 bring to the area. So that's why they
18 were part and that's why we were
19 supportive of the bill.

20 COUNCILWOMAN MILLER: Was there
21 data to say that 16,000 can move -- I'm
22 sure a heavier truck has the capability
23 to move heavier objects. However, does
24 the average car need a 16,000 pound tow
25 truck?

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2 DEPUTY MAYOR GILLISON: The
3 evidence that we are looking at and the
4 suggestions that we have seen indicate
5 that this will provide a safer
6 environment, and that's why we're
7 supportive.

8 COUNCILMAN KENNEY:
9 Councilwoman, part of the issue relative
10 to this particular item is that the way
11 cars are manufactured today, a lot of
12 them are, as you know, much bigger and
13 heavier than the average four-door
14 passenger car. So --

15 If we're going to have
16 continual comment, we just need to have a
17 discussion about the amendments, and
18 everyone will have a chance to testify,
19 but we can't have just stuff thrown out
20 from the audience.

21 When we put a license on a
22 vehicle, we are stating or it's implied
23 that we believe that the vehicle is safe
24 to do what we're licensing it to do. In
25 the event that a smaller truck, which is

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2 probably not a manufactured -- a factory
3 manufactured truck, which was done after
4 the fact with a F-350 or F-450, whatever,
5 that in the event that there is an injury
6 or some other calamity as a result of
7 towing a car that's too heavy for that
8 vehicle, the City now is liable because
9 we licensed that vehicle. So if we want
10 to set the standards of what can be
11 licensed, it's also protecting our
12 liability in the event that we get sued
13 along with whoever else is getting sued.
14 And that was the reason they came up with
15 the 16,000.

16 COUNCILWOMAN MILLER: Well,
17 this is new and we've been operating,
18 what, with the 10,000 for like many,
19 many, many years?

20 COUNCILMAN KENNEY: Yeah,
21 and --

22 COUNCILWOMAN MILLER: Is there
23 data that talks about accidents?

24 COUNCILMAN KENNEY: I'm sorry.
25 I can't hear because people are yelling

1 11/16/10 - RULES - BILL 100555, ETC.

2 out.

3 COUNCILWOMAN MILLER: I was
4 wondering if there was data that supports
5 the need to move from 10,000 to 16,000.

6 COUNCILMAN KENNEY: Well,
7 before the data discussion, these trucks
8 were not street legal in prior
9 legislation that I sponsored and passed
10 probably 10 to 15 years ago, and for some
11 reason or another, the process of
12 licensing allowed those trucks to be
13 licensed when they should have never been
14 licensed more than a decade ago.

15 COUNCILWOMAN MILLER: You're
16 talking about like a pickup that people
17 kind of make a homemade tow truck?

18 COUNCILMAN KENNEY: Yes, a
19 homemade tow truck.

20 COUNCILWOMAN MILLER: I'm
21 talking about a regular tow truck, as I
22 know it, not --

23 COUNCILMAN KENNEY: My
24 understanding -- if we could get --
25 Mr. Fenerty, could we get someone from

1 11/16/10 - RULES - BILL 100555, ETC.
2 your technical people to talk about the
3 size or, if you know, could you please
4 come up and help.

5 DEPUTY MAYOR GILLISON: I was
6 going to see if -- there's no one here
7 from the police to speak to it.

8 (Witnesses approached witness
9 table.)

10 COUNCILMAN KENNEY: Please
11 identify yourself for the record.

12 Did you hear Councilwoman
13 Miller's question?

14 MR. HOCH: I did.

15 COUNCILMAN KENNEY: Please
16 identify yourself for the record.

17 MR. HOCH: James Hoch from the
18 Philadelphia Parking Authority.

19 COUNCILMAN KENNEY: Please
20 respond.

21 MR. HOCH: During the course of
22 the discussions when all of this was
23 going on, A, it was first discussed to
24 stop the homemade pickup trucks. It was
25 next discussed with the flatbeds, simply

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2 because they may move multiple vehicles
3 from a scene. If you have two, three
4 cars involved and you've got a flatbed
5 that's rated 11,000 or 12,000 pounds and
6 he's coming out and putting a
7 15-passenger van that's been involved
8 with a car on the back of this flatbed,
9 he's obviously overweight.

10 We're not trying to discourage
11 the use of regular tow trucks by any
12 means. We're trying to say that
13 basically we don't want somebody coming
14 with homemade tow trucks onto a scene and
15 towing a vehicle in an unsafe manner.

16 COUNCILWOMAN MILLER: Right.
17 You know, if the weight has to do with
18 the homemade tow trucks, I'm not
19 supporting those at all. I'm just trying
20 to get information about how much does a
21 regular, ordinary tow truck, a real tow
22 truck -- that's my description of real,
23 meaning what I see on the street -- what
24 do they weigh? I mean, what's their
25 average weight? They would comply with

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2 this? Most tow trucks would comply with
3 the 16,000 pound? Yes or no?

4 See, you know what my -- my
5 sentiment is this: I think we need to
6 clean up the industry, that's very clear,
7 but I don't want to see small businesses
8 moved out. I just don't want to see
9 that.

10 (Applause.)

11 COUNCILMAN KENNEY: So we
12 understand what we're discussing here,
13 it's not the weight of the truck itself.
14 It's the weight of what the truck is able
15 to tow.

16 COUNCILWOMAN MILLER: Well, I
17 understand that.

18 COUNCILMAN KENNEY: And my
19 concern is relative to small business, I
20 mean, I do understand and respect your
21 position. However, I don't want the City
22 to be in a situation where we are
23 sticking licenses on trucks that are
24 potentially a danger, because I don't
25 want the liability -- in addition to

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2 putting the public at risk, I don't want
3 the liability of the City on that tow
4 truck license if it's not capable of
5 towing these vehicles that are generally
6 larger in size in this country today.

7 COUNCILWOMAN MILLER: Well,
8 listen, I don't want to see the City take
9 on liability either.

10 How much does the tow trucks
11 weigh at the Parking Authority?

12 AUDIENCE MEMBER: 15,000.

13 COUNCILMAN KENNEY: We're going
14 to have to have a reasonable hearing here
15 without people yelling out from the
16 audience.

17 COUNCILWOMAN MILLER: Who said
18 that?

19 COUNCILMAN KENNEY: The
20 Councilperson asked the question. The
21 witness is going to answer.

22 MR. HOCH: We have various
23 weights, from 12,500, we have 15,000
24 pound trucks. We've recently increased
25 the size to our regular tow trucks, we've

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2 increased the chassis from what would be
3 called a 450 chassis to a super-duty 550
4 chassis for increased weight and
5 stability when towing vehicles, small
6 vans, things of that nature.

7 COUNCILWOMAN MILLER: So,
8 therefore, the 12,000 capacity has the
9 ability to tow?

10 MR. HOCH: That's correct, pick
11 a car up, but in combination, there was
12 nothing safe. That's correct.

13 COUNCILWOMAN MILLER: Right.
14 So I'm just trying to figure out, again,
15 if something has the capacity -- I mean,
16 the weight is one thing. I just don't --
17 I have a lot of questions, Jim, and maybe
18 this is not the place for all of them,
19 but I'm just going to stop for a second.
20 Okay?

21 COUNCILMAN KENNEY: I mean,
22 obviously the purpose of the hearing is
23 to ask as many questions as necessary and
24 to have this discussion. I mean, we're
25 all -- we have all been through this

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2 process on various different pieces of
3 legislation, and things evolve.

4 COUNCILWOMAN MILLER: All
5 right.

6 What does the weight
7 capacity -- how does that --

8 MR. HOCH: I can give you an
9 example, Councilwoman.

10 COUNCILWOMAN MILLER: How does
11 that impact businesses? Will people have
12 to go out now -- the tow trucks that they
13 own they can't use because they don't
14 weigh enough, they don't have the
15 capacity? I thought -- I mean, certainly
16 I know larger vehicles need trucks with a
17 higher capacity. I understand that,
18 clearly understand that. But where does
19 that put the existing businesses with the
20 weight increase?

21 MR. HOCH: Let me address the
22 question of the weight increase. There's
23 two things that come to play. If a tow
24 truck picks up a vehicle that is too
25 heavy, you run the risk of lifting the

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2 front wheels of the tow vehicle off the
3 ground, and now you have a steering
4 situation. You also get involved where
5 there's accidents -- you're familiar with
6 the small SEPTA, the little 15-passenger
7 vehicles that go out and pick people up
8 from their homes, take them back. You
9 get out -- you have an accident, you get
10 out on one of these jobs with a regular
11 tow truck, not only do you run the risk
12 of the truck's not rated for pulling the
13 front wheels off the ground, but now
14 you're into a sway and you're going down
15 the street like this with a vehicle that
16 doesn't have the front wheels completely
17 on the ground. So you lose steerability
18 and you've got a vehicle that's on the
19 back of the truck -- I'm sure you've been
20 behind them, where you're like, why is
21 that vehicle wobbling like that? That's
22 why, it becomes a stability factor.

23 Can a 10,000 pound tow truck
24 pick up a car? Absolutely. I mean,
25 that's been done forever. What is your

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2 situation when you get to an accident
3 scene? You don't know what you're coming
4 up on.

5 COUNCILWOMAN MILLER: Okay.

6 MR. HOCH: And this is for
7 rotational tow only.

8 COUNCILWOMAN MILLER: For
9 rotational tow.

10 MR. HOCH: Strictly for
11 rotational tow.

12 COUNCILWOMAN MILLER: But in
13 Philadelphia, won't it just be rotational
14 tow? I'm not talking about the Parking
15 Authority tows -- not the Parking
16 Authority. The parking lot or parking
17 space tows.

18 DEPUTY MAYOR GILLISON:
19 Councilwoman --

20 COUNCILWOMAN MILLER: If we
21 don't do rotational tow, what else is
22 there?

23 DEPUTY MAYOR GILLISON:
24 Councilwoman, again, the difference
25 between when the rotational tow is in

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2 effect and not in effect, this bill is
3 talking about the rotational tow. This
4 bill is only about the non-consensual
5 tows. We're kind of trying to answer the
6 questions of making it safer for everyone
7 and also with this small group of tows
8 that this applies to, make sure that we
9 have standards that can be applied easily
10 across the industry and easily for the
11 citizens of Philadelphia.

12 So when you're looking at this
13 fulcrum effect of narrowing, it's really
14 a small group of matters and a small
15 group of tows that this is actually going
16 to be applying to. We're just trying to
17 get our hands on how do we end up making
18 this safe for everyone and look at it
19 that way, and I think that the industry
20 can actually look at that and say that
21 they will be able to bring -- we'll be
22 able to take those that have been just
23 pieced together that we're deeming to be
24 unsafe, that we want to be able to just
25 increase the weight so that we'll be able

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2 to make sure everybody is operating on
3 the same playing field; that's all.

4 COUNCILMAN RIZZO: Point of
5 information, please.

6 COUNCILMAN KENNEY: Yes.
7 Councilman Rizzo.

8 COUNCILMAN RIZZO: I'm still --
9 and I just would like to follow what
10 Councilwoman Miller said. Why would we
11 arbitrarily increase the weight of -- the
12 capacity of a tow truck just to cover it
13 all? If a tow truck can safely carry a
14 10,000 pound vehicle with no difficulty,
15 it's a matter of common sense and people
16 understanding what they can do and what
17 they can't do. So why would we --

18 (Applause.)

19 COUNCILMAN RIZZO: Why would we
20 knock all of these operators that have
21 tow trucks that can carry a 10,000 pound
22 load? Is it that you're just spec'ing
23 them out of the business? That's what I
24 think.

25 (Applause.)

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2 COUNCILMAN RIZZO: And I think
3 it's a disgrace to use legislation to be
4 hurtful.

5 Thank you.

6 (Applause.)

7 COUNCILMAN KENNEY:

8 Councilwoman Miller.

9 COUNCILWOMAN MILLER: Thank
10 you. I'm going to leave the weight alone
11 for a second and move on to something
12 else.

13 COUNCILMAN GOODE: Point of
14 information.

15 COUNCILWOMAN MILLER: Because I
16 don't know why we're even doing that.

17 COUNCILMAN KENNEY: Point of
18 information. Councilman Goode.

19 COUNCILMAN GOODE: If you're
20 going to move off the weight issue, then
21 I'll ask a quick question.

22 Of the tow trucks that are
23 currently in the rotational system, do we
24 know how many fall under the different
25 weight classes?

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2 DEPUTY MAYOR GILLISON: I don't
3 have that here. I'd have to provide that
4 to the Chair. I know that we have -- we
5 take that information on the L&I
6 information, but we'd have to get that to
7 the Chair.

8 COUNCILMAN GOODE: Thank you.

9 DEPUTY MAYOR GILLISON: That
10 was not an issue that -- we're trying to
11 look at the bill as a way of getting more
12 safety. So I don't have that right here.

13 COUNCILMAN GOODE: I understand
14 that. I'm actually just curious, as it
15 comes up and we have discussion, if the
16 majority of people already in the
17 rotational system meet the higher
18 threshold, then it might not make a
19 difference.

20 DEPUTY MAYOR GILLISON: I
21 understand. I'll get that to you,
22 Council.

23 COUNCILMAN GOODE: Thank you.

24 COUNCILMAN DiCICCO: Point of
25 order on the weight.

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2 COUNCILWOMAN MILLER: Okay.

3 COUNCILMAN DiCICCO:

4 W-E-I-G-H-T.

5 So it's your testimony that
6 based on today's vehicles -- and that's
7 the four-passenger, two-passenger up,
8 SUVs -- that a 16,000 pound tow truck
9 capacity would be the adequate, safer way
10 to transport tow vehicles through the
11 streets of Philadelphia? That's, I
12 think, what we're saying. I know the
13 Councilwoman is talking about 10,000. It
14 isn't that some vehicles could not be
15 transported safely with a tow truck that
16 has a 10,000 pound capacity, but is it
17 your testimony that the majority of the
18 vehicles exceed that capacity?

19 MR. HOCH: No. It's my
20 testimony that crashes are not
21 discretionary. So when you get called to
22 a crash, you don't know if you're coming
23 to a crash that has four Ford Cobalts or
24 three Hummers that have been involved.
25 Flatbeds, another situation, if a car has

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2 got to be flatbedded, all the wheels are
3 flat, you're not picking this up with a
4 regular 10,000 pound tow truck. This guy
5 got to be put on a flatbed. Multiple
6 vehicles. It was done with all of that
7 in mind, what is the scene when you get
8 to it.

9 Accidents, unfortunately,
10 aren't discretionary. Who gets in them
11 aren't discretionary.

12 COUNCILMAN DiCICCO: I think
13 we're saying the same thing. My point is
14 that the 16,000 would more adequately in
15 the majority of cases be the appropriate
16 weight of a tow truck --

17 MR. HOCH: Absolutely.

18 COUNCILMAN DiCICCO: -- based
19 on all those things that you said and
20 unknowns that we're not familiar with
21 until the scene?

22 I mean, I've seen these huge
23 tow trucks that are just made for buses
24 and large trucks, tractor-trailers,
25 what-have-you. Obviously you need more

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2 than 16,000 pounds for that, but
3 generally speaking. So the testimony is
4 that that's the kind of weight limit that
5 we believe, you believe is the adequate
6 safe way, not to put people out of
7 business but actually make it even safer
8 for the tow truck drivers, who are, most
9 of them, employed driving trucks that may
10 not be adequate to remove a car from a
11 scene or a disabled car?

12 MR. HOCH: Yes.

13 COUNCILMAN DiCICCO: So it's
14 not about putting people out of business.
15 It's actually making it safer for the
16 people who work in those businesses as
17 well.

18 MR. HOCH: Absolutely.

19 COUNCILMAN DiCICCO: Thank you.

20 MR. FENERTY: Councilman, just
21 to --

22 COUNCILMAN KENNEY: Identify
23 yourself.

24 MR. FENERTY: Vince Fenerty,
25 the Executive Director of the Parking

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2 Authority.

3 Just to summarize the weight
4 for 30 seconds, it's to have the
5 responding tow company better prepared to
6 clear the accident, number one, to fall
7 within the motor vehicle laws. Number
8 two, to safely tow the vehicle. And it's
9 not just for the safety of the tow
10 driver; it's also for the safety of the
11 other motorists who have to pass by a tow
12 truck or a tow truck has to pass by them,
13 so there's no sidewinders or anything
14 like that. It was spec'd out at a little
15 higher for the safety of others.

16 If you have a vehicle with
17 disproportionate weight towing
18 disproportionate weight, you have a
19 bigger chance of an accident. When you
20 have an accident with a tow vehicle, it's
21 not an accident with one vehicle, it's an
22 accident with whatever the tow vehicle is
23 also towing. So we spec'd just a little
24 bit higher in order to provide safety for
25 the public. That's simply what it is.

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2 MR. HOCH: Councilman, to kind
3 of give you an idea, if it will help you,
4 and Councilwoman Miller. I'll use a UPS
5 truck, which everyone is pretty familiar
6 with, cube van that delivers throughout
7 Center City all day long. With our tow
8 trucks, if you look at our new Dodge 550
9 tow truck chassis, we can come in to an
10 accident, not that we're looking to do
11 that, but we can come in to an accident
12 and pick that UPS truck up and tow it
13 from the scene. You can't do that with
14 these 10,000 pound tow trucks. And
15 that's how this was done, because
16 accidents, as I said, are not
17 discretionary. So you don't know what
18 you're coming to the scene of. You're
19 coming to an accident, and those weights
20 send you to the scene better prepared to
21 handle what's there when you arrive at
22 the location.

23 COUNCILMAN KENNEY:

24 Councilwoman Miller.

25 COUNCILWOMAN MILLER: You know,

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2 I understand that. I mean, I understand
3 that the heavier the truck, the better
4 the capacity. I really do understand
5 that. But has there been accidents? I
6 mean, have there been accidents with the
7 10,000 pound or whatever?

8 DEPUTY MAYOR GILLISON:

9 Councilwoman, I don't have any
10 information before me right now. I can
11 actually do that if you'd like to --

12 COUNCILWOMAN MILLER: Yeah.

13 DEPUTY MAYOR GILLISON: -- do
14 the analysis of that.

15 COUNCILWOMAN MILLER: I'd like
16 to do that.

17 DEPUTY MAYOR GILLISON: I can
18 provide that. What I'm trying to and
19 what I would just state to you is that as
20 we were looking at how to make sure that
21 we were providing a level base, that we
22 wanted to have a way for the industry to
23 respond to whatever they came upon, and
24 the idea was that this might be a way for
25 us to provide a safety response to any

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2 particular accident, and by raising this,
3 we'd be able to -- raising the weight
4 level of the vehicle, we would be able to
5 provide that.

6 COUNCILWOMAN MILLER: So then
7 if this becomes law, how long do people
8 have -- how long will people have to
9 comply with the new requirements?

10 DEPUTY MAYOR GILLISON: I
11 believe that the law would be, if I
12 remember correctly, there was a
13 discussion about not having this go into
14 effect immediately, but delaying the
15 matter. We also have to go to the state
16 in order to work out additional details.

17 COUNCILMAN KENNEY: We did not
18 put an effective date of enforcement on,
19 because we did have the issue of an MOU
20 that had to be developed between the City
21 and the Parking Authority and we also,
22 prior to that, needed state approval,
23 which we believe we can get but we're not
24 sure, on the exact timetable for that.

25 COUNCILWOMAN MILLER: So in the

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2 meantime, if someone gets called on a
3 rotational tow, if their vehicle only
4 weighs 10,000 pounds, then it's okay?

5 DEPUTY MAYOR GILLISON: Yes.

6 Yes. I mean, as long as they can tow it
7 safely, the answer is yes.

8 COUNCILWOMAN MILLER: All

9 right.

10 COUNCILMAN KENNEY: But part of

11 the problem that we're addressing is the
12 rotational tow system is grossly
13 dysfunctional and what we wind up with is
14 this interim catch as catch can with
15 people at a high speed getting to the
16 scene first because there's really no
17 rotational system, so to speak. And
18 that's part of what is being addressed in
19 this bill, is that the actual dispatch of
20 the next person up on the rotation list
21 will be done 24/7 by the Parking
22 Authority dispatcher as opposed to a 911
23 overworked call taker.

24 COUNCILWOMAN MILLER: You know,

25 I understand the purpose of the bill. I

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2 just want to understand the purpose of
3 all these amendments, like where did you
4 come up with some of this stuff.

5 (Applause.)

6 COUNCILMAN RIZZO: Point of
7 information.

8 COUNCILMAN KENNEY: Yes,
9 Councilman.

10 COUNCILMAN RIZZO:
11 Mr. Gillison, are you telling me that
12 basically you've given up? You told me
13 that you were well on the way to fix the
14 rotational system, that you were going to
15 install laptops in fire apparatus and
16 medic units to again dry up the airwaves.
17 What I'm hearing today, the Nutter
18 Administration, you as the Deputy Mayor,
19 have given up on fixing this system? Is
20 that what I'm hearing?

21 DEPUTY MAYOR GILLISON: No.
22 You're hearing that --

23 COUNCILMAN RIZZO: Going to the
24 Parking Authority, which I have a lot of
25 respect for, but you're telling me today

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2 that you've basically given up in fixing
3 what you already have.

4 DEPUTY MAYOR GILLISON: No.

5 What you're hearing is that we are doing
6 both things. We are looking at the
7 amendments that has been put forward by
8 Councilman Kenney. We are agreeing that
9 it would make sense for us to move to
10 that area. We are also continuing to do
11 what I suggested to you that I am doing,
12 which is not only placing the MDTs in,
13 but also to make sure that we're putting
14 the MDTs in the fire. I'm doing both.

15 I am trying to make sure that
16 we provide a modicum of safety for this
17 city that makes sure that what I saw on
18 this doesn't exist anymore, and also I'm
19 going to make sure that I provide safety
20 for the citizens of the City.

21 COUNCILMAN RIZZO: What you saw
22 today was before you pulled the plug on
23 the radio system. You also didn't see
24 some of the conduct of City employees,
25 which we never got to talk about, in the

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2 Police Department.

3 (Applause.)

4 COUNCILMAN RIZZO: This is old
5 tape. It's old news. What you should be
6 talking about today is what you've done
7 to fix it and why you can't fix it.

8 DEPUTY MAYOR GILLISON: Well,
9 Councilman, in response to information
10 that you provided me, I did -- I was
11 given the opportunity to look at some
12 things that you provided me.

13 COUNCILMAN RIZZO: Did you see
14 some conduct that you didn't appreciate
15 it?

16 DEPUTY MAYOR GILLISON:
17 Absolutely. And I saw exactly what was
18 being done, and we are trying to make
19 sure, which is why we've put out various
20 new training to help with that.

21 COUNCILMAN RIZZO: So if you
22 could fix the rotational system based on
23 the legislation that's in place -- and,
24 listen, I told you a long time ago, I'm
25 for whatever fixes this problem --

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2 DEPUTY MAYOR GILLISON: And
3 that's where I am.

4 COUNCILMAN RIZZO: -- but it
5 seems like we're cutting off our arm
6 unnecessarily here.

7 Fix the problem. You told me
8 you had a plan in fixing this problem
9 without resorting to this drastic step.
10 The insurance industry already called me
11 and said the minute the Parking Authority
12 takes custody of a vehicle, A, they have
13 it hostage if there's any tickets; B --

14 (Applause.)

15 COUNCILMAN RIZZO: -- B, that
16 most of these wrecks will be picked up by
17 the insurance companies and immediately
18 taken to Bensalem, across City lines --

19 (Applause.)

20 COUNCILMAN RIZZO: -- for
21 repair, where they can get the job done
22 as cheaply as possible, not in our City
23 of Philadelphia.

24 (Applause.)

25 COUNCILMAN RIZZO: So I would

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2 have been impressed if the Nutter
3 Administration would have tried to fix
4 and look out for people that have an
5 interest in Philadelphia.

6 (Applause.)

7 COUNCILMAN RIZZO: They know
8 that some of the conduct has been -- the
9 conduct is bad. The conduct is bad, but
10 all I can tell you is this: That what
11 you've done already to try to fix the
12 program is working. The conduct of the
13 wreck chasers and the people in this
14 industry has improved since you've taken
15 dispatches off the air and --

16 COUNCILMAN KENNEY: Point of
17 information, Councilman.

18 COUNCILMAN RIZZO: Yes.

19 COUNCILMAN KENNEY: What we
20 viewed here is pretty recent.

21 COUNCILMAN RIZZO: No, it's
22 not.

23 COUNCILMAN KENNEY: Yes, it is.

24 COUNCILMAN RIZZO: It's months
25 old. Months old.

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2 COUNCILMAN KENNEY: Recent is
3 not years old. Recent is not years old.

4 COUNCILMAN RIZZO: Before the
5 Administration took the new --

6 COUNCILMAN KENNEY: By the way,
7 there's a new -- you're going to have to
8 sit down, sir.

9 Now, listen, you are right,
10 they stopped the MDTs. Now they monitor
11 police radio for rescue dispatch.

12 COUNCILMAN RIZZO: But the
13 Deputy Mayor is going to put the laptops
14 in the fire equipment.

15 COUNCILMAN KENNEY: I
16 understand, but so they went from the
17 MDTs to the fire band in order to wreck
18 chase to a scene. So it's really
19 improved.

20 COUNCILMAN RIZZO: But that's
21 going to go away.

22 COUNCILMAN KENNEY: When?

23 COUNCILMAN RIZZO: Very soon.
24 The Deputy Mayor said he's in the process
25 of installing the laptops in the

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2 rescue --

3 COUNCILMAN KENNEY: This
4 hearing, as I said at the outset, is to
5 discuss the amendments. If there's
6 questions on the amendments, we'll be
7 happy to have a back and forth. If you
8 disagree with the bill in concept, then
9 you'll vote against it, and that's fine.

10 COUNCILMAN RIZZO: Just what
11 you said earlier, we're here to discuss
12 it.

13 COUNCILMAN KENNEY: We're here
14 to discuss the amendments.

15 COUNCILMAN RIZZO: But --

16 COUNCILMAN KENNEY: We had a
17 prior -- let me finish. We had a prior
18 hearing on the concept. This is the
19 amendment to that concept. We're going
20 to have weeks before we ultimately vote
21 on it, so there's going to be a lot of
22 discussion. But this is a hearing on
23 these amendments, and if there's
24 questions on the amendments, we'll
25 certainly try to answer them.

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2 COUNCILMAN RIZZO: Well, I
3 don't know -- the amendments weren't
4 circulated to everyone in this Council.

5 COUNCILMAN KENNEY: Sarah?

6 MS. SACHDEV: They were
7 circulated to Committee members.

8 COUNCILMAN KENNEY: They were
9 circulated to Committee members.

10 COUNCILMAN RIZZO: But you want
11 us all to vote on it.

12 COUNCILMAN KENNEY: If you'd
13 like to vote on it, you can vote on it.
14 If you don't, you don't have to vote on
15 it.

16 COUNCILMAN DiCICCO: Councilman
17 Rizzo, that's a cheap shot. You know
18 that all committees get amendments, and
19 then if members who are not on those
20 committee want those amendments,
21 everybody is entitled to them. You get
22 an opportunity to read those amendments
23 before you get to vote on it. So don't
24 make it sound like this is some sort of a
25 new way of doing business in the Council.

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2 COUNCILMAN RIZZO: No. It's
3 just like changing the weight
4 classification --

5 COUNCILMAN DiCICCO: You've had
6 amendments, too. I'm not going to argue
7 with you.

8 (Applause.)

9 COUNCILMAN DiCICCO: You've had
10 amendments, too.

11 COUNCILMAN KENNEY: Are there
12 any other questions on the amendments?

13 Mr. Fenerty? I'm sorry;
14 Councilman Clarke.

15 Councilman Clarke has a
16 question.

17 COUNCILMAN CLARKE: Thank you,
18 Mr. Chair.

19 I'm probably the least
20 knowledgeable person in this room on this
21 particular issue, and for that I
22 apologize, because I've been focused on
23 so many things, and that's no excuse. So
24 I have to get educated on this whole
25 issue as we proceed.

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2 But I just wanted to go back to
3 this weight classification issue, if I
4 may, and I don't want to belabor the
5 point. My understanding, that there is a
6 proposal on the table to essentially
7 build capacity within the industry, so
8 all of these vehicles would have to be
9 able to accommodate whatever. So that
10 requires that all of the vehicles be of a
11 certain weight classification.

12 DEPUTY MAYOR GILLISON: Sorry,
13 Councilman. At least a minimum
14 classification.

15 COUNCILMAN CLARKE: Which would
16 be? I keep hearing this 16,000 pound.
17 Is that --

18 DEPUTY MAYOR GILLISON: I
19 believe that's correct.

20 COUNCILMAN CLARKE: And this is
21 based on?

22 DEPUTY MAYOR GILLISON: Yes.
23 It's on Page 2, Councilman. It goes
24 between the flat car rate of --
25 manufacturer rated capacity of at least

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2 eight, from eight to 16,000 pounds gross
3 vehicle weight. So that's the idea.

4 COUNCILMAN CLARKE: So the
5 purpose of this is to essentially make
6 sure that when these vehicles show up,
7 they'll be able to tow whatever?

8 DEPUTY MAYOR GILLISON:
9 Whatever happens, they can handle and
10 handle it quickly.

11 COUNCILMAN CLARKE: So the
12 earlier question -- and you answered in a
13 way by essentially saying you don't have
14 the information -- that have there been
15 incidences where we have had a situation
16 where the front wheels raised on a
17 vehicle because the weight load was too
18 heavy, I mean --

19 DEPUTY MAYOR GILLISON: That's
20 only by anecdote, but what I've asked and
21 what I have instructed to get additional
22 information is is that to look at the
23 industry that's out there currently. I
24 don't have that before me now. That's
25 what I've asked L&I.

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2 COUNCILMAN CLARKE: Does
3 anybody know, people from the Authority
4 or the Administration, if that's
5 happened? And I'm asking this question
6 because, you know, I'm a little
7 concerned, and I've expressed my concern
8 to the Chairman about just the whole
9 issue, and I don't know where I'll be
10 yet. If somehow say 50 percent of the
11 existing tow drivers don't have vehicles
12 that can accommodate that particular
13 weight load and then somehow there's
14 not -- they're not in the position to
15 adequately respond to the new
16 requirement, then the option would be
17 essentially to use the Parking Authority
18 maybe?

19 MR. FENERTY: No.

20 COUNCILMAN KENNEY: No. No.
21 No. No.

22 COUNCILMAN CLARKE: I'm trying
23 to get educated on it. The option would
24 be what, the next person in line?

25 DEPUTY MAYOR GILLISON: Yes.

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2 The answer is yes.

3 COUNCILMAN CLARKE: It would be
4 the next vehicle in line?

5 COUNCILMAN KENNEY: There was a
6 desire to take this -- if there was an
7 initial desire to take this entirely away
8 from the industry, this bill would have
9 been drafted to have the Parking
10 Authority respond to every accident
11 scene. The key to this whole bill is the
12 ultimate disposition of the car. The
13 problem is where the car goes and what
14 its condition is and how it's held and
15 how it's released that's not consistent.

16 I didn't want to take the
17 private industry out, because we would
18 have done it in the original bill. We
19 wanted them to tow, but just tow to a
20 certain location.

21 COUNCILMAN CLARKE: You've
22 answered my question. I'm just trying to
23 get to a point.

24 So it goes to the next
25 available tower --

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2 DEPUTY MAYOR GILLISON: Yeah.

3 We wanted to keep --

4 COUNCILMAN CLARKE: -- or

5 private person?

6 DEPUTY MAYOR GILLISON: We want
7 to be supportive of the private. That's
8 why we wanted to keep it as a rotation,
9 which is why we were just looking at the
10 standards, to make sure we're playing on
11 a level playing field.

12 COUNCILMAN CLARKE: Do we have
13 a sense of how many of the vehicles
14 currently owned by private people meet
15 that criteria?

16 DEPUTY MAYOR GILLISON: No.
17 That's the question that was asked by the
18 Chair, and I will be able to get that
19 from L&I and I will provide that to the
20 Chair, because I don't have that before
21 me right now.

22 COUNCILMAN CLARKE: L&I would
23 have information on all of the towers
24 within the rotational system?

25 COUNCILMAN GOODE: Point of

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2 information.

3 DEPUTY MAYOR GILLISON: Yes.

4 We currently have 87 to 94 that are part
5 of the rotational system.

6 COUNCILMAN GOODE: Point of
7 information.

8 DEPUTY MAYOR GILLISON: And
9 we'll be able to get that information to
10 you.

11 COUNCILMAN GOODE: Just very
12 quickly, because I just want to clear the
13 air. There seems to be a debate here
14 that's not in the right context. It's
15 not in the context of the legislation. I
16 think there's a misunderstanding of the
17 legislation. I just want to make one
18 point clear very quickly.

19 Deputy Mayor, if this bill is
20 passed by this Committee, passed by the
21 full Council, signed into law by the
22 Mayor, the effective date is in fact
23 whenever he signs it. Who is in charge
24 that day?

25 DEPUTY MAYOR GILLISON: When

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2 you say "who is in charge," the
3 rotational program is under me.

4 COUNCILMAN GOODE: The
5 Administration is in charge?

6 DEPUTY MAYOR GILLISON: Yes.

7 COUNCILMAN GOODE: The
8 enforcement agency is a branch of --
9 executive branch of government?

10 DEPUTY MAYOR GILLISON: That's
11 correct.

12 COUNCILMAN GOODE: So that
13 doesn't change from what exists right
14 now?

15 DEPUTY MAYOR GILLISON: No.
16 The only thing that --

17 COUNCILMAN GOODE: So if this
18 were to become law, nothing changes in
19 terms of who is in charge?

20 DEPUTY MAYOR GILLISON: That's
21 correct.

22 COUNCILMAN GOODE: I don't
23 think that's clear to everyone here.

24 DEPUTY MAYOR GILLISON: That's
25 correct.

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2 COUNCILMAN GOODE: There's
3 people here saying it's not true, but
4 that is true.

5 DEPUTY MAYOR GILLISON: Right.

6 COUNCILMAN GOODE: That is
7 true, and that's why I made the point of
8 information. The day that this is signed
9 into law, if it is, regardless of what it
10 says, the same people are in charge.

11 DEPUTY MAYOR GILLISON: Right.

12 COUNCILMAN GOODE: That is
13 true. If you don't believe it, you don't
14 believe it, but that is true.

15 DEPUTY MAYOR GILLISON: Right.

16 COUNCILMAN GOODE: The same
17 people are in charge the day it is signed
18 into law.

19 DEPUTY MAYOR GILLISON: Right.

20 COUNCILMAN KENNEY: Councilman
21 Clarke.

22 COUNCILMAN CLARKE: Thank you.

23 So with respect to this
24 amendment, the only issue that changes is
25 the requirement of a higher

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2 classification of vehicle by --

3 DEPUTY MAYOR GILLISON: No.

4 That's not the only one. There are
5 several different amendments about --

6 COUNCILMAN CLARKE: Just on
7 this particular issue. I'm trying to get
8 educated. Again, I apologize for not
9 being as well prepared on this particular
10 issue, but if you don't ask the question,
11 I don't want to vote in ignorance.

12 And I do think I believe
13 earlier you said with respect to the
14 numbers -- and we don't know; it could be
15 75 percent of the people that don't meet
16 that classification -- they would be
17 required to buy new vehicles to be
18 prepared to be in the rotational system?

19 COUNCILMAN KENNEY: Let me make
20 a suggestion relative to the information
21 that we're bantering about now because we
22 don't know the answer. Once we have the
23 information on just how many folks in the
24 current system it affects, I'd be open to
25 amending the initial weight to a lower

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2 number to accommodate as many as
3 possible, as long as we fall within
4 safety guidelines. So, I mean, I'm
5 not -- if this bill gets out of Committee
6 today, it's still open for amendment
7 relative to the initial minimum gross
8 weight based on the information that's
9 provided by L&I on how many would be
10 eliminated.

11 MR. FENERTY: Councilman --

12 COUNCILMAN CLARKE: And with
13 respect to that commitment, who
14 determines safety standards? Because if
15 it's found -- and we don't know -- that
16 there have been no incidences where
17 current vehicles have had problems
18 lifting vehicles, then how is that
19 determined? Is it based on history or
20 based on an arbitrary decision, well, you
21 know what, it should be this?

22 COUNCILMAN KENNEY: Well, it
23 could be based on what other cities
24 require, what the industry standard. I
25 mean, there are certain -- certainly this

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2 particular number is open for reduction
3 in regards to what information is
4 provided or comes to light relative to
5 their getting --

6 COUNCILMAN CLARKE: This
7 question who would be --

8 MR. FENERTY: Mr. Chairman, can
9 I possibly take just a stab at this?

10 We'll go back and we'll look at
11 the minimum gross weight again and see
12 what adjustments can be made or should be
13 made and make that recommendation to the
14 Chair.

15 Whatever date this would become
16 law, I would also suggest to the Chair
17 that the possibility is out there that we
18 could possibly look at a timeframe of
19 grandfathering those vehicles in that
20 don't meet it and restricting them to
21 certain types of tow until we give them a
22 date that the grandfather provision would
23 expire. That would be fair, and it
24 wouldn't put anyone out of business. It
25 may just diminish the pie that they could

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2 tow as far as rotational tows. They
3 wouldn't be able to tow something that
4 was out of their weight scope, but it
5 would give them time and means to upgrade
6 their tow fleet. I think that would be
7 very fair.

8 And also, to answer one other
9 question that was brought up here and
10 brought up again, is on the rotational
11 tow system when a vehicle is brought into
12 our yard, we would not be holding a
13 vehicle for outstanding parking tickets.
14 We do not do that with crash tows.

15 COUNCILMAN KENNEY: I'm sorry,
16 Mr. Fenerty. We'll wait until you have a
17 little quiet.

18 MR. FENERTY: I'm very sorry if
19 there's some people who don't believe in
20 my truthfulness, but right now when we
21 tow from the interstates, when a vehicle
22 is impounded because of a crash on an
23 interstate, that is a crash tow. Those
24 individuals are victims. They've been in
25 an accident. It was not done

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2 intentional. They pay the towing fee and
3 storage fee and they're released. Their
4 vehicles are not held, they're not held
5 in order to collect parking tickets. The
6 vehicles to be released do have to have
7 proper tags and insurance, as any vehicle
8 would, or else they have to be removed by
9 towing from the premises. But we do not
10 intend to hold crash tows from rotational
11 towing for parking tickets, and that
12 would be part of the standard operating
13 procedures. So if that would put
14 anyone's mind to ease, we're not going to
15 victimize the crash victim a second time.

16 COUNCILMAN KENNEY: Not that
17 you're advocating not paying your parking
18 tickets.

19 MR. FENERTY: Most certainly
20 not, but we don't do that with crash
21 tows, since that's been brought up. We
22 list them for further hearings. If they
23 don't appear, we get them by other
24 enforcement methods, by booting, by
25 towing them or by going to court with

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2 them.

3 COUNCILMAN KENNEY: Councilman
4 Clarke.

5 COUNCILMAN CLARKE: Thank you,
6 Mr. Chair. I've actually become versed
7 on that particular issue. Thank you.

8 COUNCILMAN KENNEY: Any other
9 questions for these witnesses on the
10 amendments?

11 Councilwoman Miller.

12 COUNCILWOMAN MILLER: I just
13 want to get clarity again on this AAA
14 issue. If I am involved in an accident
15 and I'm going to -- my car has a
16 non-consensual tow, it's blocking the
17 highway and you said you'll move it, who
18 moves it and maybe if you only move it a
19 block or just move it from blocking the
20 highway, who does that?

21 DEPUTY MAYOR GILLISON: That
22 would be -- the rotational tow would be
23 activated. The person, the private tower
24 who is next up on the rotation, would
25 come, would move the vehicle, would take

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2 the vehicle to the side or take the
3 vehicle a block or whatever -- however
4 you've constructed the matter.

5 COUNCILMAN KENNEY: Or take it
6 where you direct them to. You can direct
7 them to take it where you want.

8 DEPUTY MAYOR GILLISON: You can
9 actually, yes, tell them --

10 COUNCILMAN KENNEY: You could
11 take it back to your driveway.

12 DEPUTY MAYOR GILLISON: Say,
13 Take it back to my house. You can do
14 that.

15 COUNCILWOMAN MILLER: So if I'm
16 in an accident and I'm hopefully well
17 enough to understand that I don't need to
18 go to the hospital but I need to get a
19 tow operator here, and if I call AAA and
20 if they can't get there quick enough,
21 then I'm out, right?

22 DEPUTY MAYOR GILLISON: You
23 have to understand, the idea of the
24 rotational tow is to, A, allow for people
25 to get the vehicle out of the traffic

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2 flow. Once it's out of the traffic flow
3 and once we've activated the rotational
4 tow to do that, you as the consumer can
5 say to the person since it's a
6 non-consensual tow, Okay, move it out of
7 the road of the street. You can tell
8 them to put it on the side. You can tell
9 them to take it home. You can tell them
10 to put it over just 15 feet out of the
11 way. And then you can call AAA at that
12 point if you'd like and then you can take
13 it from there. That's what you can do.

14 COUNCILWOMAN MILLER: But I'm
15 paying \$175 just to get them to tow it
16 like right there.

17 (Applause.)

18 DEPUTY MAYOR GILLISON: The
19 nature of the non-consensual tow is to
20 make sure that in public safety we have
21 opened up the lanes for both the citizens
22 of Philadelphia for flow as well as to
23 make sure that you as a citizen can
24 actually move the vehicle where you need
25 to. If you ended up deciding that you

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2 wanted to have your AAA vehicle -- your
3 AAA tower to come and get the vehicle,
4 they're not part of the rotational tow.
5 That's what the private folks that we are
6 trying to support. So we want to make
7 sure that they get there, they move the
8 vehicle, they move it to the side or they
9 take it where you need it to go. After
10 that, then, yes, you can use your AAA
11 because your vehicle is disabled, you can
12 move it and you can take it from there.

13 We're trying to make sure that
14 we keep an even playing field to how to
15 respond to the accident scene and moving
16 it out of the traffic flow. That's why
17 we have non-consensual tows under the
18 bill.

19 COUNCILMAN KENNEY: Just as an
20 addendum, I would suspect, although
21 probably not in every instance, that a
22 person who has AAA also has insurance,
23 which most likely that they would, and
24 the insurance would pick up the cost over
25 your deductible of the costs that occur

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2 as a result of being in an accident.

3 COUNCILWOMAN MILLER: So the
4 insurance would probably pick up the cost
5 of the tow?

6 COUNCILMAN KENNEY: Above your
7 deductible.

8 COUNCILWOMAN MILLER: If you
9 have full tort.

10 Okay. You know, I just want to
11 get some of this stuff on the record. On
12 the -- under Towing Operator License
13 amendment, I just want to make sure who
14 we're talking about in terms of
15 ex-offenders or offenders when we
16 describe -- I just want to make sure the
17 ex-offenders are not excluded from
18 working for a tow company. So for the
19 record, what ex-offenders or offenders
20 are we talking about?

21 DEPUTY MAYOR GILLISON: Mostly
22 Megan's Law and also persons who have
23 violated the matters dealing with vehicle
24 theft and chop shop kind of related
25 matters. We wanted to make sure that we

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didn't have the proverbial -- and, as you know, I'm an extreme supporter of ex-offenders and all the work that we're trying to get done with that. I wanted to make sure that we tailored who would be excluded to only individuals that the law should apply to. I'm really big into rational relationships between what's going on and what's not -- what you shouldn't do. I don't suggest to banks that they need to hire an ex-offender if that's a bank robber. I don't want to put anyone who is in a Megan's Law situation who has to deal with the public that has to deal with -- to deal with this particular situation, and similarly those who have violated the chop shop provisions of the Motor Vehicle Code or the Criminal Code, we want to make sure that they're not associated with this either.

Those are the things that are tailored, to make sure it's a narrowly defined area rather than just being some

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2 broad prohibition, because obviously I
3 would like to see as many people get
4 jobs, especially ex-offenders, and this
5 is an opportunity for them to work.

6 COUNCILWOMAN MILLER: Okay.

7 Good. And have we yet -- I was told by
8 the Parking Authority actually that -- I
9 did ask the question I think of Kevin
10 Feeley -- Healy when I believe when
11 Councilman Rizzo's bill was being heard,
12 did we have a number on the number of
13 daily accidents so we could figure out
14 this rotation business with 87 people
15 signed up to be a part of rotation and
16 many of them saying that they've never
17 been called. Well, how many accidents
18 are we having daily and how often would
19 someone be called?

20 MR. FENERTY: The information
21 and feedback we've gotten, Councilwoman,
22 is about 30 a day.

23 COUNCILWOMAN MILLER: Thirty a
24 day, right. That's my understanding.

25 DEPUTY MAYOR GILLISON: And I

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2 will just add to that, if you recall,
3 currently we have approximately the 87 to
4 94 people on the rotational tow. As a
5 result of how that works, that obviously
6 the large number keeps the number of
7 times a person would be called down. We
8 are still -- we're auditing how people
9 are dispatched and what happens, and
10 we'll be able to provide that. You
11 should have that pretty soon, and that
12 will be provided to the Chair.

13 COUNCILWOMAN MILLER: Okay.

14 Because that was -- that's really an
15 issue, that the towers are saying they
16 are not being called.

17 For now, Councilman Kenney,
18 that's it. I know you want to call some
19 of the other folks.

20 COUNCILMAN KENNEY: Okay.

21 Thank you very much. Thank you.

22 Any other questions for these
23 witnesses on the amendments?

24 (No response.)

25 COUNCILMAN KENNEY: Seeing

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2 none, Mr. Steffa and Mr. Giral, please.

3 I would ask -- I'm sorry to ask
4 you to wait around, but I have to. I
5 apologize.

6 (Witnesses approached witness
7 table.)

8 COUNCILMAN KENNEY: Please
9 identify yourself for the record and
10 proceed with your testimony on the
11 amendments.

12 MR. GIRAL: Good afternoon,
13 Council. My name is Jose Giral from
14 Durkas Towing, and I just want to get
15 back to something that you guys were
16 talking about, the weight class. I have
17 like four tow trucks and I'm not an
18 expert on the weight class, but we do
19 have an expert here on weight class.

20 MR. WHITE: I'm sitting next to
21 you.

22 MR. GIRAL: No; the other guy.

23 MR. WHITE: I'm sitting next to
24 you. I'm a WreckMaster.

25 MR. GIRAL: We have two experts

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2 actually here that can testify on the
3 weight class.

4 So you want to...

5 MR. WHITE: Just to elaborate a
6 little more --

7 COUNCILMAN KENNEY: Please
8 identify yourself for the record.

9 MR. WHITE: My name is Arnold
10 White.

11 COUNCILMAN KENNEY: Excuse me.
12 Before we go further, is Mr. Steffa here?

13 MR. GIRAL: I'm sorry?

14 COUNCILMAN KENNEY: There was a
15 Mr. Steffa that was --

16 MR. GIRAL: Yeah. He was -- he
17 left. He had to go.

18 COUNCILMAN KENNEY: Thank you.

19 MR. WHITE: My name is Arnold
20 White.

21 COUNCILMAN KENNEY: Please
22 proceed.

23 MR. WHITE: I'm the
24 owner/operator at Unique Transport and
25 Recovery. I'm in the Northwest section

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2 of the City. I've logged about 15 years
3 in the business. I'm also a WreckMaster
4 Level 2/3.

5 You guys are talking about
6 weight classes. Well, you have three
7 different classes of towing. You have
8 light duty, you have medium duty and you
9 have heavy duty. In the light-duty
10 class, a light-duty truck starts at
11 10,000 GVW, gross vehicle weight, and
12 that number comes from a formula that's
13 used for towing capacity, and that
14 formula is half of the front axle weight,
15 multiplied by the wheel base, divided by
16 the overhang. And all that stuff doesn't
17 make sense to you, but I can explain it
18 to you.

19 The axle on the tow truck might
20 be 4,000 pounds. You take half that
21 weight, which is 2,000 pounds. You take
22 the length of the vehicle in inches, you
23 multiply that by 2,000, then you divide
24 it by the length that the car hangs over
25 the back axle. That's how you multiply

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2 towing capacity.

3 I have a light-duty flatbed,
4 which is 19,000 pounds. I also have a
5 medium-duty flatbed, which is 25,950
6 pounds. If you get on the scene and the
7 vehicle is too much for your truck to
8 carry, a responsible thing to do would be
9 to call a heavier truck in.

10 When you're talking about a
11 wrecker, a wrecker is what you guys call
12 a tow truck, and that picks up half the
13 weight of the vehicle. If the vehicle
14 itself, just to give you an idea so you
15 understand, a Neon would weight about
16 2,400 pounds. A Bentley would weigh
17 about 5,700 pounds. Most of your SUVs
18 fall in around 3,600 pounds. If I'm
19 picking up the front of the vehicle where
20 the engine is located, that would be the
21 heaviest end of the vehicle. That would
22 be about 1,900 pounds, is all I'm
23 carrying. I wouldn't need a truck for
24 16,000 GVW for that. You need a truck
25 for 16,000 GVW to carry maybe my

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2 small-class flatbed. So that's complete
3 overkill.

4 The safety, when it comes to
5 towing, you go to the dual axle. When
6 you have four wheels in the rear, you
7 have stability. You don't have any sway.
8 The reason why you guys changed, I guess,
9 about six years ago, you changed from
10 8,000 GVW to 10,000 GVW. That was a very
11 good move. Eight thousand GVW is a
12 single-axle truck. That person going
13 down the highway, God forbid they get a
14 flat tire, they have no stability. You
15 go to a 10,000 GVW, which is a one-ton
16 truck, that's considered a one-ton truck,
17 now he has four tires. God forbid he
18 gets a flat tire, he still has stability.

19 So what you guys call a
20 homemade tow truck, which I think is a
21 negative term, you have a 350 wrecker
22 that starts out as a 350 pickup. The
23 wrecker body that you put on the truck is
24 certified by the wrecker company. So
25 whether it's a slide-in or it's an actual

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2 unit, it's all certified.

3 You guys passed a law that we
4 have to have everything certified before
5 we go to Truck Enforcement. So what
6 we're doing falls under federal
7 guidelines for the weight that we're
8 towing.

9 The other thing that I wanted
10 to mention to you guys was, when you're
11 towing a vehicle under 1,700 pounds,
12 federal law dictates that you cannot
13 charge more than \$150 for the tow. Okay?
14 You can't charge a coin more.

15 In our rotation system that we
16 have, we had to agree to the rate being
17 150 for the tow, the storage being \$25
18 for a maximum of seven days. If the car
19 sits there a year or not, it doesn't
20 matter. We had to also accept credit
21 cards. We have to have all of our taxes
22 paid, and we had to have normal business
23 hours access for the customer to pick
24 their car up.

25 I'm on that list. I have from

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2 the City limits at the top at Cheltenham
3 and Broad to City Hall on the west side.
4 In the last year and a half to two years
5 since the rotation has started, I've
6 gotten maybe 40 calls, 40 calls. Okay?
7 In over 18 months. The reason that we're
8 having problems is because -- you guys
9 saw that entertainment over there
10 earlier? That was strictly
11 entertainment. Everything on that show
12 was scripted. I didn't see the area
13 where we had a captain from our area
14 simply say we can't survive without these
15 guys. And we're not there to clean the
16 cars up. Every five minutes the cars
17 don't move -- mom got to get the baby
18 from the babysitter, the guy got to make
19 a delivery of flowers -- it's going to
20 tear commerce up in this city.

21 I'm a small businessowner.

22 Okay? My three employees are just as
23 important as the 1,100 employees that my
24 position has. So I feel as though you
25 guys really need to consider this bill,

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2 because it's a lot of one-sided things
3 involved.

4 COUNCILMAN KENNEY: You said
5 you had 40 calls in a year?

6 MR. WHITE: In a year and a
7 half.

8 COUNCILMAN KENNEY: Year and a
9 half. Well, what makes you think you'll
10 get less under this?

11 MR. WHITE: No. The reason why
12 we don't get the calls -- there's a few
13 reasons why we don't get the calls, and I
14 can explain a lot of things to you right
15 now. The reason why we don't get the
16 calls is, we're limited to broken-down
17 vehicles and accidents. You go to any
18 other municipality in our immediate area,
19 they're doing the impounds for the
20 police, which gives you more work to do.
21 They're doing the abandoned vehicles for
22 the police, which gives you more work to
23 do. They're doing the stolen cars for
24 the police, which gives you more work to
25 do. So you take five different things,

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2 accidents, abandoneds, thefts, impounds,
3 and you give us just accidents. It's not
4 enough work there for us.

5 If the police officer gets
6 there and the police officer sees a
7 tower -- I don't know the law for being a
8 policeman, he doesn't know the law for
9 being a tower. He can get there and say
10 the car is not drivable or the car is
11 drivable. It's up to the police
12 officer's discretion to make the phone
13 call.

14 Now, if he gets there and he
15 got two or three other trucks there,
16 it's, quote/unquote, understood that they
17 can go ahead and handle their business.

18 COUNCILMAN KENNEY: It won't be
19 the police officers' discretion in the
20 future.

21 MR. WHITE: So you're saying
22 every accident call is going to be sent a
23 tow truck to?

24 COUNCILMAN KENNEY: It's going
25 to be sent from 911 to the Parking

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2 Authority 24/7 dispatch. They will keep
3 the list. They will make the call.

4 MR. WHITE: No, no. That's not
5 going to happen --

6 COUNCILMAN KENNEY: Excuse me.
7 The police officer on the scene will not
8 have the discretion. Part of the problem
9 with the system now is police discretion.
10 Part of that problem is they making
11 decisions on the street they maybe not
12 should be making. So we're going to take
13 all of that out of their hands, take out
14 the overworked 911 room, which really
15 shouldn't be handling this stuff, and
16 allow Parking Authority dispatch 24/7
17 operation to make the calls to the next
18 rotation tow up on the list.

19 MR. WHITE: Okay.

20 COUNCILMAN KENNEY: I think you
21 should wind up with more work than you're
22 getting now.

23 MR. WHITE: Well, we might.
24 The question I was asking is, when
25 somebody calls the police and they had an

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2 accident, whether it's a fender-bender or
3 a major accident, you're saying every
4 time an accident comes into police radio,
5 you're going to dispatch a police officer
6 and a tow truck?

7 COUNCILMAN KENNEY: Any time
8 there's a call --

9 COUNCILMAN RIZZO: Point of --

10 COUNCILMAN KENNEY: Can I
11 finish, please.

12 Any time a call comes into 911
13 about an accident on the scene, it will
14 be sent over via radio to the 24/7
15 Parking Authority dispatch, who will keep
16 the list, who will take care of -- keep
17 the count of who gets called, how fast
18 they respond, how many times they get
19 called, and they will make the call. The
20 911 room is out of it, hopefully, as they
21 should be out of it, because they got
22 other things to do rather than
23 dispatching and calling tow trucks.

24 MR. WHITE: Well, I disagree
25 with that, because towing --

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2 COUNCILMAN KENNEY: Well,
3 you're getting 40 calls in a year and a
4 half now. I don't see how --

5 MR. WHITE: No, no. Hear me
6 out. Forty calls in a year and a half is
7 not going to sustain my business.

8 COUNCILMAN KENNEY: Correct.

9 MR. WHITE: Just so you
10 understand what I'm saying, the reason
11 why I said I disagree with you is this:
12 If you guys are going to use the Parking
13 Authority to govern our rotation that's
14 already been -- that's working fine, I
15 haven't had one complaint.

16 COUNCILMAN KENNEY: How do you
17 tell me it's working fine? You said you
18 got 40 calls in a year and a half. How
19 is that working fine?

20 MR. WHITE: I don't need the
21 Parking Authority to give me more calls.
22 They're not going to give me more calls.

23 COUNCILMAN KENNEY: Regardless
24 of who it is, if -- say it was Parking
25 Authority, and you wind up with double

1 11/16/10 - RULES - BILL 100555, ETC.

2 the amount of calls in the year --

3 MR. WHITE: I hope I get
4 triple.

5 COUNCILMAN KENNEY: So do I.

6 MR. GIRAL: Yeah, but we're
7 speculating over here. We're
8 speculating.

9 COUNCILMAN KENNEY: No, we're
10 not speculating.

11 MR. GIRAL: We have to find out
12 how many --

13 COUNCILMAN KENNEY: Excuse me.
14 We're not speculating. He just told me
15 he got --

16 MR. GIRAL: -- calls were given
17 to our tow companies.

18 COUNCILMAN KENNEY: He just
19 told me he got 40 calls in a year and a
20 half.

21 MR. GIRAL: We don't have that
22 data in front of us. We don't have that
23 data.

24 COUNCILMAN KENNEY: He just
25 told me.

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2 MR. GIRAL: I've gotten about
3 40 calls, too.

4 COUNCILMAN KENNEY: Well, it
5 seems consistent, then, doesn't it?

6 MR. GIRAL: And I'm also on
7 that tow rotation. So it must be running
8 fairly if he got just about the same
9 calls that I did.

10 COUNCILMAN KENNEY: So you're
11 happy with the 40 calls in a year and a
12 half?

13 MR. WHITE: Not at all.

14 MR. GIRAL: Yeah. I would love
15 to get more --

16 COUNCILMAN KENNEY: Yes or no?

17 MR. GIRAL: I would love to get
18 more, but it is what it is. We don't
19 have the information --

20 COUNCILMAN KENNEY: We are
21 trying to get you more.

22 COUNCILMAN RIZZO: Point of
23 information, please.

24 COUNCILMAN KENNEY: Yes.

25 COUNCILMAN RIZZO: Would you

1 11/16/10 - RULES - BILL 100555, ETC.

2 ask --

3 COUNCILMAN KENNEY: I'm sorry.

4 Councilman DiCicco is on the Committee.

5 COUNCILMAN DiCICCO: Councilman

6 Goode has a question.

7 COUNCILMAN KENNEY: Councilman

8 Goode, who is on the Committee, has a

9 question.

10 COUNCILMAN GOODE: Mr. White,

11 thank you for your testimony and thank

12 you for the expertise you bring --

13 MR. WHITE: No problem.

14 COUNCILMAN GOODE: -- to the

15 table. I'm learning more about the tow

16 truck business. I'm sure I don't know as

17 much as you do.

18 A couple questions. The first

19 major question is, are you against this

20 legislation in totality or are you

21 against parts of this legislation?

22 MR. WHITE: I don't understand.

23 Say it one more time to me.

24 COUNCILMAN GOODE: Are you

25 against this legislation in totality or

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2 are you against parts of this
3 legislation? Do you think this
4 legislation should be amended or do you
5 totally oppose it?

6 MR. WHITE: I think that we
7 should have members in the industry
8 involved with decision-making.

9 COUNCILMAN GOODE: That's not
10 the question. The question I'm asking is
11 about -- excuse me. I asked him a
12 question.

13 MR. GIRAL: Okay.

14 COUNCILMAN GOODE: All right?
15 Because he --

16 MR. WHITE: Not entirely, no.
17 Not entirely, no.

18 COUNCILMAN GOODE: The heat in
19 this room is entirely too hot. We have
20 discussion. That's what I'm trying to
21 do.

22 MR. WHITE: Right, right.

23 COUNCILMAN GOODE: I actually
24 acknowledge his expertise. I'm trying to
25 ask him a question.

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2 MR. WHITE: I'm not against it
3 in --

4 COUNCILMAN GOODE: Let me
5 finish. This is the actual bill. I'm
6 asking, are you against the bill in
7 total, whether you think it needs to be
8 totally destroyed, or whether you think
9 it needs to be amended. That's the first
10 question I'm asking.

11 MR. WHITE: I think that it
12 needs to be totally destroyed so that we
13 can --

14 (Applause.)

15 MR. WHITE: The reason I said I
16 think it needs to be totally destroyed --

17 COUNCILMAN GOODE: That's the
18 first question.

19 The second question is, have
20 you read the legislation?

21 MR. WHITE: No. It wasn't
22 faxed to my office or sent to me.

23 COUNCILMAN GOODE: Then how do
24 you know it should be totally destroyed?

25 MR. WHITE: Well, no. It's

1 11/16/10 - RULES - BILL 100555, ETC.
2 bits and pieces I understand and bits and
3 pieces that I just don't quite
4 understand.

5 COUNCILMAN GOODE: The question
6 was very simple. The question was
7 whether it needs to be totally destroyed
8 or whether it needs to be amended. The
9 second question was whether you actually
10 read it.

11 MR. WHITE: I read -- but --

12 COUNCILMAN GOODE: So you
13 didn't read anything in here that you
14 agree with?

15 MR. WHITE: I've read it, but
16 you have to -- I don't quite understand
17 it all, because I'm not a lawyer.

18 COUNCILMAN GOODE: So you --

19 MR. WHITE: I read it, yes, I
20 have read it.

21 COUNCILMAN GOODE: So you
22 disagree with everything?

23 MR. WHITE: No, no. I don't
24 disagree with everything. I believe --

25 COUNCILMAN GOODE: Let's deal

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2 with the weight issue, because that's the
3 first issue you brought up, and you were
4 expert in it more so than I am.

5 MR. WHITE: Right.

6 COUNCILMAN GOODE: There are
7 three classes.

8 MR. WHITE: Yes, sir.

9 COUNCILMAN GOODE: Light duty,
10 medium duty, heavy duty.

11 MR. WHITE: Everything, yes.

12 COUNCILMAN GOODE: How many
13 trucks do you have?

14 MR. WHITE: Two.

15 COUNCILMAN GOODE: And what are
16 they?

17 MR. WHITE: Nineteen thousand,
18 which is my light duty.

19 COUNCILMAN GOODE: Your light
20 duty truck is 19,000?

21 MR. WHITE: I'm going to tell
22 you the reason being. It's a rollback.
23 It's not a wrecker. I'm carrying two
24 vehicles, so I need the added GVW so that
25 I can carry two vehicles. Now, on my

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2 small truck, I'm 63,000 just on the
3 bed -- I mean 6,300 just on the bed and
4 I'm 3,300 on the bed and 18 on the wheel
5 lift. That's the combination.

6 COUNCILMAN GOODE: I'm not
7 asking you what should be in the
8 legislation right now. This is the third
9 question. The third question was, do you
10 have a light-duty truck? Is the weight
11 19,000? Is it 19,000? Why?

12 MR. WHITE: Because it's a
13 rollback. It's 26 foot long -- I'm
14 sorry. That truck is 21 foot long. It's
15 a rollback. It's not a wrecker. You
16 have two different kind of trucks. You
17 have a wrecker and you have rollbacks,
18 which is a flatbed you guys call it.
19 That same class truck 550, which is my
20 small truck, and the wrecker, the GVW
21 will be 14,000, that same exact truck,
22 because it doesn't have the length.
23 Remember I said about the towing
24 capacity? It's half the front axle
25 weight, multiplied by the wheel base,

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2 which is the length. So the longer the
3 vehicle, the higher the GVW goes.

4 COUNCILMAN GOODE: If you were
5 to buy a new truck for light duty --

6 MR. WHITE: I just bought one
7 in May.

8 COUNCILMAN GOODE: Okay. So
9 what's the weight?

10 MR. WHITE: I bought a 25,900.

11 COUNCILMAN GOODE: Thank you.

12 Thank you very much,

13 Mr. Chairman.

14 COUNCILMAN KENNEY: Councilman
15 DiCicco, do you have any questions?

16 COUNCILMAN DiCICCO: I think
17 Councilman Goode pretty much asked them.
18 I do want to thank you for your
19 testimony.

20 You arrive on the scene and the
21 vehicle that needs to be removed exceeds
22 the limit of your truck, someone else's
23 truck. How do you ensure that that
24 company takes the appropriate steps to
25 make certain that a vehicle that is

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2 adequate to remove that is sent out to
3 the scene and someone just doesn't try to
4 move it along?

5 MR. WHITE: I mean, that's kind
6 of a tricky question, because it has to
7 go to the person's professionalism. When
8 I arrive on the scene, my exposure is
9 large. I have my own company.

10 Everything is in my name. I'm not
11 incorporated. I'm doing business as
12 Unique Transport. So I wouldn't make an
13 attempt to tow something that I can't tow
14 safely. You understand what I'm saying?

15 So then you go to the individual. You
16 understand what I'm saying? When I get
17 there, if I see a vehicle that exceeds
18 10,000 pounds, there's nothing I can do
19 with it. I would have to subcontract a
20 heavy truck out there. You understand
21 what I'm saying? Because I don't have
22 the heavy truck.

23 COUNCILMAN DiCICCO: And you're
24 a responsible tow truck operator.

25 MR. WHITE: Very responsible.

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2 COUNCILMAN DiCICCO: So if you
3 had multiple trucks -- you have two, but
4 if you had more than two and you have
5 people working for you and one of your
6 employees is sent out to remove a
7 vehicle, not knowing what the size and
8 weight of that vehicle is, do you have
9 any recommendations or suggestions what
10 we may be able to do, either incorporated
11 in the legislation or policy through L&I,
12 to ensure that those steps are taken to
13 make certain that the vehicle that's
14 towing is adequate to remove that car?
15 And if you don't have the answers now, I
16 appreciate you submitting them to the
17 Chair.

18 MR. WHITE: I have an idea.

19 COUNCILMAN DiCICCO: And that's
20 where I think Councilman Goode was going.
21 You're not in disagreement with
22 everything that's in here, but you may
23 have some positive feedback that we can
24 take a look at. And I know we don't want
25 to go on with this for the next 12

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2 months.

3 COUNCILMAN KENNEY: But
4 honestly, Councilman, not to interrupt,
5 but we are open to renegotiating the
6 initial gross weight. It was very clear
7 from Councilwoman Miller's comments and
8 questions, Councilman Clarke's comments
9 and questions that when we get some
10 additional information back from the
11 authorities involved, that we can adjust
12 the gross weight, minimum gross weight,
13 in an amendment.

14 Yes, sir.

15 MR. GIRAL: I just want to --

16 COUNCILMAN KENNEY: Please
17 identify yourself for the record.

18 MR. GIRAL: Jose Giral.

19 COUNCILWOMAN MILLER: I have
20 one question.

21 COUNCILMAN KENNEY: She has --
22 I'm sorry; Councilwoman Miller.

23 COUNCILWOMAN MILLER: I just
24 have a question. It's about the gross
25 weight.

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2 When you get a call as a tower,
3 wouldn't you ask what type of car it is?

4 MR. WHITE: I'm going to give
5 you an example of a call from rotation,
6 from police radio.

7 Unique Transport. May I help
8 you?

9 This is police radio. I have a
10 rotation call for you, 400 West Harvey
11 Street, you know, Lincoln Drive and
12 Harvey.

13 What kind of vehicle do you
14 have down there?

15 I got an '07 Lexus 400. It hit
16 a fire hydrant.

17 That's the way I get the call.
18 So automatically in my brain I'm sending
19 a truck out that can handle an '07 Lexus
20 450. Now, I'm also remembering, this
21 vehicle hit a fire hydrant, so it might
22 be impaled. What I mean by that is, the
23 fire hydrant might be in the car. So I
24 need to have something out there with a
25 boom, because I have to get the vehicle

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2 off the fire hydrant.

3 So when you get the call from
4 police radio, you get the information you
5 need.

6 COUNCILWOMAN MILLER: So you
7 know what kind of vehicle to send, if you
8 have that choice?

9 MR. WHITE: Right.

10 COUNCILWOMAN MILLER: If you
11 have more than one?

12 MR. WHITE: Right.

13 COUNCILWOMAN MILLER: All
14 right. Thank you. That's helpful.

15 COUNCILMAN RIZZO: Point of
16 information.

17 COUNCILMAN KENNEY: Yes,
18 Councilman.

19 COUNCILMAN RIZZO: Could you
20 tell me, what is your recent tow truck,
21 how much did it cost?

22 MR. WHITE: Used, 42,000.

23 COUNCILMAN RIZZO: Would you
24 intentionally overload your tow truck for
25 \$175 and damage it, destroy it?

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2 MR. WHITE: One second. I'm
3 going to give you an even better
4 exposure. I just put a new motor in last
5 week. It cost me 10 grand cash. So now
6 we have 50,000. Now ask your question.

7 COUNCILMAN RIZZO: So you would
8 not intentionally abuse your equipment
9 for a \$175 tow?

10 MR. WHITE: Not at all.

11 COUNCILMAN RIZZO: Could you
12 bring to the witness table Lieutenant
13 Healy? Because apparently, Mr. Chairman,
14 you're not aware that Deputy Mayor
15 Gillison, the Police Commissioner with
16 Lieutenant Healy's guidance has changed
17 the way the 911 dispatch occurs. Could
18 you have him explain it to you since
19 you're not aware?

20 COUNCILMAN KENNEY: Well, I
21 want to get through this witness first
22 before we --

23 COUNCILMAN RIZZO: Okay. Then
24 you'll allow him to come? Because it's
25 relevant to the questions, because --

1 11/16/10 - RULES - BILL 100555, ETC.

2 COUNCILMAN KENNEY: Fine.

3 COUNCILMAN RIZZO: -- obviously
4 we're not aware -- I'm aware, but you're
5 not aware of how the Police Department
6 dispatches.

7 He didn't know. He just
8 said --

9 COUNCILMAN KENNEY: All I know
10 is the 911 room is pretty busy. The 911
11 room is pretty busy.

12 COUNCILMAN RIZZO: But the 911
13 room doesn't do what you described
14 earlier.

15 COUNCILMAN KENNEY: It's not
16 busy?

17 COUNCILMAN RIZZO: It's busy.

18 COUNCILMAN KENNEY: Okay.
19 Good.

20 Could you please identify
21 yourself for the record and proceed.

22 MR. GIRAL: Yes. Jose Giral
23 from Durkas Towing.

24 I'd just like to say that
25 during the testimony of the

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2 Administration, they never mentioned any
3 industry input in it. It was all done
4 private meetings with the Parking
5 Authority, the Police Department, the
6 Deputy Mayors, L&I. The only way any
7 program in any city will work, if you
8 have -- we have a lot of talent in our
9 industry, as you just saw by the
10 testimony, and I think that's very
11 important, and I think we've been
12 excluded, totally excluded, from the
13 conversation.

14 COUNCILMAN KENNEY: Maybe I
15 dreamed those meetings I had with you.

16 MR. GIRAL: Well, no. We had
17 conversations, but we never --

18 COUNCILMAN KENNEY: Did we have
19 more than one?

20 MR. GIRAL: But we never
21 brought the Police Department into it.

22 COUNCILMAN KENNEY: As a matter
23 of fact, in the amendments in this piece
24 of legislation right now are one or two,
25 maybe two recommendations made by you

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2 guys in our meetings. One is -- so to
3 portray it as if you've had no input is
4 not accurate. We've met, and as a matter
5 of fact, in this document is
6 recommendations that you've made and
7 potentially additional recommendations on
8 gross weight that may go down.

9 I don't -- do you want to write
10 the bill? I don't know what else -- I
11 mean, other than having you -- meet with
12 you, listening to you and taking your
13 concerns into consideration and trying to
14 articulate them in an amendment, I don't
15 know what else I can do.

16 MR. GIRAL: You're not helping
17 industry. You're not helping small
18 businesses by passing this bill. You're
19 going to destroy the towing industry
20 completely and monopolize it and give it
21 to the Parking Authority.

22 COUNCILMAN KENNEY: Well,
23 that's been your testimony from the last
24 three times you've testified, and you
25 certainly have the right to express it.

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2 I just don't agree with it.

3 MR. WHITE: Councilman Kenney,
4 I wanted to just address one or maybe a
5 few questions to you. The first question
6 that I have, if this bill is passed and
7 you guys -- like you're asking when would
8 it go into effect before the people had
9 to get new tow trucks. At our storage
10 yards, the City charges us \$2 per parking
11 space for storage. If I'm responsible
12 enough to go out and retrieve the
13 vehicle, why don't I be responsible
14 enough to store the vehicle in my place?

15 COUNCILMAN KENNEY: You may be
16 responsible enough to store the vehicle
17 in your place. The problem is is that
18 the vast majority of complaints that
19 we've received as a result of getting us
20 here has to do with where those cars are
21 taken and how they're treated after they
22 get there.

23 Now, again, listening to you
24 and you know what you're talking about
25 and you have a legitimate business, but I

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2 can tell you for a fact that some of
3 these guys are shopping these cars
4 around, going to body shops, letting them
5 off, not giving them back, charging more
6 money than they need to, not accepting
7 credit cards. I mean, this is not
8 like -- this didn't just happen. This is
9 a result of kind of years of this stuff
10 where people had been complaining.

11 Now, I recognize the desire now
12 to cooperate and clean up the industry,
13 clean it up, but we wouldn't be here if
14 it weren't for all the abuse.

15 MR. WHITE: I have one more
16 question. The guys you said that are
17 overcharging and doing the things you
18 said are negative, are they part of that
19 rotation system?

20 COUNCILMAN KENNEY: They sure
21 are. That's what has me more concerned,
22 because if you look -- and I'm not going
23 to go down the list of names of
24 companies, but if you go down and look at
25 that list, there are people on that list

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2 that have been in the news and doing some
3 stuff they shouldn't be doing, and I
4 don't know how they got on the list. To
5 tell you the truth, from a person like
6 you who is spending money on their
7 business, paying their taxes, employing
8 people, I think I might want them out to
9 get some more legitimate operators
10 involved.

11 So, I mean, look, I know this
12 is not an easy process and I recognize
13 that it's very unsettling because we
14 don't know -- it's new and you don't know
15 what the future brings and what's
16 unknown, but we wouldn't be here if it
17 weren't for all the stuff that was going
18 on.

19 MR. WHITE: I mean, I will
20 acknowledge you have issues. Okay?
21 Everything has issues.

22 COUNCILMAN KENNEY: I agree.

23 MR. WHITE: Our Police
24 Department has issues.

25 COUNCILMAN KENNEY: Oh, yeah.

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2 MR. WHITE: Our Council has
3 issues.

4 COUNCILMAN KENNEY: Not lately,
5 but yeah.

6 MR. WHITE: Years ago. So we
7 all have issues. So when we have issues,
8 we don't X you guys.

9 COUNCILMAN KENNEY: Oh, yes,
10 they do. You can X me faster than I can
11 X you.

12 MR. WHITE: Well, I mean, you
13 know, you guys are up for reelection next
14 year, so, you know.

15 COUNCILMAN KENNEY: That's
16 right.

17 MR. WHITE: And things happen,
18 but I'm just saying like we're all in
19 this ball together, and it will be a lot
20 easier to look at the people behind me
21 and realize that each one of these guys
22 behind me are owners and we're employing
23 people.

24 COUNCILMAN KENNEY: And our
25 discussions through the course of this

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day have been to listen to what your concerns are, especially relative to gross weight. I think Mr. Fenerty himself raised the issue of perhaps some form of grandfathering for existing. So we'll get there. I mean, it's just a matter of trying to tinker with it and fix it the best -- there's not one piece of legislation that I have ever seen in the 20 years I've been here that everybody is happy. There's not one. So we're trying our best to make that that way.

MR. WHITE: Well, at least that will get the majority to go. I mean, I agree with that.

Now, the other thing I wanted to ask you about, if you didn't mind me asking, if you don't mind taking a look at this proposal if you guys pass this law. Right now we're paying 125 for our license with the City. That price went up \$25 per year for the last three years. It was \$75 four years ago. If you could

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2 just take a look at the idea the rates
3 they're trying to get if you guys pass
4 this law, the rates we're going to be
5 paying for a tow license, if you could
6 just take a look at that for me. You're
7 talking about over 100-and-something
8 percent increase.

9 COUNCILMAN KENNEY: There's
10 actually a letter that we've done to
11 explain your questions on this. So we'll
12 be --

13 MR. WHITE: Those numbers
14 don't --

15 COUNCILMAN KENNEY: She'll be
16 giving that to you.

17 MR. WHITE: Those numbers are
18 still there. I mean, we're paying 125
19 per truck right now. If you look at the
20 first two lines there, that puts me at
21 almost \$1,000 per truck. From what I
22 understand, June of '53 is when you guys
23 made this ordinance about towing. They
24 made an amendment back in '91 that made
25 it from 40 to 50. We've been under the

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2 same rate since '53 technically. Fifty
3 dollars didn't come in until '91. Forty
4 dollars to hook up, \$2 a mile starting at
5 '53. My father was six. Okay?

6 So the cost of living has
7 increased tremendously in 50 years. I
8 mean, a loaf of bread back then, I can
9 only imagine, probably was 20 cent. Why
10 haven't we been --

11 COUNCILMAN KENNEY: We
12 certainly can look. I mean, we've
13 adjusted rates before in Council, and
14 certainly we'd be willing to look at
15 that.

16 MR. WHITE: The last time we
17 adjusted was '91, though.

18 COUNCILMAN KENNEY: I
19 understand that.

20 MR. WHITE: That was 20 years
21 ago.

22 COUNCILMAN KENNEY: But
23 normally when we adjust rates, people
24 actually come in and ask.

25 MR. WHITE: Okay. No problem.

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2 COUNCILMAN KENNEY: I mean,
3 we've had other elements of the industry,
4 whether it's stolen cars or whatever,
5 have come in and requested compatibility
6 with Parking Authority rates, those kinds
7 of things. So we're willing to listen
8 and --

9 MR. WHITE: You guys are
10 willing to listen to that?

11 COUNCILMAN KENNEY: Absolutely.
12 Absolutely.

13 Sir, could you give -- I mean,
14 if you're finished, could you --

15 MR. WHITE: I'm done for right
16 now, unless you guys have questions.

17 COUNCILMAN KENNEY: -- give
18 your testimony on the amendments.

19 MR. GIRAL: That's it. I'm
20 done.

21 COUNCILMAN KENNEY: Okay. All
22 right. Thank you.

23 Any questions?

24 (No response.)

25 COUNCILMAN KENNEY: Seeing

1 11/16/10 - RULES - BILL 100555, ETC.

2 none, thank you for your testimony.

3 MR. WHITE: Could I have that
4 paper back, please?

5 COUNCILMAN KENNEY: Oh, yes,
6 sir.

7 Mr. D'Angelo. Mr. White has
8 been here.

9 Is there anyone else testifying
10 on this bill?

11 (Audience members raising their
12 hands.)

13 COUNCILMAN KENNEY: Well, just
14 let me -- okay. There's only three
15 chairs there. And I would ask you to
16 please confine your remarks or testimony
17 to the amendments that are before us
18 today, because we've had extensive
19 hearings on this issue.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN KENNEY: Please
23 identify yourself and proceed.

24 MR. LEE: My name is Alphonzo
25 Lee. I own Heat Wave Towing and

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2 Recovery. I own light, medium and
3 heavy-duty equipment. I have over
4 \$750,000 worth of equipment sitting.

5 Now, Council is talking about
6 light-duty tow trucks that can't carry
7 the weight. As Arnold gave you the
8 formula for moving vehicles, I also have
9 a 14,000 GVW Isuzu, which isn't supposed
10 to be moving hardly anything but cars.
11 The way that truck is built, Truck
12 Enforcement in the City of Philadelphia
13 used to call me to move trucks with that
14 truck. That truck was built on
15 engineering. The length is what picks
16 everything up. What Council doesn't
17 understand is, when you lift a vehicle
18 up, it's just like a pencil. If you put
19 an object there and set a pencil on it,
20 the further you move it up, the weight
21 goes to the back. When you lift up any
22 vehicle, you take a 10,000 GVW Hummer, if
23 you lift it up high enough and put it
24 close enough to the truck, the weight
25 transfers to the rear wheels. That

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2 10,000 GVW truck will be adequate to tow
3 what y'all are talking about. But as far
4 as a Hummer, that's pushing it a little.

5 COUNCILMAN KENNEY: Well, I
6 believe from our conversations here today
7 there is some number between 10,000 and
8 16,000 that we could come to some
9 agreement with.

10 MR. LEE: Well, that 10,000 and
11 16,000 number is dictated by the U.S.
12 government Department of Transportation.

13 COUNCILMAN KENNEY: I
14 understand.

15 MR. LEE: And the Department of
16 Transportation has put all these numbers
17 out. What I'm afraid of is, Council is
18 going to turn around and put something
19 into effect which the citizens of
20 Philadelphia is going to have to pay for,
21 for the simple reason if you put these
22 people out of business because their
23 trucks don't turn around and meet this
24 criteria and then all of a sudden you're
25 going to get somebody that says, Hey, you

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2 infringed on my right to make a living,
3 now you have litigation. Is the City
4 prepared to put that unnecessary money
5 out when you have people here in the City
6 of Philadelphia that's starving on the
7 streets?

8 COUNCILMAN KENNEY: Well, we're
9 not looking to get into a lawsuit, but we
10 get sued all the time. We get sued every
11 day. So it's nothing new for this
12 government and any government to get
13 sued.

14 MR. LEE: But does that make it
15 right for the citizens of Philadelphia?

16 COUNCILMAN KENNEY: It doesn't
17 make it right, but if you listen to what
18 I just said was, there's some negotiated
19 number we're going to get to between 10
20 and 16, and there's also the potential
21 for some grandfathering of existing
22 equipment, which is what the Parking
23 Authority has testified to.

24 So we recognize the gross
25 weight concerns. They've been a major

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2 discussion point here, and they will be
3 addressed.

4 MR. LEE: Okay. Have you ever
5 considered these people in the industry?
6 You have a lot of people out here that's
7 towers. You also have people out here
8 that's certified WreckMasters, who
9 dictates everything that you're talking
10 about right now. I'm a certified
11 WreckMaster, Arnold over here is a
12 certified WreckMaster.

13 COUNCILMAN KENNEY: By the way,
14 who does the certification? What's
15 the --

16 MR. LEE: WreckMaster. If
17 you're not WreckMaster or Johnson
18 certified --

19 COUNCILMAN KENNEY: No, no.
20 I'm just trying to figure out who is
21 the -- what is the organization that --

22 MR. LEE: WreckMasters is
23 actually a towing school.

24 COUNCILMAN KENNEY: And where
25 are they at?

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2 MR. LEE: They are out of North
3 Carolina and they turn around and come
4 all over -- they go all over the world,
5 not just here in the United States. Any
6 questions that anybody needs to be asked,
7 they call WreckMasters. If they don't
8 call WreckMaster, they call TRAA or
9 Johnson's. And if you're not certified
10 by either one of them, basically you're
11 giving hearsay testament.

12 COUNCILMAN KENNEY: Okay. The
13 gross weight issue will be addressed.

14 Please identify yourself for
15 the record.

16 MR. WAKOWSKI: My name is David
17 Wakowski. I own Select Recovery Service.

18 From what this whole
19 legislation that I was reading on and
20 all, it basically seems like you're going
21 to let Parking Authority handle the tow
22 trucks that handle the rotation, and in
23 the situation of you doing that, you're
24 going to put just about every company out
25 of business, so there's going to be no

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2 one left to give it to but Parking
3 Authority. The reason being, you have
4 the tow license fees you're raising up to
5 a thousand dollars per truck almost, then
6 you're requiring us to have workmen's
7 comp for every single driver, you're
8 requiring us to have health insurance for
9 drivers in one of the things we're
10 stating. Somebody was reading --

11 COUNCILMAN KENNEY: No. No.

12 MR. WAKOWSKI: -- one of your
13 requirements was health insurance.

14 COUNCILMAN KENNEY: Workmen's
15 comp --

16 MR. WAKOWSKI: I have workmen's
17 comp, but if a guy works for me for three
18 hours a day, I don't have to --

19 COUNCILMAN KENNEY: Workmen's
20 comp is a tough issue, but it's the law.
21 I don't know what to tell you.

22 MR. WAKOWSKI: And then you got
23 things on there, all the fines if you
24 fail -- I got one question. You're
25 letting Parking Authority issue our tow

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2 license. So they're on the gross vehicle
3 weight of this. If it's not 16,000
4 pounds, well, then they don't fit in the
5 rotation. Well, guess what?

6 COUNCILMAN KENNEY: We just
7 had --

8 MR. WAKOWSKI: If you pass this
9 bill, if it's not 16,000 pounds, I can't
10 even get a tow license to go tow a car
11 with my trucks. I got ten trucks that
12 are all 12,500 and lower.

13 COUNCILMAN KENNEY: I just said
14 to this gentleman here just 30 seconds
15 ago --

16 MR. WAKOWSKI: I understand
17 that.

18 COUNCILMAN KENNEY: -- that we
19 were going to discuss the gross vehicle
20 weight.

21 MR. WAKOWSKI: I understand.

22 COUNCILMAN KENNEY: I don't
23 know how else to say it.

24 MR. WAKOWSKI: But here's the
25 situation: Forget the weight. Between

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2 the weight changes you're making, between
3 the thousand dollars a truck for a tow
4 license and it costs me 11 grand a year
5 for a tow license, you're putting
6 everybody out of business. You're doing
7 it in another way, so at the end of the
8 day, it's all going to be left -- there's
9 nobody in business to make this money
10 even at 175 a car, because if it costs me
11 11 grand just for a tow license a year,
12 40 cars a year ain't going to pay my tow
13 license fee. So I'm done.

14 So basically all this stuff
15 you're doing, I got one question. You
16 want to put Parking Authority in charge
17 of tow license, right? As long as
18 they've been in our city, they don't have
19 tow license. They're excluded from that.

20 (Applause.)

21 MR. WAKOWSKI: They don't have
22 registrations on their vehicles. How
23 come this company has municipal tags? We
24 got to pay registration fee. I pay 3, 4
25 hundred dollars a truck every year I

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2 renew my tags to Harrisburg. They don't
3 pay nothing. Why? Because you's give it
4 to them. You keep giving them. They
5 don't even have to use -- not that we do.
6 If I'm towing a car and I don't have
7 dolly lights on the back, I get pulled
8 over by a police officer and all, I get a
9 \$450 ticket to \$600, his discretion.
10 Parking Authority, they don't need them.
11 They don't have none of them.

12 Check -- I would like -- since
13 you want to look into -- let's see how
14 many incidents we have with the 10,000
15 pound trucks and the 12,000 and all. Why
16 don't we look into this: Why don't we
17 look into our industry, see how many
18 accidents we have with tow trucks or
19 involving tow trucks, how many cars fall
20 off our trucks compared to Parking
21 Authority. They're dropping two a day.

22 (Applause.)

23 MR. WAKOWSKI: Some of them 30
24 accidents, two of them are Parking
25 Authority. So you want to look into it,

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2 I'd just like to know, for what reason
3 are we so strong on giving it to a
4 company that does nothing for our city,
5 that we had to literally just about sue
6 to get them to do what they're supposed
7 to? We're taxpaying citizens. We pay
8 our taxes, so we're part of the City.
9 They pay nothing. They do nothing for
10 the City. They don't do nothing they're
11 supposed to do. You're giving it to them
12 for what reason? I say no, that we all
13 should say hold this litigation and do
14 not pass this bill. Hold the bill, do
15 not let it get out of Committee, because
16 it's wrong.

17 (Applause.)

18 COUNCILMAN KENNEY: Thank you
19 for your testimony.

20 Sir, could you please identify
21 yourself for the record and proceed with
22 your testimony.

23 RAFIQ: I'm Rafiq of Rafiq's
24 Towing and Auto Repair Service. I just
25 wanted to say like Councilman Goode, he

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2 brought up the fact that some parts
3 should be amended with the bill and with
4 those parts of the bill that my
5 constituents brought up as far as we are
6 all taxpayers. We all struggled with
7 this from the beginning. We're going to
8 go back some years when Mayor Street was
9 the Mayor in the City of Philadelphia
10 when they first realized making money
11 from off of tow truck companies when we
12 cleaned up the City and we moved a lot of
13 the abandoned vehicles in the City, which
14 they excluded -- they're trying to
15 exclude us from everything now.

16 This bill just needs to be
17 looked to by the people, the towers, the
18 towers that's been here since the
19 beginning, and that's all we're asking,
20 to get the bill re-amended and address
21 certain things. Hold the bill.

22 COUNCILMAN KENNEY: Question
23 for Councilwoman Miller.

24 COUNCILWOMAN MILLER: Hi. Good
25 afternoon. I have one question. If you

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2 get -- and it's for either one of the
3 three. If you get 40 calls a year for
4 rotation, what do you do the rest of the
5 time?

6 RAFIQ: Well, see, all
7 companies, we all do different kind of
8 towing. Like my main thing is parking
9 lot enforcement. I tow vehicles off of
10 private properties where my signs is
11 posted at. Some people do private
12 towing. It's all different type of
13 towing.

14 As far as the rotation where he
15 said he only receives 40 calls within the
16 last 18 months, he's really not being
17 treated fair, because with their own
18 numbers, they said they at least get 30
19 accidents a day. So if it's only like 90
20 people on the rotation, then he should be
21 receiving a call at least once a day.

22 COUNCILWOMAN MILLER: Well, it
23 depends. I think -- well, if it's
24 rotation, I guess it depends on the
25 section of the City whether you're going

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2 to get a call a day, but I think -- I was
3 told the average is about a call every
4 three days.

5 (No.)

6 MR. WHITE: Every month.

7 RAFIQ: It's not like that.

8 COUNCILWOMAN MILLER: But that
9 would be, I guess, if the system was
10 working the way it should.

11 RAFIQ: And I wanted to address
12 you as far as you said your AAA. You pay
13 for your AAA every year, so you should be
14 allowed to use your AAA service. Now,
15 you spoke of the fact that like they said
16 they would have to move your car right
17 away. How much would you have -- do you
18 think you would have to pay to move your
19 car just to the side of the road? I'm an
20 independent contractor. I come out, I'm
21 going to have to charge you for that.

22 COUNCILWOMAN MILLER: Yeah,
23 175.

24 RAFIQ: If I tow your car three
25 feet, then it's going to be 175.

1 11/16/10 - RULES - BILL 100555, ETC.

2 COUNCILWOMAN MILLER: We know.

3 I know. I was just trying to figure out
4 a way that we could use AAA and not have
5 to pay twice.

6 RAFIQ: Right, pay the rest of
7 your fee that you already paid.

8 COUNCILWOMAN MILLER: Right.

9 MR. LEE: Okay. I have
10 something to say for Council. Don't you
11 think the people being victimized twice?
12 One, they're taking their car to Parking
13 Authority; two, they have to pay another
14 tow company to come get that vehicle and
15 bring it back to where it originally had
16 to go when it all could have been done in
17 one tow? And have --

18 COUNCILMAN KENNEY: If in fact
19 the person who towed that car follows the
20 rules and regulations that we have in
21 place right now. The problem has been
22 is, they don't follow the rules and
23 regulations. So talk about getting
24 victimized twice? Some of these folks
25 get victimized three and four times,

1 11/16/10 - RULES - BILL 100555, ETC.

2 because they can't get their car back.

3 When I have a situation where I
4 get towed on a Saturday at 10 o'clock and
5 I get charged \$25 for Saturday and at
6 12:01 a.m. Sunday I get charged \$25 for
7 another day and the impoundment lot, the
8 private impoundment lot, is closed on
9 Sunday and I pick the car up on Monday,
10 now I pay another \$25 for the third day.
11 These are the things that were coming to
12 our attention as the abuses. This is
13 when the person goes at 2 o'clock in the
14 morning to get their car and they won't
15 take the credit card because they got to
16 go to an ATM machine to get cash. I
17 mean, I have a file full of these. And
18 I'm glad it's not you doing it. I'm sure
19 it's not, because the way you're
20 testifying here, you're a legitimate
21 businessperson, but I have a file full of
22 these abuses that have gone on for a
23 decade or more and needed to be
24 addressed.

25 MR. LEE: Okay. We're going to

1 11/16/10 - RULES - BILL 100555, ETC.

2 address those.

3 COUNCILMAN KENNEY: People get
4 victimized all the time and we're trying
5 to reduce the amount of victimization.
6 If we didn't have that victimization, do
7 you think I want to sit here for hours
8 and hours and deal with this? If we
9 didn't have that victimization, we
10 wouldn't be here, none of us.

11 MR. LEE: Well, let me put it
12 to you this way: Don't you think it's
13 proper to turn around and make the
14 consequences for the people that's doing
15 it? That's like saying the Philadelphia
16 Police Department, you just had a guy
17 that turned around and --

18 COUNCILMAN KENNEY: He got
19 arrested.

20 MR. LEE: He's crooked.

21 COUNCILMAN KENNEY: He got
22 arrested.

23 MR. LEE: Does that make every
24 police officer in the City of
25 Philadelphia crooked?

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2 COUNCILMAN KENNEY: That's not
3 the point. If you're a legitimate
4 businessperson and you follow the rules,
5 none of this is going to affect you.

6 MR. LEE: I got news for you,
7 it don't affect me. I'm here
8 representing the people that it's going
9 to affect. I tow heavy-duty trucks all
10 day long. I mean, what you're talking
11 about down here doesn't mean nothing to
12 me.

13 COUNCILMAN KENNEY: Okay.

14 MR. LEE: But the thing is, why
15 are you turning around taking away
16 somebody's living --

17 COUNCILMAN KENNEY: We're not
18 doing that.

19 MR. LEE: Okay. Let me put it
20 to you another way. If you have people
21 that's out here making an honest living
22 right now, if you take away their means
23 of making a living, what is the only
24 other alternative? To turn to crime. If
25 they turn to crime, Philadelphia has

1 11/16/10 - RULES - BILL 100555, ETC.

2 another problem. Now you're going to
3 say, why did we do that?

4 What Council should do is kill
5 this bill right now or hold it in
6 Committee and get input from people
7 that's in the business.

8 I have no interest whatsoever
9 in this wreck chasing.

10 (Applause.)

11 COUNCILMAN KENNEY: Thank you
12 for your testimony.

13 Donna.

14 MR. LEE: And to make it one
15 better than that, since I have no
16 interest in this wreck chasing, why don't
17 Council turn around and sit down with me
18 and other people that's from this
19 industry and says, Okay, how do we fix
20 this problem?

21 COUNCILMAN KENNEY: Well, I
22 hear what you're --

23 MR. LEE: Basically what's
24 happening is, you're going to Parking
25 Authority, and what is the City of

1 11/16/10 - RULES - BILL 100555, ETC.

2 Philadelphia getting out of this? The
3 only thing you're doing is driving
4 businesses out of Philadelphia.

5 COUNCILMAN KENNEY: That's your
6 opinion.

7 MR. LEE: That's not an
8 opinion. That's true fact.

9 COUNCILMAN KENNEY: Do you have
10 any additional testimony on the
11 amendments?

12 MR. WAKOWSKI: Hold on one
13 second.

14 COUNCILMAN KENNEY: Not the
15 Parking Authority. The amendments.

16 MR. WAKOWSKI: You were talking
17 about you're doing this because people
18 get their cars towed over the weekend on
19 a Friday night.

20 COUNCILMAN KENNEY: That's one
21 thing.

22 MR. WAKOWSKI: Hold on one
23 second. Okay. This is one issue, but
24 you know, giving it to the Parking
25 Authority, you could call them yourself,

1 11/16/10 - RULES - BILL 100555, ETC.

2 if they tow a car at 10:30 at night,
3 10:30 p.m. tonight, you pick it up at
4 1:00 a.m., you pay for two days. 12:01
5 a.m. starts another day. And I get them
6 on the phone. I have -- I'll bring it to
7 your office tomorrow. I have it on voice
8 record. I voice recorded the
9 conversation.

10 COUNCILMAN KENNEY: I don't
11 believe that's accurate.

12 MR. WAKOWSKI: Oh, it is
13 accurate.

14 COUNCILMAN KENNEY: Look, you
15 obviously --

16 MR. WAKOWSKI: It's very
17 accurate.

18 COUNCILMAN KENNEY: Then that's
19 your opinion. I appreciate it. I
20 need --

21 MR. WAKOWSKI: There's more
22 involved in this than you're saying.

23 COUNCILMAN KENNEY: I need
24 additional testimony on the amendments,
25 please, because there's another hearing

1 11/16/10 - RULES - BILL 100555, ETC.

2 that's backing up.

3 MR. LEE: Why don't you turn
4 around and put this thing on hold, and I
5 personally will shut my business down to
6 come down here to represent these guys
7 and then work something out.

8 COUNCILMAN KENNEY: I don't
9 want you to shut your business down.

10 Any other questions for these
11 witnesses?

12 (No response.)

13 COUNCILMAN KENNEY: Thank you
14 very much for your testimony.

15 (Audience members yelling "hold
16 it.")

17 COUNCILMAN KENNEY: Can't get
18 up there until they're done. Come on.

19 COUNCILMAN RIZZO: Lieutenant
20 Healy, please.

21 COUNCILMAN KENNEY: Please
22 identify -- these folks are in line.

23 COUNCILMAN RIZZO: It was a
24 point of information.

25 COUNCILMAN KENNEY: Councilman,

1 11/16/10 - RULES - BILL 100555, ETC.

2 I will have Lieutenant Healy up here as
3 soon as I get rid of these -- as soon as
4 I deal with these witnesses.

5 (Audience members yelling "get
6 rid of you.")

7 Councilman -- well, you could
8 try that, too. It's up to you.

9 Please identify yourself for
10 the record and proceed.

11 MR. D'ANGELO: My name is
12 Anthony D'Angelo. I own George Smith
13 Towing.

14 COUNCILMAN KENNEY: May of
15 2011.

16 MR. D'ANGELO: My name is
17 Anthony D'Angelo. I'm the owner of
18 George Smith Towing.

19 COUNCILMAN KENNEY: Yes.

20 MR. D'ANGELO: First I want to
21 comment on the amendment on 710, Bill
22 No -- what is that exactly changing?

23 COUNCILMAN KENNEY: Which are
24 you talking about?

25 MR. D'ANGELO: 100710.

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2 COUNCILMAN KENNEY: The towing
3 signs. The industry that we very rarely
4 talk to has --

5 MR. D'ANGELO: I've been trying
6 to talk to you for months.

7 COUNCILMAN KENNEY: Well, we
8 changed the amount -- you were in my
9 office.

10 MR. D'ANGELO: I know, but I
11 couldn't --

12 COUNCILMAN KENNEY: What do you
13 mean you tried to talk to me for months
14 but you're in my office and you tell me
15 you can't talk to me?

16 MR. D'ANGELO: I've sent you
17 letters.

18 COUNCILMAN KENNEY: Have you
19 talked to me in my office?

20 MR. D'ANGELO: Yes, I did, in a
21 group.

22 COUNCILMAN KENNEY: Okay. So
23 I'm accessible to you in my office.

24 MR. D'ANGELO: Okay.

25 COUNCILMAN KENNEY: We changed,

1 11/16/10 - RULES - BILL 100555, ETC.

2 at the industry's request, we changed the
3 signage, because you could not get the
4 amount of letters that we were requiring
5 on the sign without changing all of your
6 signs. So in an effort to save money for
7 the people who were towing off of private
8 property, we're eliminating the signage
9 requirements to be changed, which will
10 save, I think, companies like yours a
11 considerable sum of money not having to
12 change the signs.

13 MR. D'ANGELO: So do I still --

14 COUNCILMAN KENNEY: And that
15 was your request.

16 MR. D'ANGELO: Do I still have
17 to change every sign?

18 COUNCILMAN KENNEY: According
19 to this legislation, no, other than
20 taking off the "cash only."

21 MR. D'ANGELO: I don't have
22 that. I never did.

23 COUNCILMAN KENNEY: Okay. We
24 had sent a letter to all licensed tow
25 companies explaining --

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2 MR. D'ANGELO: I know. I'm not
3 clear on that. I'm asking, do I still
4 have to put hours of operation?

5 MR. SACHDEV: Yes, except that
6 that's not --

7 MR. D'ANGELO: That's still
8 going to cost me thousands of dollars to
9 do that, time and manpower.

10 COUNCILMAN KENNEY: There is a
11 grace period of time before --

12 MR. D'ANGELO: I understand
13 that. It's still going to cost me
14 thousands of dollars --

15 COUNCILMAN KENNEY: But you got
16 our letter?

17 MR. D'ANGELO: Yes, I did.
18 It's going to cost me an unreasonable
19 amount of money and manpower. I'm asking
20 if we could just put up a sign at our
21 place of business with the same things on
22 it, just like the Parking Authority does,
23 instead of me putting these changes on
24 thousands of signs. That's what I'm
25 asking for. That's only reasonable.

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2 COUNCILMAN KENNEY: I hear you.

3 MR. D'ANGELO: I'm a small
4 business. I can't afford thousands. The
5 law was enacted as of Friday. There's
6 many things wrong. I've already had
7 problems, and I wrote you a letter about
8 that, that the City agencies aren't
9 coordinated. The police didn't know
10 about it Friday. The Parking Authority
11 has their little area they go in. They
12 won't believe it. My business is already
13 being affected. I'll be laying people
14 off within a week. What do you think
15 about that? I'm a small businessperson.

16 COUNCILMAN KENNEY: I'm --

17 MR. D'ANGELO: This law is
18 hurting the small businessperson.

19 (Applause.)

20 COUNCILMAN KENNEY: I hear you.

21 MR. D'ANGELO: You don't hear
22 me.

23 COUNCILMAN KENNEY: What do you
24 want me -- I'm listening to what --

25 MR. D'ANGELO: I want you to go

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2 after the companies that are doing the
3 wrong thing, not the companies that are
4 doing the right thing.

5 COUNCILMAN KENNEY: I am
6 listening to what you're saying. You
7 have testimony relative to the
8 amendments? Do you have testimony to the
9 amendments? This is the bill we're on.

10 MR. D'ANGELO: I just testified
11 about the sign.

12 COUNCILMAN KENNEY: That's
13 another bill.

14 MR. D'ANGELO: If anybody could
15 hear that, please.

16 For 536, I just have --
17 everybody who spoke before me, I thought
18 they did a pretty good job, Mr. White
19 especially, very good. I have one
20 question about the Bill 536. If this law
21 goes into effect, are they going to open
22 up the highways to the private tow
23 companies or is it just going to be the
24 Parking Authority, the way it is now?

25 (Applause.)

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2 COUNCILMAN KENNEY: I mean,
3 what I would suggest you to do is, you
4 talk to your State Representative or
5 State Senator, because that's who gave
6 them the authority, not the City of
7 Philadelphia. State Legislature gave the
8 authority to the Parking Authority to tow
9 from interstate highways. We had nothing
10 to do with it. We can't change it, and
11 we didn't do it.

12 MR. D'ANGELO: Okay. That's it
13 for me.

14 COUNCILMAN KENNEY: Thank you
15 very much.

16 Sir, we have -- we're backing
17 up another hearing and you've testified
18 already.

19 MR. LEE: I just have one quick
20 thing.

21 COUNCILMAN KENNEY: Please
22 identify yourself for the record.

23 MR. LEE: My name Alphonzo Lee,
24 Heat Wave Towing and Recovery.

25 We're going to go with case

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2 history like Florida and different
3 states. Do you know how many hundreds of
4 millions of dollars is being lost here
5 every day from lost wages, down time in
6 traffic, lost fuel costs and everything?
7 The wreck chasers get to an accident
8 scene and clear the scene faster than
9 Parking Authority can get out there.
10 That's in -- and the bad part about it
11 is, if you noticed since all this stuff
12 has taken place in the last couple of
13 years, there's more congestion in the
14 City of Philadelphia and the highways are
15 tied up more.

16 Now, if Council can't see that
17 how many millions of dollars it's costing
18 the City, something is wrong.

19 COUNCILMAN KENNEY: Thank you.

20 (Applause.)

21 COUNCILMAN KENNEY: As a result
22 of testimony today, there will be an
23 additional amendment to this bill
24 reverting back to the original 10,000
25 pounds GVW in anticipation of additional

1 11/16/10 - RULES - BILL 100555, ETC.

2 information that will be coming from the
3 City Administration relative to the
4 questions asked during the hearing. So
5 when we do the amendments to this bill,
6 the 16,000 pounds is being reverted back
7 to 10,000 pounds, at the request of many
8 of the witnesses, and we'll have further
9 discussion going forward as to whether
10 that stays at 10,000 or whether or not
11 that gets increased. But at this point
12 in time, the approval of the amendments
13 will include a reduction in gross vehicle
14 weight from 16 to 10.

15 Is there anyone else to
16 testify?

17 (No response.)

18 COUNCILMAN KENNEY: Seeing
19 none, that will conclude our public
20 hearing. We will now convene a public
21 meeting.

22 The Chair recognizes
23 Councilmember Goode for a motion to
24 approve the amendment to Bill No. 100555.

25 COUNCILMAN GOODE: Thank you,

1 11/16/10 - RULES - BILL 100555, ETC.

2 Mr. Chairman. I move the amendment to
3 Bill 100555 be approved.

4 (Duly seconded.)

5 COUNCILMAN KENNEY: It's been
6 moved and seconded.

7 All in favor?

8 (Aye.)

9 COUNCILMAN KENNEY: There are
10 none opposed. Bill No. 100555 will be
11 amended accordingly.

12 The Chair recognizes Councilman
13 Goode on the amended bill.

14 COUNCILMAN GOODE: Thank you,
15 Mr. Chairman. I move that Bill 100555,
16 as amended, be reported out of the
17 Committee with a favorable recommendation
18 and the rules of Council be suspended so
19 as to permit first reading at our next
20 Council session.

21 (Duly seconded.)

22 COUNCILMAN KENNEY: Moved and
23 seconded.

24 All in favor?

25 (Aye.)

1 11/16/10 - RULES - BILL 100555, ETC.

2 COUNCILMAN KENNEY: There are
3 none opposed. Bill No. 100555, as
4 amended, reported out of this Committee
5 favorably and the request for rules
6 suspension to allow for first reading at
7 our next Council session.

8 The Chair recognizes
9 Councilmember Greenlee for a motion to
10 approve the amendment to Bill No. 100556.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman. I move the approval
13 of the amendment to Bill No. 100556.

14 (Duly seconded.)

15 COUNCILMAN KENNEY: It's been
16 moved and seconded.

17 All in favor?

18 (Aye.)

19 COUNCILMAN KENNEY: There are
20 none opposed. Bill No. 100556 will be
21 amended accordingly.

22 The Chair recognizes
23 Councilmember Greenlee on the amended
24 bill.

25 COUNCILMAN GREENLEE: Thank

1 11/16/10 - RULES - BILL 100555, ETC.

2 you, Mr. Chairman. I move that Bill No.
3 100556, as amended, be reported out of
4 this Committee with a favorable
5 recommendation and that the rules of
6 Council be suspended to allow for first
7 reading at our next session of Council.

8 (Duly seconded.)

9 COUNCILMAN KENNEY: Moved and
10 seconded.

11 All in favor?

12 (Aye.)

13 COUNCILMAN KENNEY: There are
14 none opposed. Bill No. 100556, as
15 amended, reported out of this Committee
16 with a favorable recommendation and a
17 request made for rules suspension to
18 allow first reading at our next Council
19 session.

20 Bill No. 100656 will be held at
21 the request of the sponsor to a date
22 certain of November 29th, 2010 at 10:00
23 a.m. in this room.

24 The Chair recognizes
25 Councilmember Miller for a motion on Bill

1 11/16/10 - RULES - BILL 100555, ETC.

2 No. 100673.

3 COUNCILWOMAN MILLER: Thank
4 you, Mr. Chair. I move that Bill No.
5 100673 be reported out of this Committee
6 with a favorable recommendation and
7 further move that the rules of Council be
8 suspended so as to permit first reading
9 at our next session.

10 (Duly seconded.)

11 COUNCILMAN KENNEY: Moved and
12 seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN KENNEY: There are
16 none opposed. Bill No. 100673 reported
17 out of this Committee with a favorable
18 recommendation and a request made for
19 rules suspension to allow first reading
20 at our next Council session.

21 The Chair recognizes
22 Councilmember DiCicco on a motion to
23 approve the amendments to Bill No.
24 100536.

25 COUNCILMAN DiCICCO: Thank you,

1 11/16/10 - RULES - BILL 100555, ETC.

2 Mr. Chairman. I move that the amendments
3 to Bill 100536 be reported out of this
4 Committee with a favorable
5 recommendation.

6 (Duly seconded.)

7 COUNCILMAN KENNEY: And a
8 request -- I'm sorry; the amendment. I'm
9 sorry.

10 It's been moved and seconded.

11 All in favor?

12 (Aye.)

13 COUNCILMAN KENNEY: There are
14 none opposed.

15 COUNCILMAN CLARKE: No.

16 COUNCILMAN KENNEY: One opposed
17 on the amendments, Councilman Clarke.
18 One opposition. The motion on the
19 amendment passes.

20 The Chair recognizes
21 Councilmember DiCicco on a motion for the
22 amended bill.

23 COUNCILMAN DiCICCO: Thank you,
24 Mr. Chairman. I move that Bill No.
25 100536, as amended, be reported out of

1 11/16/10 - RULES - BILL 100555, ETC.

2 this Committee with a favorable
3 recommendation, that the rules of Council
4 be suspended.

5 (Duly seconded.)

6 COUNCILMAN KENNEY: Moved and
7 seconded.

8 All in favor?

9 (Aye.)

10 COUNCILMAN KENNEY: There are
11 none opposed -- are you opposed to the
12 movement of the bill?

13 COUNCILMAN CLARKE: Yes.

14 COUNCILMAN KENNEY: Councilman
15 Clarke is opposed to the movement of the
16 bill. Therefore, it passes. Bill No.
17 100536, as amended, reported out of this
18 Committee with a favorable recommendation
19 and a request made for rules suspension
20 to allow first reading at our next
21 Council session.

22 The Chair recognizes
23 Councilmember Clarke on a motion to
24 approve Bill No. 100710.

25 COUNCILMAN CLARKE: Thank you,

1 11/16/10 - RULES - BILL 100555, ETC.

2 Mr. Chair. Mr. Chair, I move for a
3 motion on Bill No. 100710.

4 COUNCILMAN KENNEY: A motion
5 has been made to approve Bill 100710. Is
6 there a second?

7 (Duly seconded.)

8 COUNCILMAN KENNEY: And there
9 is a request for a rules suspension. Is
10 there a second?

11 (Duly seconded.)

12 COUNCILMAN KENNEY: Moved and
13 seconded.

14 All in favor?

15 (Aye.)

16 COUNCILMAN KENNEY: There are
17 none opposed. Bill No. 100710 reported
18 out of this Committee with a favorable
19 recommendation and a request made for
20 rules suspension to allow for first
21 reading at our next Council session.

22 That will conclude the business
23 of the Rules Committee -- I'm sorry.

24 I'm sorry. The Chair
25 recognizes Councilmember Clarke on a

1 11/16/10 - RULES - BILL 100555, ETC.

2 motion to amend Bill No. 100656.

3 MS. SACHDEV: No.

4 (Off-the-record discussion.)

5 COUNCILMAN KENNEY: The Chair
6 recognizes Councilmember Clarke for a
7 motion.

8 COUNCILMAN CLARKE: Thank you,
9 Mr. Chair. Mr. Chair, Bill No. 100709 is
10 currently pending in Rules Committee. It
11 is scheduled for a hearing on November
12 the 29th. At this time, I would like to
13 offer a substitute to the bill's
14 attachment entitled Exhibit A. This
15 attachment will replace the currently
16 attached Exhibit A, which will be deleted
17 in its entirety.

18 (Duly seconded.)

19 COUNCILMAN KENNEY: Is that a
20 first?

21 COUNCILMAN CLARKE: I've gotten
22 clearance from the Law Department that
23 this is well within --

24 COUNCILMAN KENNEY: Moved and
25 seconded.

1 11/16/10 - RULES - BILL 100555, ETC.

2 All in favor?

3 (Aye.)

4 COUNCILMAN KENNEY: There are
5 none opposed. Councilmember Clarke's
6 motion passes and will not be repeated,
7 but make sure the record is clear.

8 Thank you.

9 (Committee on Rules concluded
10 at 1:15 p.m.)

11 - - -

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on November 16, 2010, and
8 that this is a true and correct transcript of
9 same.

10
11
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13
14 -----
15 MICHELE L. MURPHY
16 RPR-Notary Public
17
18
19

20 (The foregoing certification of this
21 transcript does not apply to any reproduction
22 of the same by any means, unless under the
23 direct control and/or supervision of the
24 certifying reporter.)
25