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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON STREETS AND SERVICES

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Room 696, City Hall
Philadelphia, Pennsylvania
Wednesday, November 19, 2003
10:18 a.m.

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BILLS 030671, 030672, 030681, 030683,
030685, 030687, 030688, 030691, 030693,
10 030694, 030696, 030697, 030712, 030714,
11 030715, 030720.

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PRESENT:

14

COUNCILMAN FRANK DICICCO, Chair
COUNCILMAN DARRELL CLARKE
15 COUNCILMAN WILSON GOODE
COUNCILWOMAN DONNA REED MILLER
16 COUNCILMAN FRANK RIZZO

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1 11/19/03 - STREETS - BILL 030671

2 COUNCILMAN DICICCO: Good morning,
3 everyone. This is a public hearing on the
4 Committee of streets and services. We have a
5 quorum. In attendance are Councilmembers
6 Donna Reed Miller, Councilman Rizzo,
7 Councilman Goode and Councilman Clarke,
8 myself, Councilman DiCicco; I'm the Chair of
9 this Committee.

10 The Clerk will read the title of the
11 first bill.

12 THE CLERK: Bill No. 030671, an
13 ordinance amending Section 9-205 of the
14 Philadelphia Code relating to sidewalk sales
15 by restricting the prohibition of sidewalk
16 sales on that portion of the south side of 900
17 West Nedro Avenue beginning and extending east
18 from the south side of 1000 West Nedro Avenue
19 for a distance of 77 feet, 10 feet from the
20 curb.

21 COUNCILMAN DICICCO: Good morning,
22 Mr. Haigler. Please identify yourself for the
23 record and proceed with your testimony.

24 MR. HAIGLER: Good day, Councilman
25 DiCicco and Members of the Committee. I am

1 11/19/03 - STREETS - BILL 030671

2 Otis Haigler, Jr., Legislative Regulatory
3 Affairs Manager for the Department of Licenses
4 and Inspections. Today, I'm here to provide
5 testimony on Bill 030671, which, if enacted,
6 will prohibit sidewalk sales on portions of
7 the south side of the 900 block of West Nedro
8 Avenue and the south side of 1000 West Nedro
9 Avenue block.

10 The Department offers no objections
11 to the enactment of Bill 030671 and is
12 prepared to enforce provisions of this bill
13 should Council vote for it's passage and the
14 Mayor signs it into law.

15 Thank you. I will be happy to
16 answer any questions at this time.

17 COUNCILMAN DICICCO: Thank you, Mr.
18 Haigler. Are you aware of an amendment that's
19 being offered by the sponsor of the bill?

20 MR. HAIGLER: Yes, I am. And we
21 have no objections to the amendments.

22 COUNCILMAN DICICCO: Maybe for the
23 purpose of moving this hearing along, we can
24 read those amendments into the record and then
25 we'll have them for the public meeting.

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2 MR. HAIGLER: The amendments to
3 030671 under 9-2058 Subsection P, Subsection
4 .354, it is added "and on the south side of
5 the West Nedro Avenue from 10th Street to a
6 point 75 feet east from 10 Street.

7 COUNCILMAN DICICCO: Thank you, Mr.
8 Haigler.

9 Any questions from this witness from
10 the Committee?

11 (No response.)

12 COUNCILMAN DICICCO: Anyone else
13 here who wishes to testify for or against the
14 bill?

15 (No response.)

16 COUNCILMAN DICICCO: Seeing none,
17 the Clerk will read the title of the of next
18 bill.

19 THE CLERK: Bill No. 030672, an
20 ordinance amending Section 2 of an ordinance,
21 Bill No. 010268, approved August 31, 2001,
22 entitled an ordinance authorizing the vacating
23 of River Road from a point approximately 10
24 feet southwest of the Philadelphia and
25 Montgomery County line, northeastwardly to

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2 Philadelphia AND Montgomery County line, as
3 amended.

4 MR. LONIE: Goon morning, Mr.
5 Chairman and Members of the Committee. My
6 name is Paul Lonie, Survey Bureau Manager of
7 the Department of Streets. And the Department
8 would like to offer the following testimony on
9 Bill No. 030672.

10 This is a Councilmanic ordinance
11 requested by Councilman Michael Nutter. The
12 purpose of this ordinance is to extend the
13 time to authorize the Board of Surveyors to
14 legally close a portion of the street.

15 This ordinance is supported by the
16 Department of Streets and recommended to your
17 Committee for favorable action.

18 COUNCILMAN DICICCO: Thank you.

19 Any questions?

20 (No response.)

21 COUNCILMAN DICICCO: Anyone else
22 here who wishes to testify for or against the
23 bill?

24 (No response.)

25 COUNCILMAN DICICCO: Seeing none,

1 11/19/03 - STREETS - BILL 030681

2 the Clerk read the title of the next bill.

3 THE CLERK: Bill No. 030681, an
4 ordinance --

5 COUNCILMAN DICICCO: Excuse me.

6 UNIDENTIFIED SPEAKER: (Inaudible.)

7 COUNCILMAN DICICCO: Anyone who's
8 here who wishes to testify on any of one of
9 these bills, after the bill has been read and
10 the testimony from the various it City
11 agencies has been entered into the record,
12 you're then permitted to come to the witness
13 table and testify as well. Anyone. It's a
14 public hearing. Thank you.

15 THE CLERK: Bill No. 030681, an
16 ordinance authorizing the revision of lines
17 and grades on a portion of City Plan No. 24-S
18 by placing on the City Plan a certain
19 right-of-way for gas main purposes within the
20 lines of former Morris Street from 30th Street
21 to 31st Street, under certain terms and
22 conditions.

23 MR. LONIE: Good morning, Mr.
24 Chairman, Members of the Committee. Again, my
25 name is Paul Lonie, the Survey Bureau Manager

1 11/19/03 - STREETS - BILL 030683
2 for the Department of Streets. And the
3 Department would like to offer the following
4 testimony on Bill No. 030681.

5 This is an Administration ordinance
6 requested by the Streets Department. The
7 purpose of this ordinance is to create a
8 right-of-way for the benefit of the
9 Philadelphia gas works in the bed of former
10 Morris Street which was stricken and vacated
11 by the Board of Surveyors.

12 This ordinance is supported by the
13 Department of Streets and is recommended to
14 your Committee for favorable action.

15 COUNCILMAN DICICCO: Any questions
16 for this witness from the Committee?

17 (No response.)

18 COUNCILMAN DICICCO: Anyone else
19 here who wishes to testify for or against the
20 bill?

21 (No response.)

22 COUNCILMAN DICICCO: Seeing none,
23 the clerk will read the title of the next
24 bill.

25 THE CLERK: Bill No. 030683, an

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2 ordinance amending Section 9-205 of the
3 Philadelphia Code relating to sidewalk sales
4 to permit sidewalk sales on Germantown Avenue
5 between York street and Butler street if the
6 vendor inclusively sells goods that are
7 different in kind from those sold by owners or
8 tenants on the abutting property, under
9 certain terms and conditions.

10 COUNCILMAN DICICCO: Good morning,
11 Mr. Haigler.

12 MR. HAIGLER: Good morning. Good
13 day, Councilman DiCicco and Members of the
14 Committee. I am Otis Haigler, Jr.,
15 Legislative Regulatory Affairs Manager for the
16 Department of Licenses and Inspections.
17 Today, I'm here to provide testimony on Bill
18 030683 which, if enacted, will permit sidewalk
19 sales on Germantown Avenue between York Street
20 and Butler Street if the vendor exclusively
21 sells goods that are different in kind from
22 those sold by owners or tenants on the
23 abutting property, under certain terms and
24 conditions.

25 The Department offers no objections

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2 to enactment of Bill 030683 and is prepared to
3 enforce the provisions of this bill should
4 Council vote for its passage and the Mayor
5 sign it into law.

6 Thank you. I'll be happy to answer
7 any questions at this time.

8 COUNCILMAN DICICCO: Thank you, Mr.
9 Haigler.

10 Any questions for this witness from
11 the Committee?

12 Councilman Rizzo.

13 COUNCILMAN RIZZO: Mr. Haigler,
14 could you please describe the process for
15 enforcement?

16 It's nice that we enact these
17 things, but in the event a merchant starts
18 selling something that does compete with the
19 store owner, how quickly is L&I prepared --
20 and I'd like a commitment. How quickly is L&I
21 prepared to respond to complaint that a
22 merchant may have.

23 MR. HAIGLER: That complaint would
24 have to be made to the Department by the
25 merchant. We would take that complaint, as we

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2 would take any other complaint take in, it
3 would be entered into our computer system and
4 then it would be routed to our inspectional
5 unit. Our Inspectional Unit will register or
6 schedule that complaint to go out for
7 investigation to see whether or not the
8 complaint is justified or not.

9 The inspectors would go out, inspect
10 that situation. If the complaint is
11 justified, they would take the appropriate
12 action citing the violator for violating the
13 Code or violating this section of the Code
14 and, if necessary, go further with any other
15 enforcement action.

16 COUNCILMAN RIZZO: Could you give me
17 an expectation on the turn-around?

18 A Friday afternoon, a wallet store
19 has a vendor selling wallets out in the front
20 of that store. How quickly is L&I's inspector
21 going to be there to verify that?

22 MR. HAIGLER: I really can't give
23 you a definitive pinpointed time as to how
24 that will take place. I understand that if
25 the complaint were called in and if our

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2 Business Compliance Unit was notified of this,
3 we could act on it immediately if necessary.
4 If necessary, we could send an inspector out
5 immediately to take a look at that.

6 COUNCILMAN RIZZO: For the record,
7 what would -- maybe you can come back to the
8 record. I need to know that we're protecting
9 the businesses and what kind of response we
10 can expect L&I to provide a business in the
11 event that there is an inquiry.

12 MR. HAIGLER: I can certainly
13 discuss this with our Deputy Commissioner over
14 our Business Regulatory Enforcement Unit to
15 try to pin down exactly what their response
16 would be. That would be Deputy Commissioner
17 Verdi. I can certainly talk to him about
18 this.

19 COUNCILMAN RIZZO: That's an open
20 issue, correct?

21 MR. HAIGLER: That's correct.

22 COUNCILMAN RIZZO: Thank you.

23 COUNCILMAN DICICCO: Thank you.

24 Councilwoman Miller.

25 COUNCILWOMAN MILLER: Yes.

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2 Good morning, Mr. Haigler. What
3 about the reverse? Because I know that when
4 we were doing the vendors bill in Germantown,
5 one of the issues that we had to deal with was
6 that vendors would be selling something and
7 the merchant would then start to sell it, too.
8 And, you know, in a sense it works both ways.
9 Has that ever been worked out? It's been
10 years since I worked on that in Germantown.

11 MR. HAIGLER: I'm aware of that
12 situation. But the way this bill is crafted,
13 it indicates that if somebody is already been
14 given a license to sell there, then they can't
15 sell something that's the same as what's being
16 sold in the store. I think probably what
17 might be needed is some sort of grandfathering
18 for people who are already there. I don't
19 know.

20 COUNCILWOMAN MILLER: We can talk
21 about that later, but that is an issue. I do
22 know it's an issue.

23 COUNCILMAN CLARKE: I can't speak to
24 Germantown Avenue issue, but we're able to do
25 this in this particular bill because there

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2 currently technically is no vending allowed,
3 so in crafting the authorization to vend, we
4 put that caveat in there that if there's a
5 property owner, a building owner whose primary
6 sales is a particular item, say sneakers as an
7 example, that the vendor could not vend if
8 that was their primary sales item in front of
9 that property owner store, and they would have
10 a couple stores down. And that was the
11 biggest complaint that we got from the
12 business owners. But we also wanted to take
13 into account that we wanted to make sure that
14 vendors had an opportunity to make a living,
15 so we felt that that was reasonable compromise
16 authorizing them to vend but not necessarily
17 in front of the store that had a like product.
18 But that's because we did not have --

19 COUNCILWOMAN MILLER: Are vendors
20 out there now even though it's illegal?

21 COUNCILMAN CLARKE: They've been
22 there for quite some time.

23 COUNCILWOMAN MILLER: Well, that's
24 the same way it was in Germantown. And then
25 we put together an ordinance to permit

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2 vending. But that is one of the issues that
3 kept coming up. I just know it can be an
4 issue.

5 COUNCILMAN CLARKE: That was one of
6 the primary issues of the store owners. And I
7 met with the vendors a couple of months ago to
8 talk about some of the issues relating to the
9 operational functions of the vending, and we
10 came to an agreement -- the vendors actually
11 met the elected leadership and I talked to the
12 business owners and the leadership there, and
13 we thought we crafted what was a reasonable
14 compromise. Subsequently, the Department of
15 Licenses and Inspections will then work with
16 venders on a regulatory fashion, not needing
17 legislation but to talk about the operation of
18 the vendors on that particular corridor. But
19 what we wanted to do was get people legalized
20 and get them legalized in a way that it
21 wouldn't create problems for the store owners.

22 COUNCILWOMAN MILLER: Okay. Thank
23 you.

24 COUNCILMAN RIZZO: Mr. Chairman, I'd
25 like to follow-up.

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2 COUNCILMAN DICICCO: Councilman
3 Rizzo.

4 COUNCILMAN RIZZO: I'd like to
5 follow up with Mr. Haigler.

6 Mr. Haigler, is there any proactive
7 response from the Business Compliance Unit.
8 In other words, what I'm trying to say is
9 rather than have a merchant physically call to
10 complain, does Business Compliance ever visit
11 these locations proactively to make sure that
12 they're in compliance.

13 MR. HAIGLER: Yes, they do. They do
14 periodic program inspections. They do
15 periodic inspections of certain areas of the
16 City. If they're there for some other reason,
17 if they notice that there is a violation, say,
18 if they're there at a business for some other
19 reason, another license purpose, they notice
20 that there is a violation, they can pick that
21 violation up as well.

22 COUNCILMAN RIZZO: Thank you.

23 Thank you, Mr. Chairman.

24 COUNCILMAN DICICCO: Thank you.

25 Any further questions from any other

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2 Members of the Committee of this witness?

3 (No response.)

4 COUNCILMAN DICICCO: Anyone who
5 wishes to testify for or against this bill?

6 If this is the bill you're
7 interested in, now is the time to approach the
8 witness table.

9 Good morning, sir. Please identify
10 yourself for the record and proceed with your
11 testimony.

12 MR. DAY: Keith Day. Good morning.

13 COUNCILMAN DICICCO: Spell your last
14 name, please.

15 MR. DAY: D-A-Y.

16 COUNCILMAN DICICCO: Thank you.

17 MR. DAY: I was wondering as far as
18 the store owners as they have L&I to represent
19 them, do we have like a person that can come
20 and speak for the merchants' behalf on laws
21 and things that we don't understand?

22 COUNCILMAN DICICCO: I'll yield in a
23 minute to the sponsor of the bill, Darrell
24 Clarke, who is your Councilperson. But I
25 would think that if you needed some education,

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2 if you will, in the area of vending that the
3 Department of L&I -- Mr. Haigler is shaking
4 his head in the affirmative -- would be more
5 than willing to come out and talk to you about
6 what you can and cannot do, what you're
7 permitted to sell, what you're not permitted
8 to sell. And I would request that through
9 your Councilman, Darrell Clarke.

10 MR. DAY: If I had a problem, I
11 would get with Darrell Clarke, the councilman.

12 COUNCILMAN DICICCO: You would call
13 him an arrange for a meeting with the
14 Department of L&I.

15 MR. DAY: Okay. Thank you.

16 I understand that they're letting us
17 vend on a place where they said wasn't no
18 vending allowing, which is appreciated but
19 when it says a merchant can't sell the same
20 product as another store owner, but is it
21 permissible for that store owner once he knows
22 you're selling this certain thing, can he sell
23 it now?

24 COUNCILMAN DICICCO: I think that
25 was the question that was asked by

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2 Councilwoman Miller of Mr. Haigler.

3 Would you like to hear that answer
4 again?

5 MR. DAY: Sure. I didn't hear it.

6 MR. OTIS: I think the Councilman
7 gave the answer.

8 COUNCILMAN DICICCO: Councilman
9 Clarke

10 COUNCILMAN CLARKE: Actually, your
11 question sounded a little different. You said
12 that if a vender is selling a product, right?
13 And he has a location and then all of a sudden
14 the store owner decides to sell the same
15 product?

16 MR. DAY: Yes.

17 COUNCILMAN CLARKE: As far as I'm
18 concerned, that vendor who has been given that
19 location -- those locations will be given out
20 once you sit down with the Department License
21 and Inspections. That vendor, if that's the
22 primary product, he will not be asked to moved
23 if the store owner all of a sudden decides to
24 sell a different product.

25 But is your question, is the store

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2 owner prohibited from selling what the vendor
3 is selling?

4 MR. DAY: No. I was just wondering
5 would it fall into conflict under the rules
6 that --

7 COUNCILMAN CLARKE: No. If you're
8 selling a product and we agree that you're
9 selling a primary product, whatever it may be.
10 And you're not in competition with the primary
11 store of that store owner. If three weeks out
12 that store owner decides to sell what you're
13 selling, you will not be required to move nor
14 will you be required to change your product.
15 Once it's determined what your primary product
16 is, my understanding working with L&I that
17 would be the --

18 MR. HAIGLER: Councilman, I would
19 ask maybe if that could be possibly indicated
20 in the ordinance, because I don't believe
21 that's basically what it states in the
22 ordinance. It basically states that if the
23 vendor is selling something that's exclusively
24 the same in kind as what the store owner is
25 selling. It doesn't say whether or not the

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2 store owner sold it first or the vendor sold
3 it first. So I think you probably need to
4 clarify that in the ordinance for clarity
5 purposes.

6 COUNCILMAN CLARKE: Okay. Before we
7 get into the public meeting, we will hopefully
8 sit down and craft an amendment that clarifies
9 that specifically. And at the time of the
10 public meeting, we'll amend that to reflect
11 that so it's clear as it relates to the
12 primary product of both the vendor and the
13 store owner.

14 COUNCILMAN DICICCO: It's bit
15 ambiguous the way it's written.

16 Any other questions from this
17 Committee?

18 Councilwoman Miller

19 COUNCILWOMAN MILLER: See, I think
20 that it's important that we keep our store
21 owners, but we also keep our vendors. And
22 vending is a legitimate way to earn a living
23 and support a family. But I know that we had
24 the same kind of circumstance in Germantown
25 where vendors were selling a product different

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2 from the store owner, and then the store owner
3 decided to sell the same product. And that
4 can just cause a lot of trouble. So I agree
5 maybe it is good to put it in the ordinance
6 because the situation is just going to
7 continue to come up over and over again when
8 vending is permitted.

9 COUNCILMAN DICICCO: Councilman
10 Rizzo.

11 COUNCILMAN RIZZO: I'm still
12 struggling with this. I just want to make
13 sure when I leave this hearing I understand.
14 We are now limiting a store owner? In the
15 event I'm vendor and I sell XYZ, you're
16 telling me that the store owner can't sell
17 XYZ?

18 COUNCILMAN DICICCO: No, the store
19 owner can. It will not remove the vendor. If
20 I'm a store owner and I sell products -- I'm a
21 vendor, and I sell handbags and store owner
22 doesn't sell handbags but at some point in
23 time decides to sell handbags, that will not
24 exclude the vendor from selling handbags even
25 though the way the ordinance written it says

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2 you can't same products of the store. It's
3 who was there first, I mean, what came first?
4 Kind of like the chicken and the egg thing.

5 COUNCILMAN RIZZO: Who's going to
6 manage this? It sounds to me like a
7 management nightmare. What are we going to
8 do, take photographs of the vendor when he
9 starts handbags to set up a time line. It
10 sounds to me like L&I is not equipped enforce
11 this.

12 MR. HAIGLER: I think what we're
13 going to have to do is we're going to have to,
14 again, meet with the vendors, meet with the
15 Councilman. The vendors may have to identify
16 exactly what they are selling and they may be
17 held to what they are selling at the time that
18 they're licensed. And at that point, they
19 won't be able to change any items that they
20 sell. Once they've been given their locations
21 as to where they are vend, then they're going
22 to be held to vend whatever those items are
23 that they agreed to.

24 COUNCILMAN RIZZO: And there should
25 also be a process for them add to that list.

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2 There should be a way that if they decide some
3 new widget becomes available and they choose
4 to sell it, that there should be a process
5 where they can add that to their inventory. I
6 don't think that they should be limited to six
7 items for the rest of their vending career.

8 COUNCILMAN CLARKE: The only time
9 when that will come into play, if that vendor
10 makes a determination that they want to sell a
11 product that's the same as the primary product
12 of the store owner. So we're not limiting the
13 vendor to the product that they're selling at
14 that particular time of the designation of
15 their location. The only issue when this
16 comes into play is if that vendor decides,
17 "Well, I want to sell the same thing as the
18 store owner that I'm in front of, that I
19 abut." But other than that, the vendor has
20 the option to change his product any way that
21 they are comfortable with doing that. But
22 we'll specify via an amendment to make sure
23 that it is clear as it relates to the product
24 and the timing the products. And once that
25 location is selected, that vendor determines

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2 determines what product their will be, will be
3 grandfathered in.

4 COUNCILMAN DICICCO: Any other
5 questions? Mr. Day?

6 MR. DAY: And I was wondering, as us
7 being street vendors, we have to get a license
8 to set up. Is L&I only for the store owners
9 or they're for vendors? Because we have a
10 license, too. What would L&i job fall in line
11 with that? Can we call them if we have a
12 complaint?

13 MR. HAIGLER: I can answer that
14 exclusively. We're not for anybody. We're a
15 regulatory that enforces the laws of the land
16 equally; vendors, store owners. We enforce
17 laws that are enacted. We're not for any
18 particular group or organization or particular
19 business operation. We're just a regulatory
20 enforcement agency that enforces the laws of
21 the City of Philadelphia.

22 MR. DAY: So if I had a complaint
23 about a store having loud music, could I call
24 L&I?

25 MR. HAIGLER: Absolutely. Any

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2 citizens of the City of Philadelphia can call
3 the Department of Licenses and Inspections to
4 register any complaint to have an inspection
5 done for any violation of the City Code.

6 MR. DAY: Thank you. That's it for
7 me. I appreciate it. Thank you.

8 MR. SMITH: Good morning.

9 COUNCILMAN DICICCO: Good morning,
10 sir. Please identify yourself for the record
11 and proceed with your testimony.

12 MR. SMITH: My name is Abdul Smith.
13 The question I had was concerning L&I about
14 the laws they have presently concerning
15 vendors as far as like if you can by a license
16 to vend, a sidewalk vendors license and then
17 you need more space for your vending stand --
18 because they give you an 8 by 4. But if you
19 need more space, they say, "Okay, you can buy
20 another license." But if you by another
21 license and your name is the name on the
22 license that you presently have and the
23 license that you're going to buy, then you
24 have to move to another block. You can't sell
25 on the same block.

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2 That's very -- you're not going to
3 be able to do what you were trying to do, which
4 trying to make a stand that holds more items
5 because now you have to separate your other
6 stand totally to a whole other block.

7 They say if you need to try to have
8 a location that's closer to the location you
9 already have established, then you can use
10 someone else's name to try to get that other
11 spot and then you can move 30 feet from the
12 spot that you already have. This is a
13 vendor's nightmare because the vendors don't
14 have the ability to try to structure anything
15 that they need to make a little bigger area,
16 to make the area more presentable. When
17 you're dealing with a 8 by 4 and you have a
18 lot of merchandize, you're making the streets
19 look raggedy, you're making the area look like
20 it's just something thrown together. So if we
21 could have bigger areas --

22 COUNCILMAN DICICCO: You're saying
23 larger than the 4 by 8?

24 MR. SMITH: Yeah, for sure. I mean,
25 we're paying -- not to say the amount of money

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2 is what I'm saying, but we're paying \$500 for
3 every new license. But for every new license
4 we buy, whether it be business privilege
5 license and sidewalk sales license, then we
6 have to move 30 feet from -- it's hard to
7 monitor that kind of activity.

8 COUNCILMAN DICICCO: I think that
9 the reason that the limit on the 4 by 8 and
10 the space between the stands was to allow for
11 some other pedestrian movement on the sidewalk
12 so that you don't have kind of a non-break in
13 the stands where people will not be able to
14 either get out of their car, get onto the
15 sidewalk or cross the street. It's not a
16 perfect situation, I understand. But given
17 the experience, I think, that L&I has had over
18 the years with vendors, this is the best that
19 they can come up with at this time.

20 As an example in your case, if you
21 were allowed to continue to add on to the
22 existing stand, where do you draw the line?

23 MR. SMITH: No, no, no. It would be
24 a lawn drawn. We wouldn't say we can get 15
25 licenses and just stretch it all the way out.

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2 If you're saying 2 or 3, and then even if you
3 need breaks in between so that the people
4 could get out of their car, so forth like
5 this, I could see you saying 5 feet apart, 10
6 feet apart so that you have breaks, like if a
7 car door opens and needs to get in and out
8 like this. But you're making it real
9 difficult tax-wise because now we have to have
10 different people to go get a license. So now
11 we figure out how we're going to do it
12 tax-wise to say this person sold this, this
13 person sold that, and it's all one business.

14 COUNCILMAN DICICCO: Well, I
15 appreciate your comments. Not being
16 disrespectful, it really is not germane to the
17 issue at hand with this bill. I think this is
18 a matter that we might want to talk about
19 going forward because I have many vendors in
20 my district and we always have that continual
21 back-and-forth as to where should they set up,
22 are they exceeding the amount of space, they
23 want to expand. That's a subject, I think, in
24 a hearing for another time. Again, not that
25 your comments are not important, but it

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2 doesn't reflect what this bill is all about.

3 Thank you.

4 COUNCILMAN CLARKE: Mr. Chairman,
5 one of the things that we discussed when I met
6 with the vendors is that they form an
7 association, formalize their organization and
8 it would be better in terms of our ability to
9 interact with any changes in legislation, both
10 the Councilmembers and also the Department of
11 Licenses and Inspections so we can have that
12 formalized discussion and talk about problems
13 associated, not only with this particular bill
14 or this particular location, but just in
15 general. So I, again, encourage the vendors
16 to formalize and sit down with us and have
17 that discussion about other issues other than
18 this.

19 COUNCILMAN DICICCO: There actually
20 is a vendors association that exists. I hear
21 from them from time to time when I do
22 something that they're not happy with. But
23 there is association. I don't know the name
24 of it off the top of my head other than
25 vendors association. You can, obviously, form

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2 your own if you'd like for your particular
3 community, but there is a more broader
4 city-wide organization that exists today.

5 Please identify for yourself for the
6 record.

7 MR. JENKINS: George Jenkins. And I
8 just had a question to reiterate about the
9 personalized items. Who's going to go out to
10 the stores? Let's say the store owner sells
11 sneaks and sweat suits and caps. Who's going
12 to determine what is personalized item is? Or
13 would he be able to say, "I got four different
14 personalized items or primary items. You
15 can't sell this. I'm selling four different
16 primary items. These are all my primary
17 items. "

18 You're saying there's only going to
19 be one?

20 COUNCILMAN CLARKE: Only one.

21 MR. JENKINS: And who will be able
22 to go to the stores and document the store's
23 primary item? If it's one, who will be in
24 charge of doing that and in what kind of
25 timely fashion will that get done?

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2 COUNCILMAN DICICCO: Mr. Haigler, do
3 you have any comments?

4 MR. HAIGLER: I would say that the
5 Department would, again, meet with -- we need
6 to meet sit down, we need to meet, we need to
7 go over the logistics of all of this. I hear
8 a lot of things right now that we need to talk
9 about. We are open and available to sit down
10 and meet with the vendors, as well as the
11 Councilperson, to go over the logistics of how
12 this will be set up. That's all I can really
13 commit to at this present time, that we will
14 sit down and go over the complete logistics of
15 how this is going to work out.

16 MR. JENKINS: Because I had a store
17 owner tell me he sold sneaks, he sold sweat
18 suits. Okay, I had sweat suits. He's telling
19 me, "Listen, you selling sneaks and sweat
20 suits. I got sneaks and sweat suits." So
21 he's telling me basically I can't sell
22 whatever he's selling. And if he has one
23 primary item, say he sells sneaks, then from
24 what I understand, I can come along and sell
25 sweat suits and caps, too, and it shouldn't be

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2 a problem. But from the store owners point of
3 view, that's a problem. So I'm just puzzled
4 in my mind, who's going to organize and put
5 this thing together? Because it sounds like
6 this is bananas.

7 COUNCILMAN RIZZO: It's a management
8 nightmare.

9 COUNCILMAN DICICCO: Councilman
10 Clarke.

11 COUNCILMAN CLARKE: You can't have
12 but one primary -- the ordinance says "the
13 primary item." You can't have more than one
14 primary item. So they have to determine,
15 working with the Licenses and Inspections,
16 what their primary item is. That's it. Then
17 that vendor will, based on their primary
18 item -- because you will also be asked to
19 determine what your primary item is and that
20 will then determine the location as it relates
21 to abutting on property owners that sell the
22 primary item. Once they make that
23 determination, that's it. Like I said
24 earlier, they can't just decide, "Okay, well
25 this guy out here is selling sneakers, he's

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2 doing pretty good. I'm going to start selling
3 sneakers here and then make you move." That's
4 not going to happen. Once that determination
5 is made, that's it. Unless there are any
6 changes in the ordinance. But I doubt that
7 that will happen. Okay?

8 MR. JENKINS: Thank you.

9 COUNCILMAN CLARKE: You're welcome

10 COUNCILMAN DICICCO: Good morning,
11 ma'am. Please identify yourself for the
12 record and proceed with your testimony.

13 MS. DYSON: My name is Ethel Dyson.
14 I just wanted to get back to the issue that
15 brought us here. Are they ever going to -- as
16 far as we prohibited to vend there, is it ever
17 going to when we are not prohibited to vend
18 there? Or is going to be like every so often
19 they're going to ordain us and tell us we have
20 to move or --

21 COUNCILMAN CLARKE: No. That's why
22 I'm doing the ordinance, to authorize you to
23 be at those locations. Because in the past,
24 it was a thing where we just kind of looked
25 the other way. It was illegal to vend.

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2 MS. DYSON: That's basically why I'm
3 here.

4 COUNCILMAN CLARKE: And then every
5 now and then, the Department of Licenses and
6 Inspections would go on the scene based on a
7 complaint from a store owner or somebody else
8 and basically issue some violation that you
9 were in violation of the law that was passed,
10 what, 15 years ago. I'm not even sure when
11 the original prohibition was put in place.

12 COUNCILMAN GOODE: Point of
13 information.

14 COUNCILMAN DICICCO: Point of
15 information, Councilman Goode.

16 COUNCILMAN GOODE: That's actually
17 what I was going to ask L&I to explain just
18 the history of the law that we've gone through
19 before in Streets and Services hearings. The
20 fact that the way the law was crafted was that
21 vending and sidewalk sales were basically
22 prohibited everywhere. And then you actually
23 had to create a new law to allow it wherever
24 you're going to allow it. And so what
25 Councilman Clarke has done is actually say

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2 that we're going to allow it here. So once
3 that becomes law, it is the law. But when the
4 law was originally written, it basically just
5 prohibited sidewalk sales and vending
6 everywhere. But if L&I just actually just
7 elaborate on the history of the law and how it
8 actually originated.

9 MR. HAIGLER: I really can't. I
10 think you did a great job. I will defer to
11 the Councilperson.

12 MS. DYSON: That's basically our
13 main issue. We're talking about what you're
14 going to sell and this and that, but the main
15 issue is if we're not there to sell it --

16 COUNCILMAN GOODE: What happened
17 historically when the law originally crafted
18 was it was disallowed everywhere. And so
19 basically District Councilpeople would have to
20 decide where it's going to be allowed. In
21 this case, Councilman Clarke has decided that
22 it will be allowed there under these
23 provisions. So once that becomes law, it's
24 disallowed everywhere except District
25 Councilpeople have come back and decided to

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2 allow it.

3 MS. DYSON: So when is that going to
4 take effect.

5 COUNCILMAN GOODE: Whenever this law
6 is passed and sign into law.

7 MS. DYSON: So we don't have to
8 worry about we have to pick up and move?

9 COUNCILMAN GOODE: Once it's law,
10 it's law. And then that's when it becomes
11 under the regulation of L&I.

12 MS. DYSON: So do each vendor have
13 an area -- I mean, an address?

14 MR. HAIGLER: We will designate you
15 an assigned location. Once this becomes law,
16 we will set up the process to designate an
17 area for you vend within that boundary area.

18 MS. DYSON: Thank you.

19 COUNCILMAN DICICCO: Any other
20 questions?

21 COUNCILWOMAN MILLER: I just want to
22 make a comment that you have to make sure that
23 you're legal. Make sure you have your license
24 and all that.

25 When we did the vending law in

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2 Germantown, I think at one point we had about
3 105 -- we had 90-something, we had lots and
4 lots of vendors and it ended being 55 slots.
5 But there were a tremendous amount of the
6 vendors that were there prior to it becoming
7 legal that was not licensed. So you've got to
8 go get your license and you have to make sure
9 that you are right.

10 COUNCILMAN DICICCO: I think that's
11 a good point. If I can just add from my
12 personal experience in my district on South
13 Broad Street. Several years ago, we had a
14 serious problem with the vendors. There's
15 always this contention between the vendors and
16 business owners. And everybody does have
17 rights, and we all want to see people have the
18 opportunity to earn a decent and legal, fair
19 living. But after two and a half years of
20 many, many hours of my time trying to work out
21 an arrangement with the vendors,
22 unfortunately, the vendors in my district at
23 that time did just not want to cooperate.
24 There are rules and regulations for everyone.
25 There are rules and regulations for the store

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2 owners, and there are rules and regulations
3 for the vendors as well. You're not supposed
4 to selling anything out of a car, a truck
5 parked next to there. I mean, the vendors on
6 South Broad Street were hanging a lot of their
7 merchandise on the parking meters, continually
8 feeding the meters. We can make all the
9 reasons and all the excuses why that's
10 necessary, but there are rules and
11 regulations. And I suspect with this
12 legislation and the amendments that will be
13 attached to it, if everyone follows the rules
14 and does their part, think both the business,
15 folks the storefront owners, and the vendors
16 can all do well and live in harmony and be
17 able to operate under the best circumstances,
18 because I think you do offer the citizens an
19 opportunity for different kinds of products to
20 be able to shop. So there's a lot of
21 different things that people come out there
22 for, and it actually could be healthy to
23 business. But everyone has a certain set of
24 rules. Yours are no greater or lesser than
25 the store owner. And if you follow the rules,

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2 I think it will be a wonderful thing for
3 everyone.

4 What happened in my case, they just
5 didn't follow the rules. And after two and a
6 half years, which was a considerable amount of
7 time, I just threw my hands up and we made it
8 a restricted area and there's no longer any
9 vending.

10 Yes, sir. Please identify yourself
11 for the record.

12 MR. FORD: My name is Sharif Ford.
13 And my question is regarding the designated
14 areas. Now, once the law -- if the law it
15 passed about the designated areas, who and
16 what is going to determine where and what
17 designated area each vendor will be? If
18 you're going to be like a licensed vendor,
19 it's just going to be based on seniority,
20 based upon who was there, who had the license
21 and all? What's going to be the regulations
22 to decide how these areas will be designated?

23 MR. HAIGLER: We will sit down and
24 discuss that again. That's part of the
25 logistics after the law is passed, and we'll

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2 have to sit down, meet with the Councilperson,
3 as well as the Vending Association to go over
4 just how that process is going to work out. I
5 can't tell you what the process is now because
6 I don't know it myself. It has been to be
7 worked out. It has to be formulated after the
8 law is passed. That's what usually happens.
9 After law is passed, we have to sit down and
10 work out the process as to how we're going to
11 enforce it.

12 COUNCILMAN DICICCO: Thank you.

13 Any other questions?

14 (No response.)

15 COUNCILMAN DICICCO: Anyone else who
16 wishes to testify?

17 (No response.)

18 COUNCILMAN DICICCO: Seeing none,
19 the Clerk will read the title of the next
20 bill.

21 THE CLERK: Bill No. 030685, an
22 ordinance granting permission to Sally Ferry,
23 owner of Sprig's Restaurant, tenant of the
24 property located 3649-51 Midvale Avenue to
25 operate and maintain an open air sidewalk cafe

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2 on the west footway of Midvale Avenue, north
3 of Ridge Avenue, adjacent to 3749-51 Midvale
4 Avenue, under certain terms and conditions.

5 MR. MAUTZ: Good morning, Chairman
6 and Members of the Committee. My name is
7 William Mautz, and I'm a construction engineer
8 with the Streets Department. I'm here to
9 offer the following testimony for Bill No.
10 030685 on behalf of the Streets Department:

11 This bill grants permission to Sally
12 Ferry, owner of Sprig's Restaurant, tenant of
13 the property 3749-51 Midvale Avenue to operate
14 and maintain an open air sidewalk cafe on the
15 west footway of Midvale Avenue adjacent to
16 this property. Eight tables are proposed. No
17 rails will be used. A minimum of 12 foot
18 clear width will be maintained for
19 pedestrians.

20 The Streets Department has reviewed
21 the cafe plan and has no objection to the
22 passage of the bill.

23 COUNCILMAN DICICCO: Thank you.

24 Any questions for this witness?

25 (No response.)

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2 COUNCILMAN DICICCO: Anyone else
3 here who wishes to testify for or against the
4 bill?

5 (No response.)

6 COUNCILMAN DICICCO: Seeing none,
7 the Clerk will read the title of the next
8 bill.

9 THE CLERK: Bill No. 030687, an
10 ordinance granting permission to Sandra Davis,
11 owner of Hidden River Cafe, tenant of the
12 property located at 3572 Indian Queen Lane, to
13 operate and maintain an open air sidewalk cafe
14 on the north footway of Krail Street at the
15 northeast corner of Krail Street and Indian
16 Queen Lane, adjacent to 3572 Indian Queen
17 Lane, under certain terms and conditions.

18 MR. MAUTZ: Good morning, Chairman
19 and Members of the Committee. My name is
20 William Mautz and I'm a construction engineer
21 with the Streets Department. I'm here to
22 offer the following testimony for Bill No.
23 030687 on behalf of the Streets Department:

24 This bill grants permission to
25 Sandra Davis, owner of Hidden River Cafe,

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2 tenant tenth of the property 3572 Indian Queen
3 Lane to operate and maintain an open air
4 sidewalk cafe on the northeast corner of Krail
5 Street and Indian Queen Lane adjacent to the
6 property. Four tables are proposed for the
7 north footway of Krail Street. No rails will
8 be used. A minimum of eight feet clear width
9 will be maintained for pedestrians.

10 The Streets Department has reviewed
11 the cafe plan and has no objections to the
12 passage of the bill.

13 COUNCILMAN DICICCO: Any questions
14 for this witness?

15 (No response.)

16 COUNCILMAN DICICCO: Anyone else
17 here who wishes to testify for or against the
18 bill?

19 (No response.)

20 COUNCILMAN DICICCO: Seeing none,
21 the Clerk will read the title of the next
22 bill.

23 THE CLERK: Bill No. 030688, an
24 ordinance authorizing the revision of lines
25 and grades on a portion of City Plan No. 163

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2 by striking from the City Plan and abandoning
3 a portion of a certain right-of-way for
4 drainage purposes and gas main purposes and by
5 placing on the City Plan three additional
6 areas of right-of-way for gas main purposes in
7 the vicinity of Ridge Avenue and Roosevelt
8 Boulevard Extension, under certain terms and
9 conditions

10 MR. LONIE: Good morning, Mr.
11 Chairman and Members of the Committee. My
12 name is Paul Lonie, the Survey Bureau Manager
13 with the Department of Streets, and the
14 Department would offer the following testimony
15 on Bill No. 030688:

16 This is not an Administration
17 ordinance, but an ordinance requested by Mr.
18 H. James Tullet (ph) of Winter Investment,
19 Incorporated, Suite 3101 Houston, Texas.

20 The purpose of this ordinance is to
21 legally realign and extend the existing
22 right-of-way to allow for expansion and
23 improvements on this site. The ordinance is
24 supported by the Department of Streets and is
25 recommended to your Committee for favorable

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2 action.

3 COUNCILMAN DICICCO: Any questions
4 from this witness from the Committee?

5 (No response.)

6 COUNCILMAN DICICCO: Anyone else
7 here who wishes to testify for or against the
8 bill?

9 (No response.)

10 COUNCILMAN DICICCO: Seeing none,
11 the Clerk will read the title of the next
12 bill.

13 THE CLERK: Bill No. 030691, an
14 ordinance authorizing the construction of
15 sanitary sewer and appurtenant work in
16 portions of Westview Street, Spring Bank
17 Street, Kitchens Lane, Wissahickon Avenue, in
18 an existing drainage right-of-way in former
19 Park Line Road, and in proposed drainage
20 right-of-way through 1027 Westview Street and
21 from 1027 Westview through Fairmount Park to
22 Kitchen's Lane.

23 MR. MCCLOSKEY: Good morning, Mr.
24 Chairman and Members of the Committee. My
25 name is Paul McClosky, I'm with the

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2 Philadelphia Water Department.

3 In regard to this bill, it was
4 introduced on October 23rd by Councilman
5 Nutter by request. The Water Department
6 submits the following testimony:

7 This bill authorizes the Water
8 Department to construct sanitary sewers in
9 Westview Wissahickon area of the City. The
10 area is bounded by Wissahickon Avenue, Kith
11 chen's Lane, Fairmount Park, and former Park
12 Line Road. The area consist of approximately
13 37 single family dwellings in the Westmount
14 area section of the City. The properties are
15 currently being serviced by individual
16 cesspools for each property. The systems have
17 out-lived their usefulness and require a total
18 replacement. However, it is doubtful in our
19 current Commonwealth regulations that the
20 systems will be allowed to be rebuilt. The
21 malfunctioning of the septic systems have
22 created an unsanitary condition. In light of
23 the fact the residents are serviced by public
24 water, the residents have requested a public
25 sewer. An assessment shall be levied against

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2 the owners having frontage in order to absorb
3 a portion of the cost of construction that the
4 residents shall be required to connect to the
5 new sewer at their cost in accordance City
6 Code.

7 We recommend that the bill be
8 favorably be reported out of Committee and
9 request a suspension of the Rules in light of
10 the pending recess of City Council.

11 COUNCILMAN DICICCO: Thank you.

12 Any questions for this witness from
13 the Committee?

14 (No response.)

15 COUNCILMAN DICICCO: Anyone else
16 here who wishes to testify for or against the
17 bill?

18 (No response.)

19 COUNCILMAN DICICCO: Seeing none,
20 the Clerk will read the title of the next
21 bill.

22 THE CLERK: Bill No. 030692, an
23 ordinance authorizing the Water Commissioner
24 on behalf of the City to enter into an
25 agreement with the owner of 1027 Westview

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2 Street for the grant of a right-of-way to the
3 City for drainage and sewer purposes through
4 the property from Westview Street to Fairmount
5 Park property, under certain terms and
6 conditions.

7 MR. MCCLOSKEY: Good morning. Again,
8 my name is Paul McClosky. I'm with the City
9 Philadelphia Water Department. This bill is
10 was introduced by Councilman Nutter by request
11 by the Water Department on October 23, 2003.
12 It authorizes the Water Department to enter
13 into an agreement with the owner of 1027
14 Westview Street.

15 The area is bound by Wissahickon,
16 Kitchen's Lane, Fairmount Park and Parkline
17 Road in the Mount Airy section of the City.
18 It serviced by individual on-site cesspools.
19 The cesspools are beginning to fail and the
20 property owners are requesting public sewers.
21 The natural drain is a portion of the area is
22 through the southern undeveloped area of 1027
23 Westview. The owner of the property has
24 agreed to grant the City a right-of-way
25 through his property from Westview to

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2 Fairmount Park in order to accommodate the
3 proposed sewer system for the area. We
4 recommend a favorable report out of Committee
5 and request a suspension of Rules in light of
6 the pending recess of City Council.

7 COUNCILMAN DICICCO: Thank you.

8 Any questions for this witness from
9 the Committee?

10 (No response.)

11 COUNCILMAN DICICCO: Anyone else who
12 wishes to testify for or against the bill?

13 (No response.)

14 COUNCILMAN DICICCO: Seeing none,
15 the Clerk will please read the title of the
16 bill.

17 COUNCILMAN DICICCO: Bill No.
18 030693, an ordinance authorizing the
19 construction of sanitary sewer and appurtenant
20 work in portions of Dearnley Street, Flamingo
21 Street, Wigard Street, Fowler Street, Manti
22 Street, Culp Street, Newland Street, Lawn
23 Street, Shaw Street, Edsall Street, Oriole
24 Street, Pawling Street and Hillside Street.

25 MR. MCCLOSKEY: Good morning, Mr.

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2 Chairman and Members of the Committee. My
3 name is Paul McClosky, I'm with the
4 Philadelphia Water Department. The Water
5 Department submits the following testimony:

6 This bill authorizes the Water
7 Department to construct sanitary sewers in the
8 Dearnley Park area of the City. The area is
9 bounded by Dearnley Street, Wigard Street,
10 Silverwood Street and Hillside Street. The
11 area consists of approximately 135 single
12 family dwellings in the Roxborough section of
13 the City. The properties are currently being
14 serviced by cesspools for each property. The
15 on-site systems have out-lived their
16 usefulness and require a total replacement.
17 However, it is doubtful under current
18 Commonwealth regulations the systems will be
19 allowed to be rebuilt. The malfunctioning of
20 the septic systems have created an unsanitary
21 condition. In light of the fact that the
22 residents are serviced by public water, the
23 residents have requested a public sewer. The
24 Pennsylvania Department of Environmental
25 Protection has also requested the City to

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2 provide a plan to resolve the sanitary issues
3 in this area. An assessment shall be levied
4 against the owners having frontage in order to
5 absorb a portion of the cost of construction,
6 and the residents shall be required to connect
7 the new sewer at their cost in accordance with
8 City Code.

9 We recommend that the bill be
10 favorably be reported out of Committee and
11 request a suspension of the Rules in light in
12 the pending recess of City Council.

13 COUNCILMAN DICICCO: Thank you.

14 Any questions for this witness from
15 the Committee?

16 (No response.)

17 COUNCILMAN DICICCO: Anyone else
18 here who wishes to testify for or against the
19 bill?

20 Councilman Rizzo.

21 COUNCILMAN RIZZO: I just have a
22 quick question, a spin-off of the issues that
23 we're discussing today. You know I've talked
24 to you in the past about the big picture,
25 city-wide about the on-site systems. And I

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2 understand there's close to 3,000 of them
3 throughout.

4 MR. MCCLOSKEY: A good number, sir,
5 yes.

6 COUNCILMAN RIZZO: Is that a good
7 number?

8 MR. MCCLOSKEY: I don't know if it's
9 that high, but there is a large number.

10 COUNCILMAN RIZZO: I would hope the
11 Water Department has a big picture plan to
12 address the entire City to eventually deal
13 with the systems throughout the City, because
14 I'm telling you that when out walking that you
15 can tell when you've walked passed a property
16 that's got an on-site system. So I would hope
17 that there would be some big picture plan to
18 look at the City city-wide to start developing
19 an engineering plan to eventually connect all
20 of the sites that are possibly able to be
21 hooked up to City sewerage. And it's revenue
22 also, plus the health consideration. You see
23 Hepatitis A killing people. I think that it's
24 something that we really need to take
25 seriously. And I know it died on the vine

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2 when I asked about it before, but I would like
3 you to look at that City-wide to see what we
4 can do to at least look at it and what the
5 obstacles are to eventually hook up all of the
6 on-site systems to public sewerage.

7 MR. MCCLOSKEY: I'll take that back
8 to my commissioner, Councilman

9 COUNCILMAN RIZZO: Could you,
10 please?

11 MR. MCCLOSKEY: Yes, Councilman.

12 COUNCILMAN DICICCO: Thank you.

13 Any other questions for this
14 witness?

15 (No response.)

16 COUNCILMAN DICICCO: Seeing none,
17 the Clerk will read the title of the next
18 bill.

19 THE CLERK: Bill 030694, an
20 ordinance authorizing the Water Commissioner,
21 on behalf of the City, to enter into an
22 agreement with the owner of the property at
23 201 through 229 Shawmont avenue for the grant
24 of a right-of-way to the City for drainage and
25 sewer purposes through the property from

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2 Umbria Street to Hillside Avenue, under
3 certain terms and conditions.

4 MR. MCCLOSKEY: Good morning, Mr.
5 Chairman and Members of the Committee. Again,
6 my name is Paul McClosky. I'm representing
7 the Water Department. This bill was
8 introduced on October 23rd by request by
9 Councilman Nutter.

10 The bill authorizes the acceptance
11 of a right-of-way for drainage and sewer
12 purposes for the proposed Glen at Manayunk
13 APARTMENT development located at 201 through
14 299 Shawmont Avenue.

15 The developer proposes to construct
16 a sanitary sewer for his complex in a zig-zag
17 direction up the side of a 100 foot hill from
18 Umbria to Hillside Street south of Shawmont
19 Avenue. The area east of Hillside is Dearnley
20 Park. Dearnley Park has approximately 137
21 single family houses and are serviced by
22 individual on-site cesspools. The cesspools
23 have failed and a comprehensive public sewer
24 system is required to support the houses in
25 the area. The natural draining of the area is

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2 through the Glen at Manayunk.

3 The developer of the apartment

4 complex has agreed to build a sewer for the

5 complex at his expense, the City standards.

6 He will then grant the City a right-of-way for

7 sewer and drainage purposes for a new sewer.

8 The City will assume ownership and maintenance

9 of the apartment complex's sewer which will be

10 the much needed sewer system for Dearnley Park

11 area made possible.

12 We recommend that the bill be

13 favorably reported out of Committee and also

14 request suspension of the Rules in light of

15 the pending recess of City Council.

16 COUNCILMAN DICICCO: Thank you.

17 Any questions for this witness from

18 the Committee?

19 (No response.)

20 COUNCILMAN DICICCO: Anyone else

21 here who wishes to testify for or against the

22 bill?

23 (No response.)

24 COUNCILMAN DICICCO: Seeing none,

25 the Clerk will read the title of the next

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2 bill.

3 THE CLERK: Bill NO. 030696, an
4 ordinance authorizing the revision of lines
5 and grades on a portion of City Plan No. 97 by
6 striking from the City Plan and vacating Reese
7 Street from Bainbridge Street to Kater Street
8 and reserving and placing on the City Plan a
9 right-of-way for drainage purposes, water main
10 purposes and gas main purposes within the bed
11 of Reese Street, under certain terms and
12 conditions.

13 MR. LONIE: Good morning, Mr.
14 Chairman and Members of the Committee. Again,
15 my name is Paul Lonie, and the Streets
16 Department would like to offer the following
17 testimony on Bill No. 030696. This is not an
18 Administration ordinance, but an ordinance
19 requested Carlos Asher of Carlos Carpet
20 Service, 515 Bainbridge Street.

21 The purpose of this ordinance is to
22 strike and vacate Reese Street from the City
23 Plan to secure the area and prevent short
24 dumping.

25 This ordinance is supported by the

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2 Department of Streets and is recommended to
3 Committee for favorable action. Economic.

4 COUNCILMAN DICICCO: Any questions
5 for this witness from the Committee?

6 (No response.)

7 COUNCILMAN DICICCO: Anyone else
8 here who wishes to testify for or against the
9 bill?

10 (No response.)

11 COUNCILMAN DICICCO: Seeing none,
12 the Clerk will read the title of the next
13 bill.

14 THE CLERK: Bill No. 030697, an
15 ordinance establishing a no parking regulation
16 on Red Lion Road between Norcom Road and
17 Roosevelt Boulevard, both sides.

18 MR. WASHINGTON: Mr. Chairman and
19 Members of the Committee, thank you for the
20 opportunity to appear before you today. My
21 name is Mark Washington and I'm the District
22 Traffic Engineer for the Northeast section of
23 the City. I am here today to offer testimony
24 on Bill 030697, a bill establishing a no
25 parking regulation in a tow away zone on both

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2 sides of Red Lion between Norcom Road and
3 Roosevelt Boulevard.

4 The Streets Department has no
5 objections to this bill. We are posting the
6 no parking anytime tow away zone signs under a
7 trial ordinance. We can have the signs posted
8 within four weeks.

9 COUNCILMAN DICICCO: Thank you, sir.

10 Any questions for this witness from
11 the Committee?

12 (No response.)

13 COUNCILMAN DICICCO: Anyone else
14 here who wishes to testify for or against the
15 bill?

16 (No response.)

17 COUNCILMAN DICICCO: Seeing none,
18 the Clerk will read the title of the next
19 bill.

20 THE CLERK: Bill No. 030712, an
21 ordinance authorizing the construction of a
22 sewer and appurtenant work, required to
23 alleviate unsanitary conditions, in a portion
24 of McCallum Street.

25 MR. MCCLOSKEY: Good morning. Again,

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2 my name is Paul McClosky. I represent the
3 Water Department, City of Philadelphia, in
4 regards to Bill 030712, this bill was
5 introduced by Councilwoman Miller on October
6 30th of this year.

7 This bill authorizes the Water
8 Department to construct a sanitary sewer on
9 McCallum Street from Lincoln Drive to Westview
10 Avenue. This block consists of three single
11 family dwellings in West Mount Airy section of
12 the City. The properties are currently being
13 serviced by private sewer. The sewer has
14 out-lived its usefulness and require a total
15 replacement. This area of the sewer has
16 created an unsanitary condition. In light of
17 the fact the residents are serviced by public
18 water, the residents have requested a public
19 sewer. Assessments shall be levied against
20 the owners having frontage in order to absorb
21 a portion of the cost of construction and the
22 residents shall be required to connect to the
23 new sewer at their cost in accordance with
24 Philadelphia Code.

25 I recommend the bill be favorably

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2 reported out of committee and also request a
3 suspension of the rules in light in the
4 pending recess of Council.

5 COUNCILMAN DICICCO: Thank you.

6 Any questions for this witness from
7 the Committee.

8 (No response.)

9 COUNCILMAN DICICCO: Anyone else
10 here who wishes to testify for or against the
11 bill?

12 (No response.)

13 COUNCILMAN DICICCO: Seeing none,
14 the Clerk will read the title of the next
15 bill.

16 THE CLERK: Bill No. 030714, an
17 ordinance amending Section 11-505 of the
18 Philadelphia Code, entitled "Sidewalk Paving
19 and Other Improvements By Property Owners," by
20 revising the process governing the grading,
21 paving, repaving or repair of sidewalks and
22 the setting or resetting of curbs, and by
23 revising the assessment of property owners for
24 the cost of such work, all under certain terms
25 and conditions.

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2 MR. LONIE: Good morning, Mr.
3 Chairman and Members of the Committee. My
4 name, again, is Paul Lonie, the Survey Bureau
5 Manager for the Department of Streets. And
6 the Department of Streets would like to offer
7 the following testimony on Bill No. 030714.

8 The blight and decay of broken
9 sidewalks has plagued the City of Philadelphia
10 for many years. A majority of these dangerous
11 cracks and undulations are caused by age or
12 the roots of street trees. Many attempts have
13 been made to remedy this problem, but none
14 recently. The two major challenges that will
15 hamper this effort are the enforcement of the
16 Pennsylvania laws that make the property owner
17 totally responsible for any repairs to the
18 sidewalk and Fairmount requirements that
19 healthy street trees be maintained, not
20 destroyed or damaged.

21 In order to appreciate the enormous
22 scope of this problem and the challenge that
23 it presents, it is important to highlight
24 certain facts and statistics and understand
25 how this impacts the problem at hand. Please

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2 note the following numbers are only an
3 estimate based on computer mapping.

4 We have 2300 miles of streets in the
5 City. Lining these streets are approximately
6 4557 acres of sidewalk. The City sidewalks
7 are made up of an estimated 22,154,325 square
8 blocks of concrete. It costs approximately
9 \$50 per square block to repair a sidewalk.
10 Using these numbers as a base of calculations,
11 we estimate that a 5 percent of the City's
12 sidewalks need to be replaced. It will cost
13 \$55,385,814. Under the proposed legislation,
14 the City would be expected to pick up
15 \$38,770,069 in direct funding. Finding a
16 source for the substantial funding burden,
17 almost \$39 million, will be extremely
18 difficult in this challenging economic time.

19 In the past, community development
20 block grant funds have been used for
21 streetscape improvements. But this source of
22 funding is at the present no longer available
23 for this purpose.

24 We have also been told that we may
25 not use departmental dollars for this type of

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2 effort even if it is allocated.

3 In addition to overwhelming cost,
4 proposed legislation also presents other
5 challenges. Presently, the City does not have
6 the number of employees necessary to patrol
7 uniformly the various sidewalks of the City.
8 If we relied on complaints about these
9 problems, unfair enforcement of this effort
10 may result.

11 Further, the legislation leaves out
12 some important guidelines for implementing
13 this effort in a fair and evenhanded manner.
14 For example, it is important to ask whether a
15 property in an area of this City with a great
16 deal of street trees should be eligible for a
17 70 percent reduction in the cost of repairs
18 subsidized by all the taxpayers of
19 Philadelphia, including those that me live in
20 high-rise condominium or something else that
21 have no street trees at all. Also, should all
22 citizens be eligible for the same amount of
23 government assistance regardless of income?

24 While it is not productive to engage
25 in an analysis of a dollar-per-dollar value of

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2 taxes paid versus City services received, it
3 is our duty to examine the most responsible
4 way to manage the issues facing the City and
5 determine if a proposed change is the most
6 prudent thing to do.

7 For these reasons, the Department of
8 Streets feels Bill No. 030714 is premature
9 without following questions answered:

10 Can a solid, reliable funding source
11 be identified?

12 Can the issues of caring for street
13 trees pursuant to Fairmount Park guidelines be
14 addressed in a simple and efficient manner?

15 And have neighborhood guidelines
16 been established to prevent abuse of the
17 program?

18 Until these crucial questions are
19 answered, the Streets Department cannot
20 support the proposed legislation. However, we
21 would be glad to work with Members of this
22 Committee to examine the issues and the
23 questions it presents in the hope that a
24 positive and practical solution can be
25 developed that helps those citizens faced with

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2 a challenge of damaged sidewalks.

3 Thank you for the opportunity to
4 appear before you today. This concludes my
5 formal question. I will now be glad to answer
6 any questions.

7 COUNCILMAN DICICCO: Councilman
8 Nutter.

9 COUNCILMAN NUTTER: Thank you,
10 Councilman DiCicco. I appreciate it.

11 Good morning, Mr. Lonie. How are
12 you?

13 MR. LONIE: Good morning.

14 COUNCILMAN NUTTER: Thank you for
15 your testimony. Just a couple items.

16 First, let me again say thank you to
17 you for your ongoing efforts to serve the City
18 and work with us on issues like the retaining
19 wall problem throughout the City and the pilot
20 program that we now have going, the work
21 that's being done and specifically a
22 longstanding problem in my own district that I
23 know you're aware of and, I don't know, I
24 guess they're about 50, 60 percent maybe
25 more complete.

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2 MR. LONIE: Hopefully, we'll be
3 finished that project by the end of next week.

4 COUNCILMAN NUTTER: And I mention
5 that to you, I guess, in the context that -- I
6 mean I worked on, and many other Members of
7 Council certainly before me, but I started on
8 that particular project and the need to have a
9 program in place to deal with that issue about
10 a month after I got here in 1992. Eleven
11 years or so later, we're actually finally
12 doing something on it, because it is a massive
13 problem, it is a very costly problem, but we
14 overcame a whole host of challenges and now
15 the citizens of the City are starting to see
16 some of the benefit, not in the 4th District,
17 but presently in the 8th and the 9th Council
18 Districts. I think the Streets Department is
19 planning to do even more in the next fiscal
20 year. So that's first.

21 Second, I think literally just
22 yesterday a different department of the
23 government where this Council is very
24 interested in and other significant cost the
25 taxpayers have been required to bear which is

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2 dealing with the whole sewer lateral situation
3 throughout the City. And the Water Department
4 is working closely with us and the sponsor of
5 that particular bill to make sure that
6 citizens have some relief in that regard.

7 Some of this, as you mentioned, the
8 2300 miles of street and the 4500 or so acres
9 of sidewalk and 22 million square blocks of
10 concrete are certainly massive if not
11 mind-boggling numbers, the \$50 per square
12 block to repair the sidewalk and on and on.
13 Again, I think from your own experience, you
14 would recognize that is there were significant
15 financial numbers presented again when we
16 talked about the retaining wall problem. But
17 through your efforts and research and
18 technology changes, I think you've even
19 demonstrated the ability to significantly cut
20 the cost in that have particular area.

21 Lastly, I think your testimony,
22 which I just received a copy of, talks about
23 if 5 percent of the City sidewalks need to
24 replace, it would cost some astronomical
25 number. I think we don't know at the moment

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2 how many of the sidewalks would need to be
3 replaced or how many people would make the
4 request. What we do know is that there is a
5 significant problem out in our City. I don't
6 think you would deny that. And if some of our
7 citizens bear that that financial expense,
8 they probably would; some others cannot; some
9 others will not. But just as we take care of
10 the 2300 miles of streets in the City because
11 we repave them on a fairly regular basis
12 throughout the City without regard to whether
13 it's in front of a lower income person's house
14 or higher income person's house, we provide a
15 certain level of service. So I'm not saying
16 that we should go out and massively start
17 taking over all the sidewalks in the City. We
18 obviously have to do a fair amount of
19 evaluation. But again, as I learned from you
20 from the past, when we did the retaining wall
21 project, the first effort was to put forward a
22 bill that talked about how much people would
23 pay. And that's all we did. And subsequently
24 through other pieces of legislation and the
25 identification of funding sources and the

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2 like, we actually came up with a program.

3 We're going through the same process.

4 Presently, as you know, from the
5 Philadelphia Code, taxpayers are required a
6 hundred percent. And in most instances they
7 don't and sidewalks continue to be a danger to
8 everyone on the block, not just the individual
9 homeowners in front of whose house the danger
10 exists.

11 Certainly, trees are another big
12 issue. The Fairmount Park Commission sometime
13 ago tried to shift its responsibility from
14 taking care of the street trees of the City
15 back onto the homeowners. Again, we in this
16 Council and a previous administration changed
17 that. And now maintenance of street trees is
18 actually a significant component of the NTI
19 program under Mayor Street. So these issues
20 come to us from time to time and we seek to
21 address the problems.

22 I guess I lastly would that say even
23 if the bill were to pass, the questions that
24 you raise -- and there are others -- are very
25 important questions that need to be resolved.

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2 And so even with the passage of the bill, it
3 does not mean at the moment that the City is
4 going to come out and make those repairs.
5 There are issues of how do you address the 70
6 percent? How do you make sure you collect the
7 30 percent? What can we learn from other
8 cities across the country?

9 You and I have talked on number of
10 occasions about a program in Chicago where
11 they have a specific program called the 50/50
12 Sidewalk Program where the citizens pay a
13 certain amount, the City picks up a certain
14 amount, low income seniors pay a lesser
15 amount, recognizing their social economic
16 challenge.

17 So I think that if we can put some
18 of our swords back where they belong, this is
19 a long process. It is a start. And it's a
20 first step in trying to have a longer
21 arranging program. So I appreciate the issues
22 that have been raised and certainly we'll use
23 the testimony in a positive way to make sure
24 that we answer all if those questions, but
25 this is a first step in the process.

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2 I appreciate your testimony, your
3 interest in the issues that are raised and I'm
4 deeply appreciative that you would come and
5 give the testimony and make sure that we're
6 proceeding along the right path. Thank you.

7 MR. LONIE: Thank you, Councilman.

8 COUNCILMAN DICICCO: Do you have a
9 response, Mr. Lonie?

10 MR. LONIE: Yes. I just would like
11 to say one thing. There are slight
12 differences between the programs. The way
13 Pennsylvania law is that all people are
14 responsible for a driveway together. A
15 sidewalk, the laws -- Pennsylvania laws, not
16 Philadelphia ones that are specifically that
17 you're only responsible for the sidewalk in
18 front of your property. If there's a damaged
19 sidewalk down the street, that is not your
20 responsibility. Only the one in front of your
21 property is your responsibility. Again, this
22 is State of Pennsylvania law. The difference
23 in Illinois is that Illinois law it was a
24 municipality's responsibility to take care of
25 sidewalks. They actually got the citizens to

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2 kick in more money in that.

3 COUNCILMAN NUTTER: Well, let me
4 also mention to you, though, that even here in
5 the great City of Philadelphia, the City
6 supports a program called the Model Blocks
7 Program. It is supported by grant funds from
8 a foundation as well CDBG funds. It is
9 limited because of the dollars that they have.
10 They happen to be working in one part of my
11 district and I think in another part of the
12 City. But it is a program funded partially by
13 the City where they work with the neighbors on
14 the block, because the reality here is that in
15 many of our neighborhoods, to some extent, the
16 neighbors are fairly equally situated from a
17 financial standpoint. And often they're also
18 fairly equally situated in some neighborhoods
19 by age and the age of the homes. So in the
20 Model Blocks Program, the split actually is
21 70/30. They figure out the total cost of the
22 work. It is for the entire block. All the
23 neighbors have to sign up or some high
24 proportion of the neighbors, again, similar to
25 the program in Chicago. And when they figure

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2 out what the cost is, the neighbors split that
3 30 percent share in accordance with how much
4 frontage they have.

5 There are a lot of ways to develop
6 this. So I would only ask that we keep our
7 minds open. We've gone in many instances from
8 the answer being no on certain things to the
9 answer being yes and life going on. So I
10 don't think at the moment at least -- and I
11 know this is not you -- we don't need to dig
12 our heels in right at the beginning. We have
13 plenty of time for that. But I think if we're
14 creative and we keep our minds open, take
15 different things from different places, this
16 idea from that program and another idea from
17 other program, we can come up with something.
18 Because the reality here is it is something
19 that people do care very deeply about in
20 different parts of the City. And I don't
21 think that we can get away from that. Now, we
22 can't do everything for people and I recognize
23 that, but different neighborhoods have
24 different needs and we should try to be as
25 flexible as possible, reasonable about how we

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2 expend our resources, but also trying to
3 deliver service because I think that's the
4 business that we're all in.

5 MR. LONIE: I agree, Councilman.

6 Again, no where in there did we say that we
7 were totally opposed to any form of this. We
8 said -- and I said and the Department, that we
9 feel that this is somewhat premature. We'd
10 really like to work a little closer with
11 Council and the Administration, develop a
12 really good program that could work. And
13 that's all we're asking for really is that
14 time to take a look at some of these things in
15 a little closer area.

16 COUNCILMAN NUTTER: Well, you know
17 as they say, a journey of a thousand miles
18 begins with one step. We took the first step.
19 Just keep walking. Thank you, Mr. Lonie

20 COUNCILMAN DICICCO: I walked with
21 him through Center City. He's tough to keep
22 up with. His steps are much, much larger than
23 mine.

24 COUNCILMAN NUTTER: Because I'm
25 usually running late, Councilman.

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2 COUNCILMAN DICICCO: I have a couple
3 questions. When the Water Department does a
4 reconstruction of a street, generally the
5 curbs and a portion of the sidewalk are
6 replaced -- my colleagues and I were just
7 talking this because we all have the same
8 problem -- we then get a call from the
9 property owner saying that the sidewalk is
10 going to look like a checker board, I just had
11 my sidewalk done a year ago, now the
12 discoloration, and the whole variety of
13 reasons why they're concerned. And then what
14 we tell them is, well, if you want rest of the
15 sidewalk done you're going to have to pay for
16 it. And we generally work out a fairly
17 reasonable cost because the contractor is on
18 site and it's not like bringing somebody in.
19 But in any event, the homeowners generally
20 feel that it's something that they should not
21 have to pay for.

22 Does it come out of the Streets
23 Department budget for pay for that sidewalk,
24 or is that part of the --

25 MR. LONIE: There's two different

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2 methods. One, and it really comes down to
3 who's got the money in this contract. There
4 is combined contracts with Water money and
5 Streets money. But most of the time if it's
6 the lateral, since the Water Department tends
7 to sometimes have more money than the Streets
8 Department does, it generally comes out of
9 their budget.

10 COUNCILMAN DICICCO: Just this past
11 summer, 2400 block South 12th Street had one
12 of those circumstances, as you know. And I
13 wind up expending about \$80,000 of my capital
14 dollars that I'm allocated for my district
15 just to make everybody happy because it was
16 just out of control down there. But that's
17 not the first time that I've had to do that.
18 So in effect, we are spending taxpayers
19 dollars to do someone else's sidewalk.

20 My next question is, when the Water
21 Department does a reconstruction on a street,
22 a block that there's no one living on, I
23 notice that there are new sidewalks and curbs,
24 entire sidewalks are put in place, not one
25 block, it's two blocks or three depending on

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2 whatever the width was. Who makes that
3 decision? And that is not an unusual
4 situation. I see it happen in many instances.
5 No one even lives there and we're putting
6 sidewalks in where no one even lives.

7 MR. LONIE: The standard if over 50
8 percent of the sidewalks are disturbed then
9 they'll be completely replaced. If it's under
10 50 percent, then they'll just be repaired.

11 COUNCILMAN DICICCO: But I see
12 streets where there was virtually no sidewalk
13 before the new sewers were put in. I
14 understand the sewer needs to get done even
15 though there's no one living there because it
16 may connect with a street or two further away
17 where there are people who live on a block, so
18 the connections have to be contiguous. But --
19 I mean, this has gone on for years. I go back
20 to the late '70s, early '80s. It was
21 happening everywhere. Streets were totally
22 uninhabited, sidewalks and curbs were being
23 put in. And then the streets where people
24 were living and paying taxes, you couldn't get
25 a sidewalk.

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2 MR. LONIE: Well, that goes back to
3 that Community Development Block Grant money
4 that was there. And believe me, I in those
5 days laid a lot of those out and I by the life
6 of me had no clue in the world why it was
7 decided to be put in a certain place.

8 COUNCILMAN DICICCO: But we're still
9 doing it, aren't we?

10 MR. LONIE: Not those types of
11 programs. The only time we replace curbs and
12 sidewalks now is if the Water Department has
13 gone in and basically torn up a street. In
14 South Philadelphia, a lot of the streets are
15 narrow and they damage the whole thing and
16 that has to be replaced.

17 COUNCILMAN DICICCO: But I'm talking
18 about streets that have no people living on
19 them, no houses on them. If the Water
20 Department comes in and does more than 50
21 percent of reconstruction, you will put a
22 sidewalk and curb in?

23 MR. LONIE: They will put a sidewalk
24 and curb in.

25 COUNCILMAN RIZZO: Point of

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2 information, Mr. Chairman

3 COUNCILMAN DICICCO: Councilman

4 Rizzo.

5 COUNCILMAN RIZZO: Wasn't there some
6 redevelopment money?

7 I remember there was a job on
8 Torresdale Avenue where all the curbs and
9 sidewalks were replaced in the business
10 district. Could you elaborate on that?

11 MR. LONIE: Sure. Redevelopment
12 funds are allocated and they can be used for
13 curb and sidewalk. Again, as Councilman we
14 were talking to Councilman Nutter, this all
15 comes down to a matter of funding, this comes
16 down to a matter of prioritizing where the
17 money should go. For every dollar we spend on
18 a sidewalk is a dollar we can't spend on a
19 street. If the Redevelopment Authority has
20 been allocated so much money, when they redo a
21 whole block of houses or apartments or
22 whatever, they'll allocate money for the
23 sidewalk as part of their -- they just did it
24 in, I think it's Councilwoman Miller's
25 district up off of Broad Street.

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2 COUNCILMAN CLARKE: If there's a
3 commercial corridor, it falls under a
4 different category of funding. They do that
5 it's a project that's for the general public
6 as opposed to a residential block and comes
7 out of Capital dollars. It's run through the
8 Commerce Department. So that's a little
9 different, Councilman. That may be what
10 you're talking about.

11 COUNCILMAN RIZZO: That's what I am
12 talking about.

13 COUNCILMAN CLARKE: If it's a
14 commercial corridor then there's a designated
15 category of funding.

16 COUNCILMAN RIZZO: I believe that
17 they widened the sidewalk and I think it was
18 Torresdale Avenue near Cottman and they
19 widened the sidewalk and it was totally
20 reconstructed for the business district. And
21 I believe it was Redevelopment dollars that
22 did that.

23 MR. LONIE: There are a few
24 different funding sources for that. There's
25 Redevelopment. Some of the CDCs have money

1 11/19/03 - STREETS - BILL 030714

2 for that. Center City District has allocated
3 some money for that. But again, it's all
4 streetscape improvements.

5 COUNCILMAN RIZZO: Okay. I just
6 wanted to make sure I had the whole picture.

7 MR. LONIE: But what we're dealing
8 with in this bill is more like a repair, not
9 necessarily an upgrade.

10 COUNCILMAN RIZZO: Councilman
11 DiCicco, can I just get my point in that I was
12 going to ask?

13 Councilman Nutter talked about the
14 first step. I remember when a tree would
15 buckle a sidewalk and it was the
16 responsibility after the tree was removed for
17 the homeowner to repair the damage that the
18 tree created. I think that we've stepped
19 forward and we're repairing -- either the
20 Fairmount Park Commission or the Streets
21 Department are making those repairs after the
22 tree is removed. Am I correct on that?

23 MR. LONIE: One of the things I
24 brought forth --

25 COUNCILMAN DICICCO: We are? Is

1 11/19/03 - STREETS - BILL 030714

2 that true?

3 MR. LONIE: No, I mean, it still
4 comes down -- I just had this conversation
5 yesterday with Fairmount Park. What they'd
6 love to see is to be able to take the
7 sidewalks out and put blacktop over that area
8 so as not to kill the tree.

9 COUNCILMAN NUTTER: The sidewalk
10 area?

11 COUNCILMAN RIZZO: Give me a break.
12 Were they serious?

13 MR. LONIE: Well, they didn't want
14 to kill the tree. In other words, a lot of
15 times if you have a main root that's buckled
16 the side walk and you cut it out of there,
17 that's an additional \$1300 expense to do that
18 if you're going to repair the sidewalk.

19 COUNCILMAN RIZZO: Let me go back.
20 We take a tree out. The sidewalk's buckled
21 because the tree. Today, who is responsible
22 for repairing the sidewalk after the tree --

23 MR. LONIE: The property owner.

24 COUNCILMAN RIZZO: It's not supposed
25 to be. I understood that there was some --

1 11/19/03 - STREETS - BILL 030714

2 Fairmount Park assumed that responsibility to
3 repair that sidewalk.

4 MR. LONIE: Not that I'm aware of.

5 COUNCILMAN DICICCO: I'm not aware
6 of that either.

7 COUNCILWOMAN MILLER: That was going
8 to be my question too. Who's responsible? If
9 it's Fairmount Park's tree, maybe I don't want
10 it on my sidewalk. Maybe it was there when I
11 moved there.

12 COUNCILMAN RIZZO: I believe if we
13 check we'll find that something in the last
14 year or so, two years, may have changed
15 because of the removal of street trees were
16 going to done by the Fairmount Park Commission
17 that the permanent repair to the sidewalk was
18 also done by them. So I think we need to
19 check on that because I believe there is --

20 MR. LONIE: You could be very right.
21 Again, that goes back to my original testimony
22 saying that we really need to look at some of
23 these issues that I don't think we've looked
24 at closely enough. And I'd really like to do
25 that because these things come up and it's

1 11/19/03 - STREETS - BILL 030714

2 just difficult to --

3 COUNCILMAN RIZZO: Because the last
4 thing we should do is take a tree out, break
5 out the concrete to remove the root when they
6 take out the stump and leave a block of
7 concrete missing. I think we have some
8 liability.

9 MR. LONIE: We'd have to serve the
10 property owner a notice to tell them to
11 repair.

12 COUNCILMAN RIZZO: Could you check
13 and get back to the Chair?

14 I believe that the Fairmount Park
15 Commission is restoring those sidewalks. I
16 believe. I might be wrong.

17 MR. LONIE: I will check.

18 COUNCILMAN DICICCO: Councilman
19 Nutter.

20 COUNCILMAN NUTTER: Thank you, Mr.
21 Chairman. I don't want belabor the point, and
22 I appreciate your accommodation.

23 Mr. Lonie, let me just ask one quick
24 question. From Section 11-505 of the
25 Philadelphia Code, (8), and this is talking

1 11/19/03 - STREETS - BILL 030714
2 about street resurfacing, I believe. The Code
3 reads, "Whenever any street is to be paved,
4 repaved or resurfaced and replacement of
5 existing curb and/or sidewalk is a necessary
6 element of the street improvement in the
7 judgment of the Department of Streets, such
8 curb and/or sidewalk replacement shall be at
9 the expense of the City, provided however that
10 the curb and/or sidewalk replacement be for
11 the restoration of the existing curb and/or
12 sidewalk and not in any way for the
13 maintenance of the same."

14 Are you familiar with the section of
15 the Code?

16 MR. LONIE: Yes, I am.

17 COUNCILMAN NUTTER: Can you tell me
18 how many times in the judgement of the
19 Department of Streets over the past year, two
20 years, five years or ten years that they've
21 ever determined that it was a necessary
22 element of the street resurfacing that the
23 curb and/or sidewalk need to be replaced?

24 MR. LONIE: Many. Mostly dealing
25 with state highways because the dollars there

1 11/19/03 - STREETS - BILL 030714

2 are a little bit looser to deal with.

3 COUNCILMAN NUTTER: Any road where
4 people actually live?

5 MR. LONIE: Again, most of the time
6 if it was determined mainly that if you were
7 going to reconstruct a street -- it's mainly
8 in reconstruction. If you're just resurfacing
9 something --

10 COUNCILMAN NUTTER: I understand
11 that. This section is not dealing with the
12 reconstruction.

13 MR. LONIE: Well, I know, but it is
14 resurfacing. What we do now -- we used to do
15 more of that because we would just overlay.
16 If you only had a one-inch curb and you're
17 going to put two inches of asphalt, you had a
18 problem. Now, almost everything we do we
19 mill. We mill down to the original surface
20 and put it back in, which has cut down a lot
21 on the reconstruction of the curbs and
22 sidewalks.

23 COUNCILMAN NUTTER: I would think
24 that this section of the Code was dealing with
25 situations where the curb and/or sidewalk is

1 11/19/03 - STREETS - BILL 030714
2 in a deteriorated condition. Now the
3 resurfacing has taken place. So I'm assuming
4 when this ordinance was put into place or at
5 least amended in 1973 that the issue here was,
6 you go out and you're going to do a
7 resurfacing job. You take a look at the
8 street. I know we take pictures, we do the
9 whole thing. What is the criteria for the
10 judgment to be used by the Department of
11 Streets that given the condition of the street
12 and given the condition of the curb and
13 sidewalk adjoining that particular street,
14 that this provision No. 8 would be utilized in
15 places where people live, not on state
16 highways?

17 MR. LONIE: If you're milling a
18 street and the curb has seriously deteriorated
19 and it's going to fall over, we're not going
20 to put a street back there with no curb next
21 to it. We always have concern dollars in our
22 contract, small dollars in case this happens.
23 We do not program for any maintenance of
24 existing sidewalks.

25 COUNCILMAN NUTTER: I understand

1 11/19/03 - STREETS - BILL 030714

2 that. Well, it's not for maintenance, it's
3 for complete removal and restoration.

4 What I'd like to know is on a yearly
5 basis for that last years, I'd like to know
6 where this particular provision of the
7 Philadelphia Code was utilized in normal
8 street resurfacing situations. I'd like to
9 know what streets, I'd like to know when, and
10 what work was done on the curb or sidewalk
11 area. If this particular provision of the
12 Code was utilized, I'd like to know where it
13 was utilized.

14 MR. LONIE: Well, the one that comes
15 to my mind first and foremost is Ogontz
16 Avenue. That's basically a resurfacing
17 project. But there are certain bump-outs and
18 different curbs that needed to be replaced to
19 facilitate --

20 COUNCILMAN NUTTER: Are you creating
21 the bump-outs or were the bump-outs there?

22 MR. LONIE: No, we were creating the
23 bump-outs. We're moving some of the different
24 things like that. But again, that's -- I'll
25 check, but as far as maintenance, I don't

1 11/19/03 - STREETS - BILL 030714

2 think I'm going to find anything.

3 COUNCILMAN NUTTER: I appreciate it.

4 Thank you, Mr. Lonie.

5 Thank you, Mr. Chairman.

6 COUNCILMAN DICICCO: One other
7 question. Philadelphia Housing Authority
8 developments, when there are streets that are
9 existing streets but new housing is being put
10 in place, who pays for the sidewalks and
11 curbs?

12 MR. LONIE: The federal government.

13 COUNCILMAN DICICCO: The City is not
14 paying for those at all?

15 MR. LONIE: No. And we really would
16 like them to allocate more dollars for that
17 because they'll come in and if they're
18 redeveloping, they're putting all new sewer
19 and water lines in, again, you're going back
20 to the checker board. When they will not
21 allocate dollars for that, we do not have it
22 in our budget. And we would love the Housing
23 Authority to do that.

24 COUNCILMAN DICICCO: Because a
25 couple years ago, I had a private developer

1 11/19/03 - STREETS - BILL 030714

2 who wanted to build some housing in South
3 Philadelphia, but the cost of the sewer
4 systems being put in and curbs and sidewalks
5 basically caused him not to do the project
6 because it just ate too much into his profits.
7 And at that time -- I'm not saying it was you,
8 Paul. Someone testified that PHA, Streets
9 Department and our Water Department paid for
10 new sidewalks and curbs.

11 MR. LONIE: No, City Capital dollars
12 were used, but they were not dollars that were
13 in the Streets Department Capital budget.
14 They were in the PHA housing budget, not ours.

15 COUNCILMAN DICICCO: Thank you.

16 Any further questions for this
17 witness?

18 (No response.)

19 COUNCILMAN DICICCO: Thank you,
20 Paul.

21 Anyone else here who wishes to
22 testify for or against this bill?

23 (No response.)

24 COUNCILMAN DICICCO: Seeing none,
25 the Clerk will read the title of the next

1 11/19/03 - STREETS - BILL 030715

2 bill.

3 THE CLERK: Bill No. 030175, an
4 ordinance granting permission to Saint
5 Joseph's University, a Pennsylvania non-profit
6 corporation (educational), its successors and
7 assigns to construct, maintain and operate,
8 replace, and remove conduits for electrical
9 power supply and telecommunications purposes
10 under 53rd and 54th Streets south of City
11 Avenue and on a pedestrian bridge over City
12 Avenue between 54th Street and Cardinal
13 Avenue, and electrical and telecommunications
14 cables for private electrical and
15 telecommunications systems in such conduits;
16 all under certain terms and conditions.

17 MR. MAUTZ: Good morning, Chairman
18 and Members of the Committee. My name is
19 William Mautz and I'm a Construction Engineer
20 with the Streets Department. I'm here to
21 offer the following testimony for Bill No.
22 030715 on behalf of the Streets Department.

23 This bill authorizes Saint Joseph
24 University to construct, own and maintain
25 underground electrical and telecommunications

1 11/19/03 - STREETS - BILL 030720
2 conduit beneath 53rd and 54th Street east of
3 City Avenue an aerial electrical
4 telecommunications conduit attached to the
5 pedestrian bridge crossing City Avenue between
6 54th and Cardinal Avenue. The Streets
7 Department has reviewed the construction plan
8 for this project and has no objections to the
9 passage of the bill.

10 COUNCILMAN DICICCO: Thank you.

11 Any questions for this witness from
12 the Committee?

13 (No response.)

14 COUNCILMAN DICICCO: Anyone else
15 here who wishes to testify for or against it?

16 (No response.)

17 COUNCILMAN DICICCO: Seeing none,
18 the Clerk will read the title of the next
19 bill.

20 THE CLERK: Bill No. 030720, an
21 ordinance amending Section 12-2409 of the
22 Philadelphia Code, entitled "Towing Zone
23 Locations and Hours," by providing for
24 additional Towing Zone Locations, under terms
25 conditions.

1 11/19/03 - STREETS - BILL 030720

2 COUNCILMAN DICICCO: No testimony on
3 this?

4 MR. JAMES: Mr. Chairman, Members of
5 the Committee, my name is Greg James. I am
6 President of the Overbrook Farms East
7 Residents Association. It's very interesting
8 to be back in City Council after my long
9 hiatus.

10 We've asked the Councilman,
11 Councilman Nutter, to write a bill because of
12 the problem we've had with illegal parking in
13 our area. People park in front of driveways,
14 sometimes as much as a week or longer. We
15 have no recourse when this happens other than
16 having a ticket issued which means that the
17 homeowner is held hostage in their own
18 property. We've tried numerous things over
19 the last seven or eight years to relieve this
20 problem. The only thing that we could finally
21 come up with is a tow away zone in our area.

22 We would appreciate you passing this
23 bill. We think it would go a long way to
24 solving a lot of other problems arising
25 through illegal parking in our area.

1 11/19/03 - STREETS - BILL 030720

2 COUNCILMAN DICICCO: Thank you.

3 Ma'am, PLEASE identify yourself.

4 MS. DANIELS: My name is Juanita

5 Daniels, and I'm a resident of the

6 Overbrook/Wynnefield residence. I'm here to

7 support Bill 030720. As a resident of the

8 Overbrook area, I am experiencing ongoing

9 problem with Saint Joe's students and their

10 friends blocking or encroaching my driveway.

11 I have called Saint Joe's and the police

12 department many times. Most of time, the

13 police do not respond. And when they do

14 respond, they only issue one ticket. The car

15 still remains there creating a problem.

16 I have had my driveway blocked all

17 day before the person finally arrived to

18 remove it. If there was an emergency, I would

19 have been unable to get out. I would like to

20 see this bill passed so my neighbors and I can

21 be relieved of this ongoing problem.

22 COUNCILMAN DICICCO: Thank you,

23 ma'am.

24 Sir.

25 MR. SKOMORUCHA: Good morning, Mr.

1 11/19/03 - STREETS - BILL 030720

2 Chairman, Councilman Nutter, other members of
3 City Council. My name is Robert Skomorucha,
4 S-K-O-M-O-R-U-C-H-A. I'm the Assistant Vice
5 President for Government and Community
6 Relations at Saint Joseph's University, and
7 I'm greatly thankful for the opportunity to
8 come today to unconditionally support this
9 bill.

10 Saint Joseph's University over the
11 last couple of years in particular with
12 guidance and advice from Councilman Nutter has
13 worked very closely, especially with Mr. Greg
14 James in the Overbrook Farms East Residents
15 Association, as well as the Wynnefield
16 Residents Association, as well as Overbrook
17 Farms Club headed up by Mr. Dennis Green. We
18 have written in support of this bill to
19 Councilman Nutter in the springtime. We think
20 it will provide a useful and equitable to
21 address illegal parking that occurs admittedly
22 so primarily with some Saint Joseph's students
23 but also on occasion with others who are not
24 in any way affiliated with Saint Joe's. And
25 we think this would be a fair an equitable way

1 11/19/03 - STREETS - BILL 030720

2 to address this issue.

3 COUNCILMAN DICICCO: Thank you for
4 testimony.

5 Councilman Rizzo.

6 COUNCILMAN RIZZO: I want to maybe
7 ask Councilman Nutter that we also should
8 think about the situation the lady just
9 described about the driveway being blocked.
10 Another thing, I don't think our residents
11 know about how close they can encroach to the
12 driveway. Some people rally make it
13 difficult. They're right there and then
14 there's a car on the other side you you've got
15 to kind of snake your way through the two
16 parked cars. My point being, should there be
17 something in this tow away area that discuss
18 that fact you should park X number of feet
19 back? I think the Motor Vehicle Code is very
20 clear about that.

21 COUNCILMAN NUTTER: Councilman, I
22 think you're right. I think believe, though,
23 that there may actually be a provision in
24 Title 12 of the Philadelphia Code, our Title
25 12, relating to how close you can park to a

1 11/19/03 - STREETS - BILL 030720

2 driveway, I believe. I'm fairly certain. And
3 I think it may be five feet, but don't hold me
4 to the number.

5 Let me go take a look at that,
6 because I want to make sure at the same time
7 that we're not doing anything that is in
8 conflict with the Pennsylvania Motor Vehicle
9 Code. But I am explore that issue between now
10 and final passage. Thank you. It is a great
11 idea.

12 COUNCILMAN DICICCO: Thank you.

13 Any other questions for this
14 witness?

15 (No response.)

16 COUNCILMAN DICICCO: Anyone else
17 here who wishes to testify?

18 (No response.)

19 COUNCILMAN DICICCO: Seeing none,
20 this concludes the public hearing on the
21 Committee on Streets and Services.

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COUNCIL OF THE CITY OF PHILADELPHIA

4

PUBLIC MEETING

5

COMMITTEE ON STREETS AND SERVICES

6

- - - -

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Wednesday, November 19, 2003

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10 Public meeting conducted by the
11 Committee on Streets and Services, held in
12 Room 696, City Hall, Philadelphia,
Pennsylvania, on the above date, to consider
action on the following:

13 BILLS 030671, 030672, 030681,
030683, 030685, 030687, 030688, 030691,
14 030693, 030694, 030696, 030697, 030712,
030714, 030715, 030720.

15

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PRESENT:

17

COUNCILMAN FRANK DICICCO, Chair
18 COUNCILMAN DARRELL CLARKE
COUNCILMAN WILSON GOODE
19 COUNCILWOMAN DONNA REED MILLER
COUNCILMAN FRANK RIZZO

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1 11/19/03 - STREETS - PUBLIC MEETING

2 COUNCILMAN DICICCO: We will now go
3 into the public meeting.

4 The Chair recognizes Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Thank you, Mr.
7 Chair. I make a motion that the amendment, as
8 read into the record, for Bill No. 030671 be
9 approved.

10 (Duly seconded.)

11 COUNCILMAN DICICCO: It's been
12 properly moved and seconded that the amendment
13 to Bill No. 030671 be reported out of this
14 Committee with a favorable recommendation.

15 All those in favor, signify by
16 saying aye.

17 (Aye.)

18 COUNCILMAN DICICCO: Those opposed?

19 (No response.)

20 COUNCILMAN DICICCO: The amendment
21 is approved.

22 Councilman Clarke

23 COUNCILMAN CLARKE: Thank you, Mr.

24 Chairman. I make a motion that Bill No.

25 030671, as amended, be reported out of

1 11/19/03 - STREETS - PUBLIC MEETING

2 Committee with favorable recommendation and a
3 suspension of the rules.

4 COUNCILMAN DICICCO: It's been
5 properly moved and seconded that Bill No.
6 030671, as amended, be reported out of this
7 Committee with a favorable recommendation, and
8 a further recommendation that the Rules of
9 Council be suspended.

10 All those in favor, signify by
11 saying aye.

12 (Aye.)

13 COUNCILMAN DICICCO: Those opposed?

14 (No response.)

15 COUNCILMAN DICICCO: The bill is
16 approved.

17 Councilman Clarke.

18 COUNCILMAN CLARKE: Thank you Mr.
19 Chairman, I make a motion that Bill No. 030762
20 be reported out of Committee with favorable
21 recommendation and a request for a suspension
22 of the Rules.

23 (Duly seconded.)

24 COUNCILMAN DICICCO: It's been
25 properly moved and seconded that Bill No.

1 11/19/03 - STREETS - PUBLIC MEETING

2 030672 be reported out of this Committee with
3 a favorable recommendation, and that the Rules
4 of Council be suspended.

5 All those in favor, signify by
6 saying aye.

7 (Aye.)

8 COUNCILMAN DICICCO: Those opposed?

9 (No response.)

10 COUNCILMAN DICICCO: The bill is
11 approved.

12 Councilman Clarke

13 COUNCILMAN CLARKE: Thank you, Mr.

14 Chairman. I make a motion 030681 be reported
15 out the this Committee favorably and a request
16 for suspension of the rules.

17 (Duly seconded.)

18 COUNCILMAN DICICCO: It's been
19 properly moved and seconded that Bill No.
20 030681 be reported out of this Committee with
21 a favorable recommendation, and a further
22 recommendation that the Rules of Council be
23 suspended.

24 All those in favor, signify by
25 saying aye.

1 11/19/03 - STREETS - PUBLIC MEETING

2 (Aye.)

3 COUNCILMAN DICICCO: Those opposed?

4 (No response.)

5 COUNCILMAN DICICCO: The bill is
6 approved.

7 Councilman Clarke.

8 COUNCILMAN CLARKE: Mr. Chairman, I
9 make a motion that Bill No. 030683, as amended
10 be approved and reported out of Committee with
11 favorable recommendation and a request for a
12 suspension of the Rules.

13 (Duly seconded.)

14 COUNCILMAN DICICCO: It's been
15 properly moved and seconded that Bill No.
16 030683, as amended, be reported out of this
17 Committee with a favorable recommendation, and
18 a further recommendation that the Rules of
19 Council be suspended.

20 All those in favor, signify by
21 saying aye.

22 (Aye.)

23 COUNCILMAN DICICCO: Those opposed?

24 (No response.)

25 COUNCILMAN DICICCO: The bill is

1 11/19/03 - STREETS - PUBLIC MEETING

2 approved.

3 Councilman Clarke.

4 COUNCILMAN CLARKE: I move that Bill
5 No. 030685 be reported out of Committee with a
6 favorable recommendation and a request for a
7 suspension of the Rules.

8 (Duly seconded.)

9 COUNCILMAN DICICCO: It's been
10 properly moved and seconded that Bill No.
11 030685 be reported out of this Committee with
12 a favorable recommendation, and a further
13 recommendation that the Rules of Council be
14 suspended.

15 All those in favor, signify by
16 saying aye.

17 (Aye.)

18 COUNCILMAN DICICCO: Those opposed?

19 (No response.)

20 COUNCILMAN DICICCO: The bill is
21 approved.

22 Councilman Clarke.

23 COUNCILMAN CLARKE: I make a motion
24 that Bill No. 030687 be reported out of
25 Committee with favorable recommendation, and a

1 11/19/03 - STREETS - PUBLIC MEETING

2 request for a suspension of the Rules.

3 (Duly seconded.)

4 COUNCILMAN DICICCO: It's been

5 properly moved and seconded that Bill No.

6 030687 be reported out of this Committee with

7 a favorable recommendation, and that the Rules

8 of Council be suspended.

9 All those in favor, signify by

10 saying aye.

11 (Aye.)

12 COUNCILMAN DICICCO: Those opposed?

13 (No response.)

14 COUNCILMAN DICICCO: The bill is

15 approved.

16 Councilman Clarke.

17 COUNCILMAN CLARKE: I move that Bill

18 No. 030688 be reported out of Committee with a

19 favorable recommendation, and a request for a

20 suspension of the Rules.

21 (Duly seconded.)

22 COUNCILMAN DICICCO: It's been

23 properly moved and seconded that Bill No.

24 030688 be reported out of this Committee with

25 a favorable recommendation, and that the Rules

1 11/19/03 - STREETS - PUBLIC MEETING

2 of Council be suspended.

3 All those in favor, signify by
4 saying aye.

5 (Aye.)

6 COUNCILMAN DICICCO: Those opposed?

7 (No response.)

8 COUNCILMAN DICICCO: The bill is
9 approved.

10 Councilman Clarke.

11 COUNCILMAN CLARKE: I move that Bill
12 No. 030691 be reported out of Committee
13 favorable recommendation and a request for a
14 suspension of the Rules.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It's been
17 properly moved and seconded that Bill No.
18 030691 be reported out of this Committee with
19 a favorable recommendation, and that the Rules
20 of Council be suspended.

21 All those in favor, signify by
22 saying aye.

23 (Aye.)

24 COUNCILMAN DICICCO: Those opposed?

25 (No response.)

1 11/19/03 - STREETS - PUBLIC MEETING

2 COUNCILMAN DICICCO: The bill is
3 approved.

4 Councilman Clarke.

5 COUNCILMAN CLARKE: I move that Bill
6 No. 030692 be reported out of Committee with
7 favorable recommendation and a request for a
8 suspension of the Rules.

9 (Duly seconded.)

10 COUNCILMAN DICICCO: It's been
11 properly moved and seconded that Bill No.
12 030692 be reported out of this Committee with
13 a favorable recommendation, and that the Rules
14 of Council be suspended.

15 All those in favor, signify by
16 saying aye.

17 (Aye.)

18 COUNCILMAN DICICCO: Those opposed?

19 (No response.)

20 COUNCILMAN DICICCO: The bill is
21 approved.

22 Councilman Clarke.

23 COUNCILMAN CLARKE: I move that Bill
24 No. 030693 be reported out of Committee with
25 favorable recommendation and a request for

1 11/19/03 - STREETS - PUBLIC MEETING

2 suspension of the Rules.

3 (Duly seconded.)

4 COUNCILMAN DICICCO: It's been

5 properly moved and seconded that Bill No.

6 030693 be reported out of this Committee with

7 a favorable recommendation, and that the Rules

8 of Council be suspended.

9 All those in favor, signify by

10 saying aye.

11 (Aye.)

12 COUNCILMAN DICICCO: Those opposed?

13 (No response.)

14 COUNCILMAN DICICCO: The bill is

15 approved.

16 Councilman Clarke.

17 COUNCILMAN CLARKE: I move that Bill

18 No. 030694 be reported out of Committee with

19 favorable recommendation and a request for a

20 suspension of the Rules.

21 (Duly seconded.)

22 COUNCILMAN DICICCO: It's been

23 properly moved and seconded that Bill No.

24 030694 be reported out of this Committee with

25 a favorable recommendation, and that the Rules

1 11/19/03 - STREETS - PUBLIC MEETING

2 of Council be suspended.

3 All those in favor, signify by
4 saying aye.

5 (Aye.)

6 COUNCILMAN DICICCO: Those opposed?

7 (No response.)

8 COUNCILMAN DICICCO: The bill is
9 approved.

10 Councilman Clarke.

11 COUNCILMAN CLARKE: I move that Bill
12 No. 030696 be reported out of Committee with
13 favorable recommendation and a request for
14 suspension of the Rules.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It's been
17 properly moved and seconded that Bill No.
18 030696 be reported out of this Committee with
19 a favorable recommendation, and that the Rules
20 of Council be suspended.

21 All those in favor, signify by
22 saying aye.

23 (Aye.)

24 COUNCILMAN DICICCO: Those opposed?

25 (No response.)

1 11/19/03 - STREETS - PUBLIC MEETING

2 COUNCILMAN DICICCO: The bill is
3 approved.

4 Councilman Clarke.

5 COUNCILMAN CLARKE: I move that Bill
6 No. 030697 be reported out of Committee with
7 favorable recommendation and a request for a
8 suspension of the Rules.

9 (Duly seconded.)

10 COUNCILMAN DICICCO: It's been
11 properly moved and seconded that Bill No.
12 030697 be reported out of this Committee with
13 a favorable recommendation, and that the Rules
14 of Council be suspended.

15 All those in favor, signify by
16 saying aye.

17 (Aye.)

18 COUNCILMAN DICICCO: Those opposed?

19 (No response.)

20 COUNCILMAN DICICCO: The bill is
21 approved.

22 Councilman Clarke.

23 COUNCILMAN CLARKE: I move that Bill
24 NO. 030712 be reported out of Committee with a
25 favorable recommendation and request for a

1 11/19/03 - STREETS - PUBLIC MEETING

2 suspension of the Rules.

3 (Duly seconded.)

4 COUNCILMAN DICICCO: It's been

5 properly moved and seconded that Bill No.

6 030712 be reported out of this Committee with

7 a favorable recommendation, and that the Rules

8 of Council be suspended.

9 All those in favor, signify by

10 saying aye.

11 (Aye.)

12 COUNCILMAN DICICCO: Those opposed?

13 (No response.)

14 COUNCILMAN DICICCO: The bill is

15 approved.

16 Councilman Clarke.

17 COUNCILMAN CLARKE: Thank you, Mr.

18 Chairman. A request by the sponsor of the

19 bill to move Bill No. 030714 out of Committee

20 with a favorable recommendation and a

21 suspension of the Rules.

22 (Duly seconded.)

23 COUNCILMAN DICICCO: It's been

24 properly moved and seconded that Bill No.

25 030714 be reported out of this Committee with

1 11/19/03 - STREETS - PUBLIC MEETING

2 a favorable recommendation, and a further
3 recommendation that the Rules of Council be
4 suspended.

5 All those in favor, signify by
6 saying aye.

7 (Aye.)

8 COUNCILMAN DICICCO: Nay?

9 COUNCILMAN CLARKE: Nay..

10 COUNCILWOMAN MILLER: I'm voting nay
11 until there's further discussion with the
12 Streets Department because I don't want people
13 to think they're going can to get -- the City
14 right now is going pay for curbs and sidewalk.

15 COUNCILMAN DICICCO: The bill passes
16 3 to 2.

17 The Chair recognizes Councilman
18 Clarke.

19 COUNCILMAN CLARKE: Thank you, Mr.
20 Chairman. I make a motion that Bill No.
21 030715 be reported out of Committee with
22 favorable recommendation and a request for
23 suspension of the Rules.

24 (Duly seconded.)

25 COUNCILMAN DICICCO: It's been

1 11/19/03 - STREETS - PUBLIC MEETING

2 properly moved and seconded that Bill No.
3 030715 be reported out of this Committee with
4 a favorable recommendation, and that the Rules
5 of Council be suspended.

6 All those in favor, signify by
7 saying aye.

8 (Aye.)

9 COUNCILMAN DICICCO: Those opposed?
10 (No response.)

11 COUNCILMAN DICICCO: The bill is
12 approved.

13 Councilman Clarke..

14 COUNCILMAN CLARKE: Thank you, Mr.
15 Chairman. I move that Bill No. 030720 be
16 reported out of Committee with a favorable
17 recommendation and a request for suspension of
18 the Rules.

19 (Duly seconded.)

20 COUNCILMAN DICICCO: It's been
21 properly moved and seconded that Bill No.
22 030720 be reported out of this Committee with
23 a favorable recommendation, and that the Rules
24 of Council be suspended.

25 All those in favor, signify by

1 11/19/03 - STREETS - PUBLIC MEETING

2 saying aye.

3 (Aye.)

4 COUNCILMAN DICICCO: Those opposed?

5 (No response.)

6 COUNCILMAN DICICCO: The bill is
7 approved.

8 This concludes the public meeting of
9 the Committee on Streets and Services. I want
10 to thank all Committee Members for attending
11 and for your participation.

12 (Council adjourned at 11:55 a.m.)

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of November 19, 2003, were
reported fully and accurately by me, and that
this is a correct transcript of the same.

RE: COMMITTEE ON STREETS AND SERVICES

Lisa C. Bradley, RPR