

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING
4 BEFORE THE COMMITTEE ON LICENSES AND INSPECTIONS

5 - - -
6 Room 400 City Hall
7 Philadelphia, Pennsylvania
8 Wednesday, April 15, 1998
9 9:40 a.m.
10 - - -

11 BILL NO. 970693 - An ordinance amending an
12 ordinance approved January 3, 1992,
13 establishing vendor locations in Center City,
14 pursuant to Subsection 9-204(8)(a), by
15 deleting one location on South Fifth Street
16 and by creating a new location on South Fifth
17 Street.

18 BILL NO. 980121 - An ordinance amending Section
19 9-205 of The Philadelphia Code, relating to
20 sidewalk sales, by adding a new provision
21 prohibiting sidewalk sales on certain blocks
22 in the 7th Councilmanic District.

23 BILL NO. 980174 - An ordinance amending Section
24 9-205 of The Philadelphia Code relating to
25 sidewalk sales, by adding a new provision
prohibiting sidewalk sales on certain blocks
in the 7th Councilmanic District.

BILL NO. 980175 - An ordinance amending Section
9-205 of The Philadelphia Code, relating to
sidewalk sales, by adding a new provision
prohibiting sidewalk sales on certain blocks
in the 7th Councilmanic District.

19 PRESENT: COUNCILMAN JAMES F. KENNEY, Chairman
20 COUNCILWOMAN JOAN L. KRAJEWSKI
21 COUNCILMAN ANGEL L. ORTIZ
22 COUNCILMAN FRANK DICICCO
23 COUNCILMAN RICHARD T. MARIANO
24 COUNCILMAN FRANK RIZZO
25 - - -

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1 COUNCIL COMMITTEE ON LICENSES AND INSPECTIONS

2 I N D E X

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5 John P. Campbell, Manager. 3
6 Legislative Regulatory Affairs
7 Department of Licenses and Inspections

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12 BILL NO. 980174

13 John P. Campbell, Manager. 13
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16 Linda DeSouza, Manager 14
17 Special Services District- Frankford

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1 COUNCIL COMMITTEE ON L&I - BILL NO. 970693

2 P R O C E E D I N G S.

3 COUNCILMAN KENNEY: Good morning,
4 ladies and gentlemen. The Committee on Licenses
5 and Inspections is now in session. We have a
6 quorum present, and we're here to take testimony
7 on four bills dealing with-- you guessed it --
8 vending.

9 Bill No. 970693, which is an ordinance
10 amending an ordinance approved January 3, 1992,
11 establishing vendor locations in Center City,
12 pursuant to Subsection 9-204(8)(a) by deleting one
13 location on South Fifth Street and by creating a
14 new location on South Fifth Street.

15 (John Campbell at witness table.)

16 COUNCILMAN KENNEY: Please identify
17 yourself for the record, and proceed with your
18 testimony.

19 MR. CAMPBELL: Hello. Good morning,
20 Mr. Chairman, I'm John P. Campbell. I'm the
21 Legislative Regulatory Affairs Manager for the
22 Department of Licenses and Inspections. I'm here
23 today to testify on the provisions of Bill 970693,
24 which will relocate a vendor in the Center City
25 Vending District.

1 COUNCIL COMMITTEE ON L&I - BILL NO. 970693

2 We have reviewed the legislation. We
3 have no objection to its enactment. And if
4 Council so deems to enact the legislation, we will
5 enforce its provisions.

6 That's my testimony. I'll answer any
7 questions.

8 COUNCILMAN KENNEY: Are there any
9 questions of Mr. Campbell?

10 COUNCILMAN DICICCO: Mr. Campbell.

11 COUNCILMAN KENNEY: Councilman DiCicco.

12 COUNCILMAN DICICCO: I'm not going to
13 disturb this bill, but a good thought came to
14 mind. In the future, we ought to look at those
15 parking spaces. I mean, this was an opportunity.
16 We may have been able to put this vendor on the
17 street with his cart -- although, it's not a
18 truck, I understand, but we could have gotten some
19 revenue out of this.

20 MR. CAMPBELL: Councilman, when we
21 established the Center City Vending District, we
22 did look at street vendors also.

23 And after -- oh, God -- years and years
24 of agonizing, we decided -- in a discussion, we
25 decided that the best thing to do was to permit no

1 COUNCIL COMMITTEE ON L&I - BILL NO. 970693
2 vending in the street, to keep it on the sidewalk,
3 because not only do you have the circulation
4 problems with pedestrian traffic, but, of course,
5 vehicular traffic.

6 And that could be problematic. The
7 streets in Center City are narrow, for the most
8 part.

9 COUNCILMAN DICICCO: Okay, I stand
10 corrected. Thank you.

11 COUNCILMAN KENNEY: Are there any other
12 questions of Mr. Campbell?

13 (No further questions at this time.)

14 COUNCILMAN KENNEY: Seeing none, is
15 there anyone in the room here to testify on this
16 bill?

17 (Steven Pollack and Bill White come
18 forward.)

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

21 MR. POLLACK: Good morning, Councilman
22 Kenney and Members of the Committee. My name is
23 Steven Pollack. I'm the attorney for Bill White,
24 who's the owner and operator of Johnny Rocket's,
25 which is located at 443 South Street, which is on

1 COUNCIL COMMITTEE ON L&I - BILL NO. 970693

2 the southeast corner.

3 And we are here today because my
4 client's property is deeply affected by the
5 current location of a vendor, who, when first
6 approached -- Johnny Rocket's opened up in May of
7 1997, has 35 employees who pay City wages, which,
8 according to Mr. White -- Bill can testify that
9 this pays about 400,000 in City wages to the City.
10 They spent over 300,000 -- over 300,000 in
11 building improvements and then another 300,000 for
12 equipment and furnishings in the property, so
13 they've got about a \$600,000 investment.

14 Bill has received numerous complaints
15 from people gaining access because of the location
16 of this vending cart. It's right up against his
17 entrance way. And we have some photos that show
18 you the location of the cart. And it's about
19 4-feet-10-inches away from the property; and with
20 the overhang, it's about 3 feet away from the
21 property.

22 Bill has had complaints from people who
23 have had the inability, who are in wheelchairs, to
24 gain access to his property because of the
25 proximity of this cart. And Bill has had other

1 COUNCIL COMMITTEE ON L&I - BILL NO. 970693

2 people who have left his property, left his
3 business, who were waiting to stand in line and go
4 and buy hot dogs from this individual.

5 Now, we're not trying to put Gus out of
6 business. Gus had initially agreed at the time to
7 move to another corner. And we are hopeful that
8 since he's been at this location, he's an
9 institution at the Fifth and South Street
10 location; we just don't want him to lose his
11 ability to be in that area.

12 In fact, when the construction was
13 going on for Johnny Rocket's, Gus had to
14 temporarily move to another location and,
15 obviously, you know, he retained his following and
16 was able to stay in business.

17 So it is our hope that City Council can
18 look at this and weigh and balance the interests
19 of somebody who's made a deep investment into the
20 City and is employing 35 people.

21 And if we can get some relief with
22 regard to just the proximity, I think this would
23 move him to the west side of the intersection
24 which is where Gap, if you're familiar with it,
25 it's the old Grendel's Lair and is the now-Gap

1 COUNCIL COMMITTEE ON L&I - BILL NO. 970693

2 building. And that would be the location he could
3 fit into. And that would be our hope.

4 Bill, you've heard what I've stated.
5 Is there any other thing you want to talk about
6 with --

7 MR. WHITE: Well --

8 COUNCILMAN KENNEY: Please identify
9 yourself for the record, and speak closely to the
10 microphone.

11 MR. WHITE: Yes, Councilmen and
12 Councilwomen. I'm Bill White, the owner of Johnny
13 Rocket's.

14 Everything that Steve has said is about
15 accurate. Basically, we just would like to look
16 out our front door and not see a cart, you know,
17 blocking people from coming in and coming out.

18 And it's, you know, every day, day in
19 and day out. And our customers are complaining.
20 You know, they're more upset about it than anyone
21 else. You know, how can you let this happen? I
22 said, you know, we have to do, you know, what we
23 have to do.

24 So they've been very patient and, you
25 know, hopefully, we can rectify this situation.

1 COUNCIL COMMITTEE ON L&I - BILL NO. 970693

2 COUNCILMAN KENNEY: So you've invested
3 more than a half a million dollars into a
4 property. And do you sell hot dogs?

5 MR. WHITE: Yes, mm-hmm.

6 COUNCILMAN KENNEY: I mean, well, why
7 wouldn't you want a guy outside selling hot dogs?

8 MR. WHITE: Exactly.

9 COUNCILMAN KENNEY: I mean, really.

10 MR. WHITE: Yeah.

11 COUNCILMAN KENNEY: Maybe if he goes
12 across the street, outside of Gap, he'll start
13 selling jeans.

14 MR. WHITE: Right.

15 COUNCILMAN KENNEY: I mean, that seems
16 logical.

17 MR. POLLACK: You know, I mean, in the
18 old days, it was Green's Pharmacy. So, I guess,
19 you know, Ray Kauffman, who owned Green's
20 Pharmacy, didn't care about hot dogs across the
21 street.

22 COUNCILMAN KENNEY: Right. And just
23 for my own sick interest, does anyone know where
24 Gus lives?

25 MR. POLLACK: No. We wish we knew.

1 COUNCIL COMMITTEE ON L&I - BILL NO. 970693

2 But we can tell you --

3 COUNCILMAN KENNEY: If Gus lives in
4 Turnersville, I wonder.

5 MR. POLLACK: Well, 34 out of the 35
6 employees for Johnny Rocket's live in
7 Philadelphia.

8 COUNCILMAN KENNEY: Okay. All right,
9 fine. Are there any questions for these two
10 witnesses?

11 (No questions.)

12 COUNCILMAN KENNEY: Thank you very much
13 for coming.

14 MR. POLLACK: Thank you.

15 MR. WHITE: Thank you.

16 COUNCILMAN KENNEY: Do you need a
17 suspension of the rules on this?

18 MR. POLLACK: If you could suspend the
19 rules.

20 COUNCILMAN KENNEY: Yes.

21 MR. POLLACK: That would be great.

22 COUNCILMAN KENNEY: All right. Thank
23 you very much.

24 MR. POLLACK: Thank you.

25 COUNCILMAN KENNEY: Is there anyone

1 COUNCIL COMMITTEE ON L&I - BILL NO. 980121

2 else here to testify on this bill?

3 (No response.)

4 - - -

5 COUNCILMAN KENNEY: Next is Bill No.

6 980121. It's an ordinance amending Section 9-205

7 of The Philadelphia Code, relating to sidewalk

8 sales, by adding a new provision prohibiting

9 sidewalk sales on certain blocks in the 7th

10 Councilmanic District.

11 (John Campbell at witness table.)

12 COUNCILMAN KENNEY: Mr. Campbell,

13 please identify yourself for the record.

14 Let me read for the record the streets
15 that are involved in the 7th District. Both sides
16 of 900 through 1600 blocks of East Cayuga Street;
17 both sides of 900 through 1700 blocks of East
18 Hunting Park Avenue; both sides of the 900 through
19 1600 block of East Bristol Street; both sides of
20 the 900 through 1600 blocks of East Luzerne
21 Street; both sides of the 900 through 1600 blocks
22 of East Lycoming Street; both sides of the 900
23 through 1600 blocks of East Erie; and both sides
24 of the 3700 through 4300 blocks of Castor Avenue.

25 Mr. Campbell, please.

1 COUNCIL COMMITTEE ON L&I - BILL NO. 980121

2 MR. CAMPBELL: Again, John P. Campbell,
3 Legislative Regulatory Affairs Manager, at the
4 Department of Licenses and Inspections.

5 I'm here to testify on the provisions
6 of Bill 980121. We have reviewed the provisions
7 of this bill, and the Department has no objections
8 to its enactment. We will enforce the provisions
9 of the bill if Council so deems.

10 Normally, I have a report back on how
11 many vendors are in the area; I'm sorry I do not
12 have that today. However, from personal
13 experience riding through that area frequently, I
14 really don't see that many vendors. I don't see
15 it as a significant issue.

16 COUNCILMAN ORTIZ: There are not that
17 many.

18 MR. CAMPBELL: Pardon?

19 COUNCILMAN KENNEY: Councilman Ortiz
20 said there are not that many.

21 MR. CAMPBELL: Okay. I'd be happy to
22 answer any questions.

23 COUNCILMAN KENNEY: Thank you. Are
24 there any questions for Mr. Campbell?

25 (No questions.)

1 COUNCIL COMMITTEE ON L&I - BILL NO. 980174

2 COUNCILMAN KENNEY: Is there anyone
3 else in the room to testify on this bill?

4 (No response.)

5 COUNCILMAN KENNEY: Thank you very
6 much.

7 - - -

8 COUNCILMAN KENNEY: Bill No. 980174,
9 which is an ordinance amending Section 9-205 of
10 The Philadelphia Code relating to sidewalk sales,
11 by adding a new provision prohibiting sidewalk
12 sales on certain blocks in the 7th Councilmanic
13 District.

14 And in this particular bill, it's both
15 sides of the 1500 block of Bridge Street.

16 (John Campbell at witness table.)

17 COUNCILMAN KENNEY: Mr. Campbell,
18 please.

19 MR. CAMPBELL: Okay. Also, Councilman
20 Kenney, Bill 980175 deals with the next block,
21 which is the 1500 block of Pratt.

22 COUNCILMAN KENNEY: No, no, I'm sorry.
23 This is Bridge, the next is Pratt.

24 MR. CAMPBELL: Okay. I'm sorry, Bridge
25 Street, yeah.

1 COUNCIL COMMITTEE ON L&I - BILL NO. 980174

2 The Department has no objection to the
3 enactment of this bill and will enforce its
4 provisions if Council so deems.

5 COUNCILMAN KENNEY: Thank you very
6 much. Are there any questions for Mr. Campbell?.

7 (No questions at this time.)

8 COUNCILMAN KENNEY: Ma'am, do you want
9 to testify on this bill? Please come forward.
10 You can stay John. Please identify yourself for
11 the record.

12 MS. DESOUZA: Good morning. I'm Linda
13 DeSouza I manage the Special Services District in
14 Frankford.

15 COUNCILMAN KENNEY: Could you spell
16 your last name for the stenographer, please.

17 MS. DESOUZA: D-E-S-O-U-Z-A.

18 COUNCILMAN KENNEY: Thank you.

19 MS. DESOUZA: And I'm here on behalf of
20 the Special Services District and the Bridge-Pratt
21 Business and Professional Association whose
22 president today, because of his advanced age and
23 declining health, has asked me to represent him
24 here also today. It was by his request that we
25 made the request for this ordinance.

1 COUNCIL COMMITTEE ON L&I - BILL NO. 980174

2 The Southeastern Pennsylvania
3 Transportation Authority is planning a large
4 project where they will be running the Bridge &
5 Pratt Terminal. This affects these blocks that
6 are mentioned in this request today, and that one
7 side of the street will be unavailable to
8 pedestrian traffic and fenced off the traffic and
9 so forth.

10 The other side, being an extremely
11 narrow sidewalk, causes a public safety hazard for
12 people trying to go around carts. The carts are
13 not a large problem at this time, but they have
14 begun to pop up do the due to the availability of
15 the construction workers that they're aiming to
16 sell food and beverages to and so forth.

17 There are several low-end retail and
18 medical service providers on both of those blocks
19 who have businesses facing the side of the
20 sidewalk businesses that will still be available
21 for pedestrian egress into their businesses.

22 And as such, they have requested that
23 this ordinance be provided to make sure that the
24 situation doesn't get out of hand as far as the
25 numerous carts popping up in those locations and

1 COUNCIL COMMITTEE ON L&I - BILL NO. 980175

2 causing any inconvenience to the customers and is
3 a public safety hazard.

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

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

8 (No response.)

9 COUNCILMAN KENNEY: None? No one else
10 to testify on this bill?

11 (No response.)

12 COUNCILMAN KENNEY: Thank you.

13 - - -

14 COUNCILMAN KENNEY: Bill No. 980175, an
15 ordinance amending Section 9-205 of The
16 Philadelphia Code, relating to sidewalk sales, by
17 adding a new provision prohibiting sidewalk sales
18 on certain blocks in the 7th Councilmanic
19 District.

20 In this particular instance, it's both
21 sides of the 1500 block of Pratt Street.

22 (John Campbell at witness table.)

23 COUNCILMAN KENNEY: Mr. Campbell.

24 MR. CAMPBELL: Again, John P. Campbell,
25 Licenses and Inspections.

1 COUNCIL COMMITTEE ON L&I - BILL NO. 980175

2 We've reviewed the provisions of this
3 bill, and the Department has no objections to it's
4 enactment and will enforce its provisions if
5 Council so deems.

6 I'm somewhat familiar with that area
7 from getting on the el for four years when I was
8 in high school every day.

9 COUNCILMAN KENNEY: Your memory can't
10 go back that far, can it, John?

11 (Laughter.)

12 MR. CAMPBELL: Yeah. Sadly, it does.

13 COUNCILMAN KENNEY: It was drawn by
14 horse then, wasn't it, the el?

15 MR. CAMPBELL: The Pratt Street side of
16 the Bridge & Pratt Terminal, both sidewalks there
17 are very narrow. In fact, I think they demolished
18 the remaining businesses where Hanscom's (ph.)
19 used to be and a few other places.

20 And that would be extremely difficult
21 to permit any kind of vending in that block, even
22 in a normal situation, so. . . That's my
23 testimony.

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

1 COUNCIL COMMITTEE ON L&I - BILL NO. 980175

2 Are there any questions for Mr.

3 Campbell?

4 (No questions.)

5 COUNCILMAN KENNEY: None?

6 (Linda DeSouza comes forward.)

7 COUNCILMAN KENNEY: Please identify
8 yourself again for this bill, and proceed with
9 your testimony.

10 MS. DESOUZA: My name is Linda DeSouza,
11 managing the Special Services District of
12 Frankford. And my testimony in this matter would
13 be pretty much identical to my reasons involving
14 the Bridge Street situation.

15 COUNCILMAN KENNEY: Thank you.

16 MS. DESOUZA: They are very similar,
17 except that on Pratt Street, there won't be
18 another sidewalk to vend on.

19 COUNCILMAN KENNEY: Okay, thank you
20 very much.

21 Is there anyone else in the room t o
22 testify on these bills?

23 (No response.)

24 COUNCILMAN KENNEY: Seeing none, that
25 will conclude our public hearing.

1 COUNCIL COMMITTEE ON L&I - PUBLIC MEETING

2 COUNCILMAN KENNEY: The Chair
3 recognizes Councilman Krajewski for a motion to
4 approve Bill No. 970693, with a rules suspension.

5 COUNCILWOMAN KRAJEWSKI: Mr. Chairman,
6 I move that Bill 970693 be voted out of this
7 committee with a favorable recommendation, with a
8 suspension of rules.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and seconded.

11 All in favor, say aye?

12 Those opposed?

13 There are none opposed. Bill No.
14 970693 will be reported out of this committee
15 with a favorable recommendation and a request will
16 be made for a suspension of the rules to allow
17 for first reading at our next Council session.

18 - - -

19 COUNCILMAN KENNEY: The Chair
20 recognizes Councilman Ortiz for a motion on Bill
21 No. 980121, with the rules suspension.

22 COUNCILMAN ORTIZ: Mr. Chairman, I move
23 that Bill 980121 be moved out of committee with a
24 favorable recommendation and a request for
25 suspension of the rules so as to be considered in

1 COUNCIL COMMITTEE ON L&I - PUBLIC MEETING

2 the next session of City Council.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: Moved and seconded.

5 All in favor, say aye?

6 Those opposed?

7 There are none opposed. Bill No.

8 980121 will be reported out of this committee

9 with a favorable recommendation and a request will

10 be made for a suspension of the rules to allow

11 for first reading at our next Council session.

12 - - -

13 COUNCILMAN KENNEY: The Chair

14 recognizes Councilman Ortiz for a motion on Bill

15 No. 980174, with a similar request for a

16 suspension of the rules.

17 COUNCILMAN ORTIZ: Mr. Chairman, I move

18 that Bill 980174 be moved out of committee with a

19 favorable recommendation and a request that the

20 rules of Council be suspended so as to have

21 consideration at the next session of City Council.

22 (Duly seconded.)

23 COUNCILMAN KENNEY: Moved and seconded.

24 All in favor, say aye?

25 Those opposed?

1 COUNCIL COMMITTEE ON L&I - PUBLIC MEETING

2 There are none opposed. Bill No.
3 980174 will be reported out of this committee
4 with a favorable recommendation and a request will
5 be made for a suspension of t he rules to allow
6 for first reading at our next Council session.

7 - - -

8 COUNCILMAN KENNEY: The Chair
9 recognizes Councilman Rizzo for a motion on Bill
10 No. 980175, with a suspension of the rules.

11 COUNCILMAN RIZZO: Mr. Chairman, I
12 recommend that Bill No. 980175 be moved from this
13 committee with a favorable recommendation and that
14 the rules of Council be suspended so that it will
15 be heard at the next Council session.

16 (Duly seconded.)

17 COUNCILMAN KENNEY: Moved and seconded.

18 All in favor, say aye?

19 Those opposed?

20 There are none opposed. Bill No.
21 980175 will be reported out of this committee
22 with a favorable recommendation and a request will
23 be made for a suspension of t he rules to allow
24 for first reading at our next Council session.

25 - - -

1 COUNCIL COMMITTEE ON L&I - PUBLIC MEETING

2 COUNCILMAN KENNEY: That concludes the
3 business of the Licenses and Inspections
4 Committee. Thank you for your attendance.

5 (Adjourned at 10:00 a.m.)

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RE: COUNCIL COMMITTEE ON LICENSES AND INSPECTIONS

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BILL NO.'S 970693, 980121M 980174, 980175

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JOSEPHINE CARDILLO,

Registered Professional Reporter