

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON STREETS AND SERVICES

5

- - - -

6

Room 696, City Hall
Philadelphia, Pennsylvania
Tuesday, February 17, 2004
10:00 a.m.

8

- - - -

9

BILLS 040006, 040025, 040026, 040027,
040032, 040033, 040058, 040061,
040062, 040063, 040065, 040067.

10

11

12

PRESENT:

13

COUNCILMAN FRANK DICICCO, Chair
COUNCILMAN DARRELL CLARKE
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN JUAN RAMOS
COUNCILMAN FRANK RIZZO

16

17

18

19

20

- - - -

21

22

V A R A L L O Incorporated
Litigation Support Services
Eleven Penn Center
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
215.561.2220 215.567.2670

23

24

25

I N D E X

1		
2		
3		
4	BILL 040058	PAGE
5	CHRISTIN DELROSSI, Streets Dept.....	3
6	CHARLES DENNY, Streets Dept.....	8
7	BILL 040032	
8	PAUL LONIE, Streets Dept.....	10
9	BILL DOBO (ph), Lawncrest Com. Assoc....	11
10	ARTHUR KRAMER, Lawncrest Com. Assoc....	12
11	BILL 040065	
12	PAUL LONIE, Streets Dept.....	14
13	MARTIN SOFFER, City Planning.....	15
14	KENNY POLLOCK, National Chemical Lab...	15
15	BILL 040025	
16	WILLIAM MAUTZ, Streets Dept.....	18
17	BILL 040026	
18	WILLIAM MAUTZ, Streets Dept.....	20
19	BILL 040027	
20	WILLIAM MAUTZ, Streets Dept.....	22
21	BILL 040033	
22	WILLIAM MAUTZ, Streets Dept.....	23
23	JEROME BOCA (ph), United Vendors.....	25
24	BILL 040006	
25	OTIS HAIGLER, JR., L&I.....	30
26	BILL 040061	
27	OTIS HAIGLER, JR., L&I.....	33
28	GERALDINE JOHNSON, L&I.....	34
29	JEROME BOCA, United Vendors.....	40
30	BILL 040062	
31	OTIS HAIGLER, JR., L&I.....	60
32	BILL 040063	
33	OTIS HAIGLER, JR., L&I.....	62
34	BILL 040067	
35	OTIS HAIGLER, JR., L&I.....	64

1 02/17/04 - STREETS - BILL 040058

2 COUNCILMAN DICICCO: Good morning,
3 everyone. The Committee on Streets and
4 Services, the public hearing is now in
5 session. We have a quorum: Councilwoman
6 Donna Reed Miller, Councilman Frank Rizzo,
7 Councilman Juan Ramos are in attendance.
8 They're all members of this Committee.

9 The Clerk will shortly read the
10 title of the first bill.

11 THE CLERK: Bill No. 040058, an
12 ordinance establishing a no truck parking
13 regulation on the 2800 block of East Allegheny
14 Avenue, both sides.

15 COUNCILMAN DICICCO: Anyone who's
16 testifying, would you please come up to the
17 witness table and identify yourself for the
18 record and proceed with your testimony?

19 MS. DELROSSI: My name is Christin
20 DelRossi. I'm District Traffic Engineer for
21 the 3rd Traffic District of the City.

22 COUNCILMAN DICICCO: Please proceed
23 with your testimony.

24 MS DELROSSI: I'm here today to
25 offer testimony on Bill No. 040058, a bill

1 02/17/04 - STREETS - BILL 040058
2 establishing a no truck parking from 6:00 p.m.
3 to 6:00 a.m. regulation on Allegheny Avenue
4 from Richmond to Bath Street, both sides.

5 The Streets Department has no
6 objections to this bill. We are posting this
7 under a trial ordinance, and we can have the
8 signs posted within three weeks.

9 COUNCILMAN DICICCO: Thank you.

10 Any questions for this witness from
11 the Committee?

12 Councilman Rizzo.

13 COUNCILMAN RIZZO: From the Streets
14 Department perspective, when we do this no
15 truck parking, who are we trying to satisfy?

16 Obviously, we're displacing people
17 that for some reason desire to park in these
18 locations. I'm not asking this question about
19 this location; just in general, could you
20 explain why we're doing this? Is it because
21 we have the community that's complaining about
22 truck parking? Where do the trucks go?

23 Again, there's a ripple effect. And
24 from the Streets Department perspective, what
25 are we really creating here every time we do

1 02/17/04 - STREETS - BILL 040058

2 one of these ordinances?

3 MS DELROSSI: Well, this is an
4 ordinance because there's businesses in the
5 vicinity. Usually, it's for residents that
6 have a problem with people parking trucks and
7 they don't want them parked on their block.
8 The ordinance was passed because there's
9 businesses in the district but there's also
10 residents in the district that have a problem
11 with the trucks being parked on their block.

12 COUNCILMAN RIZZO: Where are they
13 going to go?

14 MS DELROSSI: That, I don't know.

15 COUNCILMAN DICICCO: Maybe I can
16 weigh on this, being a District Councilperson.
17 I often get similar requests. Many of the
18 neighborhoods, residential neighborhoods, if
19 you will, over the years have seen an increase
20 in vehicular parking. More people own homes,
21 have more cars. People come home from work at
22 a certain time and they find it very difficult
23 to find a parking space. Often what happens
24 is either a resident of the block or a
25 business who is in close proximity to a

1 02/17/04 - STREETS - BILL 040058

2 particular street decide that it's okay to
3 leave their truck on the street 24 hours a
4 day, 7 days a week. And I think there's an
5 aesthetic issue as well as a safety issue in
6 many cases where you have a large truck that
7 is parking there, it kind of creates a very
8 unsafe environment along that block, along a
9 sidewalk where people could be behind that truck.
10 It's a lot more -- it probably has as much to
11 do with appearance as it does with logistics.
12 We're allowing for the residents who come home
13 at the end of the day, come home from work to
14 have at least a reasonable opportunity to park
15 close to their residence.

16 The question on what do they do with
17 the trucks, most of these commercial trucks
18 should, in my opinion, at least find
19 alternative parking either in a garage or
20 someplace that is away from a residential
21 community. My district has many neighborhoods
22 that where residential property owners are
23 competing for the same spaces that commercial
24 property owners are and it does create a
25 problem.

1 02/17/04 - STREETS - BILL 040058

2 This is by request. I assume the
3 Councilperson whose district it is introduced
4 this because the neighbors were concerned.

5 COUNCILMAN RIZZO: What I would
6 appreciate getting a little education on is
7 what is a truck. Every vehicle that I
8 understand that has a truck tag does not fall
9 into this category. If you're Joe the
10 plumber, and you have a company truck that
11 you're allowed to take home with you, you may
12 not be restricted from parking here.

13 An example, no trucks on the Drives,
14 Kelly, West River Drive. But I learned that a
15 pick-up truck is exempt from that; they can
16 park there. So I would like to know, so I can
17 intelligently communicate, what vehicles does
18 this really -- when you say no truck parking,
19 what vehicles are excluded from this
20 regulation? Is it everything with a license
21 plate that says truck?

22 I've been led to believe that that
23 is not the case, that there are vehicles that
24 are under a half ton GVW that are allowed to
25 use the Drives are allowed to park in these

1 02/17/04 - STREETS - BILL 040058

2 areas overnight. And I think we also have an
3 obligation to educate the people that live in
4 these areas so they really know the rules.
5 Because I get phone calls, District Council
6 People, I'm sure, get phone calls saying, "You
7 have no truck parking signs and there's a
8 truck parked here and the police won't give it
9 a ticket." They think that there's some
10 conspiracy, but apparently there's something
11 in the fine print. And I think you're about
12 to tell me, right?

13 MR. DENNY: Good morning, Chairman,
14 Committee Members. My name is Charles Denny,
15 I'm the Assistant Chief Traffic Engineer.

16 The specific ordinance for the no
17 overnight truck parking deals with trucks that
18 have a capacity over a quarter ton. So any
19 pick-up truck that has a quarter ton or less
20 capacity is exempt from the ordinance.

21 COUNCILMAN RIZZO: So if I work for
22 a plumber, air conditioning contractor, and I
23 have the name of the company on the side and I
24 have a van, is that exempt?

25 MR. DENNY: It depends on the

1 02/17/04 - STREETS - BILL 040058

2 capacity of the truck.

3 COUNCILMAN RIZZO: Anything larger
4 than a quarter ton is prohibited?

5 MR. DENNY: Is prohibited, correct.

6 COUNCILMAN RIZZO: I'm trying to
7 picture -- I can't calculate exactly what kind
8 of vehicle would be allowed to park there.

9 MR. DENNY: Basically the small
10 pick-up trucks are allowed. Most of the large
11 pick-up trucks have over a quarter ton
12 capacity. I don't believe the police enforce
13 most pick-up trucks.

14 The ordinance was passed initially,
15 I believe, in 1964, and the capacity of trucks
16 have increased since then.

17 COUNCILMAN RIZZO: Thank you.

18 COUNCILMAN DICICCO: Thank you.

19 Let the record show that Councilman
20 Clarke, who is also a member of this
21 Committee, is now in attendance.

22 Any other questions for these
23 witnesses from the Committee?

24 (No response.)

25 COUNCILMAN DICICCO: Anyone else

1 02/17/04 - STREETS - BILL 040032

2 here who wishes to testify for or against the
3 bill?

4 (No response.)

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

8 THE CLERK: Bill No. 040032, an
9 ordinance repealing an ordinance (Bill No.
10 030249), authorizing and directing the
11 revision of lines and grades on a portion to
12 City Plan No. 253 of the area lying generally
13 northwardly from the intersection of Unruh
14 Avenue and Oakley Street by striking from the
15 City plan a portion of Kerper Street and
16 Kerper Place; by placing on the City Plan
17 certain portions of rights-of-way for drainage
18 purposes and water main purposes; by striking
19 from the City Plan and abandoning a certain
20 right-of-way for drainage purposes and water
21 main purposes, under certain terms and
22 conditions.

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

1 02/17/04 - STREETS - BILL 040032
2 Department of Streets, and the Department
3 would like to offer the following testimony on
4 Bill No. 040032:

5 This is a Councilmanic ordinance
6 submitted by Councilman Brian O'Neill. The
7 intended purpose of this ordinance is to
8 repeal Bill No. 030249. The Streets
9 Department takes no position on this
10 ordinance.

11 COUNCILMAN DICICCO: Any questions
12 for this witness from the Committee?

13 (No response.)

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

16 Please come forward and have a seat
17 at the witness table.

18 MR. DOBO: Thank you, Councilman, my
19 name is Bill Dobo (ph), I'm President of the
20 Lawncrest Community Association, I'm also
21 Democratic Ward Leader of the 35th Ward. And
22 under advisement, we would like this bill to
23 be held in your Committee. We're trying to
24 sit down with parties involved and work this
25 out.

1 02/17/04 - STREETS - BILL 040032

2 COUNCILMAN DICICCO: Is this the
3 bill that was introduced by Councilman O'Neill
4 but later found it was Councilwoman Tasco's
5 district now?

6 MR. DOBO: It just became Marian
7 Tasco's.

8 COUNCILMAN DICICCO: She did
9 indicate holding the bill.

10 But you have some testimony, I
11 understand, or no? Do you want to give any
12 testimony on this now?

13 MR. KRAMER: My name is Arthur
14 Kramer. I am the Chairman of the Zoning
15 Committee with the Lawncrest Community
16 Association. The purpose of removing these
17 streets was that the Philadelphia Protestant
18 Home could buy this and construct a 60-bed
19 personal care facility. And there's some
20 questions about access to the property because
21 right now there's only access from Kerper
22 Street, which is a small street, and the
23 neighbors are concerned about fire and the
24 amount of traffic coming into this lot.
25 Presently, the other exit of this lot would be

1 02/17/04 - STREETS - BILL 040032

2 Hasbrook Avenue and it's removed from the City
3 Plan. So if something could be done to get
4 some access to this property from Hasbrook
5 Avenue, the neighbors might be a little more
6 agreeable to the plan of the Philadelphia
7 Protestant Home.

8 So at this time, we would like to
9 see the Kerper Street and Kerper Place remain
10 on the City Plan. And if we come to some
11 other negotiations with the Protestant Home,
12 it can then -- the ordinance that has been
13 passed could take effect.

14 COUNCILMAN DICICCO: Is it
15 Protestant Home or the Presbyterian Homes?

16 MR. KRAMER: Protestant Home,
17 Philadelphia Protestant Home. They're located
18 on Martinsville Road.

19 COUNCILMAN DICICCO: Okay, so noted.
20 And we will hold the bill at the request of
21 the sponsor. Thank you. Thank you for coming
22 in today.

23 Any other questions for these
24 witnesses?

25 (No response.)

1 02/17/04 - STREETS - BILL 040065

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. 040065, an
10 ordinance authorizing and directing the
11 revision of lines and grades on a portion of
12 City Plan No. 58 of an area bounded by Ninth
13 Street, Tenth Street, Callowhill Street and
14 Noble Street, under certain terms and
15 conditions.

16 MR. LONIE: Good morning, Mr.
17 Chairman, Members of the Committee. My name,
18 again, is Paul Lonie, Survey Bureau Manager of
19 the Department of Streets, and the Department
20 would like to offer the following testimony on
21 Bill No. 040065:

22 This is not an administrative
23 ordinance, but an ordinance requested by Mr.
24 Alfred Pollock & Company. The purpose of this
25 ordinance is to devise lines and grades of

1 02/17/04 - STREETS - BILL 040065

2 these streets for business expansion,
3 construction of a warehouse.

4 This ordinance is supported by the
5 Department of Streets and is recommended to
6 your Committee for a favorable action.

7 MR. SOFFER: Good morning, Mr.
8 Chairman and Members of the Streets and
9 Services Committee. My name is Martin Soffer,
10 City planner, and I'm here today to testify on
11 behalf of the City Planning Commission.

12 The proposed ordinance authorizes
13 the striking from the City Plan and the
14 vacating of two minor unneeded streets located
15 in the Callowhill Industrial District of North
16 Philadelphia. This action will permit
17 National Chemical Laboratories to expand their
18 business.

19 The Planning Commission will
20 recommend approval of this action at its
21 meeting on February 17, 2004. Thank you.

22 MR. POLLOCK: Good morning, my name
23 is Kenny Pollock, I'm representative of
24 National Chemical Laboratories. We
25 manufacture cleaning products and also package

1 02/17/04 - STREETS - BILL 040065

2 cleaning products at our facility at 10th and
3 Callowhill. We recently acquired some
4 properties both north and east of our current
5 facility and we wish to expand our warehouse.
6 We currently have all the properties
7 surrounding these two minor streets that we
8 wish to have vacated. In order to do a proper
9 expansion, we'd like to have these streets
10 vacated.

11 And if I'm permitted, can I step
12 forward with a map?

13 COUNCILMAN DICICCO: Whatever is
14 easier for you.

15 MR. POLLOCK: Basically this is 10th
16 Street, Callowhill Street, and Ninth Street.
17 Our current facility is all this space that's
18 in white. We recently acquired everything
19 that you see in pink. We would like to have
20 Percy Street vacated, Callowhill up to the
21 other side of the former Reading Railroad
22 property and this little bit of Hutchinson
23 Street. And we plan on expanding our business
24 so we would have a new warehouse that would go
25 from Callowhill to New Vale to Ninth to our

1 02/17/04 - STREETS - BILL 040065

2 current facility. We do not own this little
3 property right here.

4 COUNCILMAN RIZZO: Is there any
5 activity on those streets now at all?

6 MR. POLLOCK: There's no activity.
7 This is not a through street. This part of
8 Percy Street between the former Reading
9 Railroad. And Noble Street was vacated in the
10 '40s, so it's not a through street.
11 Hutchinson Street its vacated. This used to
12 be a former brewery, and Hudson was vacated
13 many years ago also. But it's vacated up to
14 what is now Reading property. So we're asking
15 to have this bit right here vacated.

16 COUNCILMAN DICICCO: That not only
17 will it help them expand their business, it's
18 very unsafe the way that stuff has been there.
19 It's a dead-end street so...

20 COUNCILMAN RIZZO: Congratulations.

21 MR. POLLOCK: Thank you.

22 COUNCILMAN DICICCO: Any other
23 questions for these witnesses from the
24 Committee?

25 (No response.)

1 02/17/04 - STREETS - BILL 040025

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. 040025, an
10 ordinance granting permission to Nehal Desai
11 and Raju Desai, owners of the newsstand at the
12 corner of 13th and Market Streets, to
13 construct, use and maintain an electrical
14 conduit with an electrical service line and a
15 telecommunications conduit with a telephone
16 service line in and under the public
17 rights-of-way for the purpose of supplying
18 electrical service and telephone service to
19 the newsstand, under certain terms and
20 conditions.

21 MR. MAUTZ: Good morning, chairman
22 and Members of the Committee. My name is
23 William Mautz, and I'm a construction engineer
24 with the Streets Department. I'm here to
25 offer the following testimony on Bill No.

1 02/17/04 - STREETS - BILL 040025

2 040025 on behalf of the Streets Department:

3 Bill 040025 grants permission to
4 Nehal Desai and Raju Desai, owners of the
5 newsstand at the southeast corner of 13th and
6 Market Streets to construct, use and maintain
7 an electrical conduit with electrical service
8 line and a telecommunications conduit with a
9 telephone service line in and under the
10 purpose rights-of-way for the purpose of
11 supplying electrical and telephone services to
12 the newsstand.

13 The Streets Department has reviewed
14 the construction plans for this project and
15 has no objection to the passage of the bill.

16 COUNCILMAN DICICCO: Any questions
17 for this witness?

18 (No response.)

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

22 (No response.)

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

1 02/17/04 - STREETS - BILL 040026

2 THE CLERK: Bill No. 040026, an
3 ordinance amending Section 1(a) and (c) of an
4 ordinance (Bill No. 030344) approved July 31,
5 2003, entitled an ordinance granting
6 permission to Ride the Ducks International
7 LLC, to remove an existing wood and metal
8 newsstand located on the west sidewalk of
9 South Independence Mall West (formerly Sixth
10 Street) between Ranstead and Chestnut Streets
11 and erect a new prefabricated metal ticket
12 booth kiosk with signage, including an
13 electrical conduit with an electrical service
14 line and a telecommunications conduit with a
15 telephone service line in and under the public
16 rights-of-way for the purpose of supplying
17 electrical service and telephone service to
18 the ticket booth kiosk, under certain terms
19 and conditions, by enlarging the ticket booth
20 kiosk with the conditions stated therein.

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

1 02/17/04 - STREETS - BILL 040026

2 040026 on behalf of the Streets Department:

3 This bill amends Section 1(a) and
4 (c) of an ordinance, Bill No. 030344, approved
5 July 31, 2003, by granting permission to Ride
6 the Ducks International LLC to remove the
7 previously approved ticket booth kiosk which
8 was 10 foot long, 4 foot wide, and 9 feet 3
9 inches high, and erect a larger ticket booth
10 kiosk 13 feet long by 5 foot 6 wide by 9 foot
11 3 inches high at the same location.

12 In addition, this bill includes the
13 retail sale of Ride the Ducks merchandise
14 within the new ticket booth kiosk.

15 The Streets Department has reviewed
16 the revised plans for this project and
17 recommends passage of the bill.

18 COUNCILMAN DICICCO: Thank you.

19 Any questions for this witness from
20 the Committee?

21 (No response.)

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

25 (No response.)

1 02/17/04 - STREETS - BILL 040033

2 COUNCILMAN DICICCO: Seeing none,
3 the Clerk will read the title of the next
4 bill.

5 THE CLERK: Bill No. 040027, an
6 ordinance granting permission to Robert
7 Bitros, owner of the property 931-933 North
8 Second Street, Philadelphia PA 19123, to
9 operate and maintain an open air sidewalk cafe
10 on the east sidewalk of North Second Street,
11 under certain terms and conditions.

12 MR. MAUTZ: Good morning, Chairman
13 and Members of the Committee. My name is
14 William Mautz and I'm a construction engineer
15 with the Streets Department. I'm here to
16 offer the following testimony for Bill No.
17 040027 on behalf of Streets Department:

18 This bill grants permission to
19 Robert Bitros, owner of the property 931-933
20 North Second Street to operate an open
21 sidewalk cafe on the east footway of North
22 Second Street adjacent to the property. Ten
23 tables are proposed which will leave 8 feet of
24 clear unobstructed footway. No rails will be
25 used.

1 02/17/04 - STREETS - BILL 040033

2 The Streets Department has reviewed
3 the cafe plan and has no objection to the
4 passage of the bill.

5 COUNCILMAN DICICCO: Thank you.

6 Any questions for this witness from
7 the Committee?

8 (No response.)

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

11 (No response.)

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

15 THE CLERK: Bill No. 040033, an
16 ordinance authorizing 111 South 15 Street
17 Associates LLP, 232 North 22 Street,
18 Philadelphia PA 19103, its successors and
19 assigns, to construct and maintain a marquis,
20 raised planters and rigid awnings on and over
21 the public footways on Chestnut Street, South
22 15th Street, and Sansom Street adjacent to the
23 property, under certain terms and conditions.

24 MR. MAUTZ: Good morning, Chairman
25 and Members of the Committee. My name is

1 02/17/04 - STREETS - BILL 040033

2 William Mautz, and I'm a construction engineer
3 with the Streets Department. I'm here to
4 offer the following testimony for Bill No.
5 040033 on behalf of the Streets Department:

6 This bill authorizes 111 South 15th
7 Street Associates, LLP, owner of the property
8 111 South 15th Street to construct and
9 maintain a marquis, raised planters and rigid
10 awnings on and over the public footways of
11 Chestnut Street, South 15th Street and Sansom
12 Street. All proposed encroachments will
13 provide adequate horizontal and vertical
14 clearances for pedestrian passage.

15 The Streets Department has reviewed
16 the plans and has no objection to the passage
17 of the bill.

18 COUNCILMAN DICICCO: Thank you.

19 Any questions for this witness from
20 the Committee?

21 (No response.)

22 COUNCILMAN DICICCO: Anyone else
23 here who wishes to testify?

24 Please step forward. Good morning.

25 Please identify yourself for the record and

1 02/17/04 - STREETS - BILL 040033

2 proceed your testimony.

3 MR. BOCA: Mr. DiCicco, my name is
4 Jerome R. Boca (ph). And I'm here on behalf
5 of the United Vendors of Philadelphia.

6 The east side of 15th Street between
7 Chestnut and Sansom has been authorized for
8 one or two vendor locations. And my question
9 to the Committee and to the previous witness
10 is whether the planters that they intend to
11 put up will interfere with the ability of
12 those vendors to continue to operate?

13 COUNCILMAN DICICCO: Do you have any
14 knowledge of that?

15 This is not my district, so I can't
16 speak to it.

17 MR. MAUTZ: I don't have any
18 knowledge of that. I could provide a plan
19 that was submitted to me for ordinance
20 purposes which would show where these planters
21 are at. I do not have that with me at this
22 time.

23 MR. BOCA: I respectfully request
24 that the Committee defer action on this until
25 that plan can be reviewed and until the

1 02/17/04 - STREETS - BILL 040033

2 Committee can be made aware of whether or not
3 there will be any interference with the vendor
4 locations from the previous ordinance.

5 COUNCILMAN DICICCO: I would suggest
6 that you speak to the sponsor of the bill,
7 Councilman Clarke who's also a member of this
8 Committee, and this Committee will certainly
9 accommodate Councilman Clarke if that's what
10 his desire is.

11 My question again to the City is, I
12 assume that this request is being made by the
13 owners of the properties.

14 MR. MAUTZ: That's correct.

15 COUNCILMAN DICICCO: Do you know if
16 these planters -- would you happen to know if
17 these planters are in the location where there
18 presently are vendors?

19 MR. MAUTZ: I'm not aware of present
20 or existing vendor locations. I have no
21 information on that.

22 COUNCILMAN DICICCO: Thank you.

23 The attorney who represents the
24 vendors has asked for no action on this bill.

25 Councilman Clarke.

1 02/17/04 - STREETS - BILL 040033

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

4 Mr. Chairman, actually, I just want
5 to check with the Council President.
6 Technically, the Council President represents
7 this portion of Chestnut Street now. And I
8 inadvertently got the bill from the Streets
9 Department, I assume, because of the change in
10 boundaries as of January 1. So she not
11 knowing that there was any controversy
12 associated with that indicated that it was
13 okay for me to pass the bill on her behalf.
14 But if there is some concern as a result of
15 the potential vendor location then --

16 MR. BOCA: Councilman, I wouldn't
17 want to characterize my presence as generating
18 controversy; it's a need to generate
19 information, first of all. There is at least
20 one vendor location, maybe two, authorized for
21 the location where these planters are going
22 in. And I'm just trying to find out whether
23 it's going to affect the ability of those
24 vendors to operate; and then if so, whether we
25 can make some allowance for them to continue.

1 02/17/04 - STREETS - BILL 040033

2 One I know operates at the southeast corner of
3 15th and Chestnut, and the other maybe at the
4 northeast corner of 15th and Sansom.

5 My request, Councilman Clarke, is
6 only to defer action on this until we can
7 review the plan and everybody can be on board
8 as to what exactly is happening.

9 COUNCILMAN CLARKE: Normally, I
10 think that's a reasonable request, but there
11 is potentially one problem. I'm not sure what
12 our Calendar will look like as it relates to
13 our ability to have hearings. We will shortly
14 probably within the next 30 days receive the
15 Mayor's budget, and it's not clear how many
16 Streets Committee hearings we will have in
17 order to discuss the bill. So I have to check
18 with the Chair. I can say to you today that
19 maybe we could pass the bill out of Committee
20 and agree to hold it on the Calendar, after
21 discussion with the Council President, until
22 you can have whatever interaction you need to
23 have with her office. And if it's felt --

24 MR. BOCA: I understand. And if you
25 will hold it and let us get a handle on

1 02/17/04 - STREETS - BILL 040033

2 exactly what is happening.

3 COUNCILMAN CLARKE: We will not ask
4 for rule suspension to give you time to have
5 that discussion with her.

6 Mr. Chairman, is that okay with you?

7 COUNCILMAN DICICCO: That's fine.

8 Thank you.

9 Any other questions for this witness
10 from the Committee?

11 (No response.)

12 COUNCILMAN DICICCO: Anyone else who
13 wishes to testify on this bill?

14 (No response.)

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

18 THE CLERK: Bill No. 040006, an
19 ordinance amending Title 9 of The Philadelphia
20 Code by amending Section 9-205 (Sidewalk
21 Sales), by prohibiting vending on certain
22 portions of Chester Avenue, Kingsessing
23 Avenue, 53rd Street and 54th Street, under
24 certain terms and conditions.

25 COUNCILMAN DICICCO: Good morning.

1 02/17/04 - STREETS - BILL 040006

2 Please identify yourself for the record and
3 proceed with your testimony.

4 MR. HAIGLER: Good morning,
5 Councilman DiCicco and members of the
6 Committee. I am Otis Haigler, Jr.,
7 Legislative and Regulatory Affairs Manager for
8 the Department of Licenses and Inspections.
9 Today, I'm here to provide testimony on Bill
10 No. 040006, which, if enacted, will prohibit
11 vending or portions of Chester Avenue,
12 Kingsessing Avenue, 53rd Street and 54th
13 Street.

14 The Department offers no objections
15 to the enactment of Bill 040006, as this is
16 within Council's prerogative under section
17 9-205, Subsection 8, Subsection P of The
18 Philadelphia Code.

19 The Committee and Council should,
20 however, be mindful that continued limitations
21 placed on locations where vending is permitted
22 will impact on this type of activity in the
23 City since legal locations to conduct vending
24 will be at a premium.

25 Thank you. I'll be happy to answer

1 02/17/04 - STREETS - BILL 040006

2 any questions at this time.

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

5 (No response.)

6 COUNCILMAN DICICCO: Are you
7 testifying today, ma'am.

8 MR. HAIGLER: Oh, I'm sorry. With
9 me is Ms. Geraldine Johnson and she is the
10 assistant chief of our business compliance
11 unit.

12 MS. JOHNSON: I'm just here to
13 answer questions.

14 COUNCILMAN DICICCO: Any questions
15 from the Committee?

16 (No response.)

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

19 Ms. Johnson, a few months ago we had
20 a meeting about the vending carts on Ninth
21 Street. Were you at a meeting with me South
22 Philadelphia?

23 MS. JOHNSON: Yes.

24 COUNCILMAN DICICCO: Did you ever
25 get the names -- I know it's unrelated to this

1 02/17/04 - STREETS - BILL 040061

2 bill. I'm going to go off the record on this
3 for a minute.

4 (Discussion held off the record.)

5 COUNCILMAN DICICCO: Any other
6 questions for these witnesses from the
7 Committee?

8 (No response.)

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

11 (No response.)

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

15 THE CLERK: Bill No. 040061, an
16 ordinance amending the ordinance approved
17 January 3, 1992 (Bill No. 1205-AA), which,
18 pursuant to Subsection 9-204(8)(a) of The
19 Philadelphia Code, designates the locations in
20 Center City at which vending is permitted, by
21 providing that all permitted vendor locations
22 on both sides of 11th Street between Arch
23 Street and Chestnut Street shall be assigned
24 only to vendors licensed to sell prepared
25 food, all under certain terms and conditions.

1 02/17/04 - STREETS - BILL 040061

2 COUNCILMAN DICICCO: Please begin
3 your testimony.

4 MR. HAIGLER: Good day, Councilman
5 DiCicco and Members of the Committee. I am
6 Otis Haigler, Jr., Legislative and Regulatory
7 Affairs Manager for the Department of Licenses
8 and Inspections. Today, I'm here to
9 provide testimony on Bill 040061, which, if
10 enacted, will amend section 9-204(8)(a) of The
11 Philadelphia Code to only permit sidewalk
12 vending of prepared food on both sides of 11th
13 Street between Arch and Chestnut Streets.

14 In general, the Department offers no
15 objections to the enactment of Bill 040061,
16 however, the Committee and Council should be
17 mindful that to enforce the provisions of bill
18 040061, the Department will have to expend its
19 limited resources to evict and relocate
20 vendors who may have operated legally for
21 sometime at the locations in question.

22 Additionally, the Department will
23 have to revise our processes for licensing
24 vendors to accommodate the enforcement of this
25 bill as it relates to product sales in a very

1 02/17/04 - STREETS - BILL 040061

2 confined area instead of the overall
3 regulating of vending activity.

4 Thank you for the opportunity to
5 provide the Department's testimony. And I'll
6 be happy to answer any questions at this time.

7 COUNCILMAN DICICCO: Thank you, Mr.
8 Haigler. In your testimony, you mention the
9 fact that the Department may have to expend
10 considerable amount of resources for possible
11 relocation of vendors who may have to be
12 relocated off of these particular blocks. Do
13 you happen to know how much time and resources
14 the Department is now spending trying to get
15 these vendors to abide by the regulations that
16 are now on the books?

17 MR. HAIGLER: I will defer that to
18 Ms. Johnson who is here with me today, since
19 her operation is directly responsible for the
20 enforcement of this type of activity.

21 COUNCILMAN DICICCO: Thank you.

22 MS. JOHNSON: Good morning. We
23 regulate Center City. We have two inspectors
24 that are assigned to Center City on a
25 permanent basis and they monitor Center City

1 02/17/04 - STREETS - BILL 040061

2 daily.

3 But one thing I did want to point
4 out is that when we relocate these vendors,
5 what's going to happen is we're pushing them
6 either west of where they are or east of where
7 they are. And usually, what happens is when
8 we relocate these vendors, the business
9 owners, because there wasn't a vendor there
10 before, we're bombarded with phone calls from
11 business owners wanting to know why all of a
12 sudden there's new vendors in their location.
13 So it is kind of -- we did 10th Street and we
14 relocated those vendors. And now to have to
15 relocate all of these vendors, it would be a
16 hardship for the Department because now we're
17 relocating them, we're redoing their licenses,
18 and the vendors do not willingly give up -- I
19 mean, they don't want to give up their spaces.
20 They've built businesses at these locations.

21 We do spend a lot of time in Center
22 City monitoring the regulation.

23 COUNCILMAN DICICCO: And I do
24 respect the fact that some of these vendors
25 have established a business, as you say, and

1 02/17/04 - STREETS - BILL 040061
2 become accustomed to using that particular
3 location. The problem I have is that probably
4 as many business owners call me up to complain
5 about the vendors and the manner in which they
6 are operating their businesses. Eleventh
7 Street in particular is probably one of the
8 worst of the blocks between Chestnut and
9 Market. You can go out there today because
10 it's a fairly nice day and on the east side of
11 the street there is a vendor who parks a van
12 24 hours a day, 7 days a week, has all kind of
13 graffiti on it, uses the van as a shed to
14 store his wears and the tables and everything
15 else that he vends on. And nothing has been
16 done about that. And this has gone on for
17 years. I mean, I sat on Bill 658 probably for
18 three years now because I think I'm a fairly
19 reasonable person. I try to allow for the
20 fact that people have to earn a living and
21 they're in business. But there is really no
22 cooperation from the vendors but for the
23 majority of the vendors who do cooperate are
24 the people who sell food. The other vendors,
25 the guy who sells the eyeglasses on the

1 02/17/04 - STREETS - BILL 040061

2 southwest corner of 11th and Market, no regard
3 for the regulations that are on the books.

4 He's got a card table out there half the time.

5 Just yesterday, on the northeast
6 corner of 11th and Market, there is a vendor
7 who had all of his merchandise on the
8 sidewalk, on top of the cart. If you measured
9 the distance from the payment to the top of
10 the cart with all the suitcases and all that
11 were piled on top of that, it was probably 10,
12 12 feet high. The guy is out -- he's not in
13 regs. I don't want to waste the Department's
14 time to go back to the same people, these
15 aren't new people who don't understand the
16 game or the Rules of the game. These are
17 people who have been vending there who
18 continually scoff the law. And they're
19 causing a lot of public safety concerns for me
20 and some of the other people who were there,
21 in addition to total disregard for all the
22 laws.

23 I mean, we get people who come in,
24 we encourage people to come to shop in the
25 City. They park at a meter. If a meter goes

1 02/17/04 - STREETS - BILL 040061

2 over one minute, even with our more friendly
3 parking authority, they're whacked with a \$25
4 ticket, but a vendor can stay there all day,
5 feed the meter when they see an enforcement
6 officer coming, and nothing happens to them.
7 And they're vending illegally from a van.

8 And I'm not being critical of the
9 Department. I know what you guys and ladies
10 go through. I'd rather you be paying
11 attention to buildings that are going to fall
12 down than be out there. And this has gone on
13 for years. I've been in this Council for
14 almost nine years now, and it's the same
15 people who have continually scoffed the law.

16 And I know their attorney is going
17 to tell me that William Penn owns the streets
18 and everything else. So we got in the last
19 time. But these are people who just don't get
20 it. And I've waited probably three years
21 since we had that last Bill 658 was
22 introduced, maybe four years. Nothing's
23 changing. It's just as bad out there today as
24 it was four years ago when they filled this
25 Chambers with 400 people who were accusing me

1 02/17/04 - STREETS - BILL 040061

2 of being anti-business and not caring about
3 people and that other nonsense that was going
4 on in here.

5 So again, I'm not being critical of
6 you. I'm venting a little bit because it's
7 frustrating. It's been four years. Nothing's
8 changed. In fact, it's getting worse. It's
9 getting worse.

10 MR. HAIGLER: Again, Councilman, as
11 our testimony indicated, in general the
12 Department offers no objections to the
13 enactment of the bill. We just needed to
14 point out some of the other particulars that's
15 involved with the enactment of the bill.

16 COUNCILMAN DICICCO: And I
17 appreciate that; I really do. And maybe I
18 need to know where those potentials relocation
19 areas are within my district anyway. Because
20 I certainly don't want a problem from one
21 location and create a problem for someone
22 else. That's the last thing I want to do.
23 None of us need that aggravation.

24 I'm going to move these bills. I'll
25 hold it until we have some time to talk about

1 02/17/04 - STREETS - BILL 040061

2 what the alternative relocation sites are.

3 I'm sure, sir, you want to testify
4 here.

5 MR. BOCA: Thank you Mr. DiCicco. I
6 mean, no offense, but you remind me of my
7 wife. She's always telling me what I'm about
8 to say or what I think. And she's got about a
9 50 percent score card.

10 I agree with you, Councilman, that
11 the situation on 11th Street is intolerable.
12 And I think I have always agreed with you and
13 always said that. But isn't -- if these
14 people are violating the law, and I say they
15 are just as you say they are, then isn't it a
16 question of enforcement of the law? L&I can
17 chase them; L&I does not. That's what the
18 problem is here. To blanketly say everybody
19 between Arch and Chestnut Street who doesn't
20 sell food is out of there is overkill. If you
21 want to say between Market and Chestnut, yeah,
22 that will chase all those people. I think a
23 better way is for you to use the prestige and
24 strength of your office to pressure L&I to
25 enforce the law.

1 02/17/04 - STREETS - BILL 040061

2 Now, I want to talk about Bill 61,
3 62 and 63 because they all basically deal with
4 the same thing. The people that are going to
5 be mostly affected by this bill are blacks and
6 Asians who are the merchandise sales people at
7 these locations. They're not aware of this
8 hearing. I have attempted to make them aware
9 of it by contacting Asian Americans United.
10 Unfortunately, your advertisement appeared, I
11 think, in Friday's newspaper and Monday was a
12 holiday, and it's very short time.

13 As to the other areas, 8th and 9th,
14 12th, why? Why do we want to chase the
15 merchandise vendors out of there? Is it a
16 question of the Gallery? Is it a question of
17 David slaying Goliath? I don't understand
18 what we're trying to accomplish, Mr. DiCicco.

19 COUNCILMAN DICICCO: I think I'm
20 trying to address some of the issues that you
21 raised, that many of these cases, these
22 people, are not obeying the law. And you're
23 saying we should use the powers of L&I and L&I
24 aren't doing their enforcement. You know
25 what? I'm tired of calling L&I and they're

1 02/17/04 - STREETS - BILL 040061

2 tired of hearing me complain to them. They're
3 spending -- it's the same people.

4 See, if I go out there or L&I goes
5 out there and says, "You know, Mr. DiCicco,
6 you're not allowed to keep your merchandise on
7 the sidewalk. You're not allowed to stack it
8 on top of your stand. This stand is not
9 within the code. It doesn't meet the regs,"
10 and all those things and I site you and give
11 you a warning. And a week later I come back
12 and the same thing is still occurring and a
13 week later and a month later and a year later
14 and four years later --

15 MR. BOCA: Revoke their license.
16 That's all L&I has to do.

17 COUNCILMAN DICICCO: Mr. Haigler is
18 ready to jump out of his seat.

19 MR. BOCA: And they do it. And
20 while I acknowledge and we agree with 11th
21 Street between Market and Chestnut, which is a
22 bad scene, it's not a bad scene on the other
23 streets. Those people are not breaking the
24 law.

25 COUNCILMAN DICICCO: I just want --

1 02/17/04 - STREETS - BILL 040061

2 for the record, I understand that you pointed
3 out that a majority of these vendors are
4 either African American and/or Asian. I had a
5 similar problem on the 2000 block of South
6 Broad Street about six years ago where we had
7 vendors who I worked with for over two years
8 to try to establish some sort of a vending
9 district, if you will. L&I worked with me
10 over those two and a half years to put a limit
11 on the number of vendors who should be there.
12 I even worked and talked about raising money
13 to come up with a uniform vending stand. So
14 that you'll know, eventually when they didn't
15 abide by the rules and regulations, we
16 eliminated them completely. Two of the people
17 who were vendors there were relatives of mine
18 and neither of them were Asian or African
19 American. So I just don't want anyone to
20 think that this is some attack that I'm
21 perpetrating on people of color or minorities.
22 I'm very colorblind when it comes to that
23 stuff. I look at the situation.

24 MR. BOCA: That's not your motive,
25 but that's the effect of it.

1 02/17/04 - STREETS - BILL 040061

2 COUNCILMAN DICICCO: It could be the
3 effect. But the effect is that two relatives
4 of mine, two cousins of mine were basically
5 put out of business because they were not
6 paying attention to what we were trying to do
7 out there either.

8 MR. BOCA: But the people on 12th
9 Street and 10th Street and the other streets
10 that you're involved here are paying
11 attention. They are not the culprits. It's
12 three or four people on 11th between Market
13 and Chestnut that are the culprits.

14 I'll do anything that I can to
15 assist in cleaning up that situation. I've
16 even considered suing the City to compel the
17 City to do it, except, unfortunately, under
18 the law, I don't have standing to do that.

19 COUNCILMAN DICICCO: Mr. Haigler.

20 MR. HAIGLER: I just wanted to
21 respond so that the record is clear. The
22 Department does enforce provisions of the Code
23 related to vending. As Mr. Boca, I'm sure, is
24 aware, he has represented many a client, I'm
25 sure, at the L&I Review Board when we have

1 02/17/04 - STREETS - BILL 040061

2 revoked licenses of vendors, when we have gone
3 out and exercised our enforcement powers to
4 enforce laws that are on the books related to
5 vending. We have in the past, if there are
6 continued operations, continued violations on
7 a particular property that we are aware of and
8 that our inspectors observe at the time that
9 they are there we will take action, we will
10 cite the responsible party, we will take it
11 through the proper enforcement channels to try
12 to get that situation rectified. It's not the
13 Department's position to not enforce the laws
14 related to vending, but we do have to go
15 through a certain process in order to do that,
16 to legally when we stand before a judge to
17 indicate what we have found. We have to
18 legally identify and also document what we
19 have done so that we don't fall into other
20 issues that we have to deal with.

21 MR. BOCA: I absolutely acknowledge
22 that the Department does a very large job in
23 enforcing the vendor ordinances. Ms. Johnson
24 and I are at each other throats regularly
25 about that.

1 02/17/04 - STREETS - BILL 040061

2 I'm only pointing to one location.
3 One location and that's the location you're
4 pointing out Mr. DiCicco. And for some reason
5 there's never been any enforcement there, and
6 you know it and I know it. I don't know what
7 to do about it.

8 COUNCILMAN DICICCO: Well, that's
9 what I was attempting to do with this bill, to
10 do something about it.

11 MR. BOCA: But your bill goes all
12 the way from Arch Street.

13 How about the pocketbook seller
14 that's up between arch and market?

15 COUNCILMAN DICICCO: That's guy who
16 was out there.

17 MR. BOCA: They've always abided by
18 the law.

19 COUNCILMAN DICICCO: That is the guy
20 who had suitcases stacked on top and he always
21 has them out there. That's a disgrace what he
22 does. If someone bumps into that stand the
23 wrong way, they're going to wind up in the
24 street.

25 You have a public safety issue out

1 02/17/04 - STREETS - BILL 040061

2 there as well. Forget all the other issues
3 about who is paying taxes, who isn't paying
4 taxes and the competition with the Gallery.
5 When people get off the bus at 11th and Market
6 or come out of the subway or enter the subway
7 entrance at 11th and Market, there's very
8 little room for those people to be able to
9 move around, especially during the holidays.
10 It's disgraceful what's going on out there.

11 And I'll tell you we've been down
12 this road before, you and I. And I held up to
13 my end of the bargain and I said I wouldn't
14 move those bills, I'd keep them out there as a
15 wedge or hammer, some leverage, if you will,
16 to see if they would get their act straight;
17 and they didn't.

18 But I want to go one step further
19 because I am, I think, a reasonable person.
20 I'm going to move these bills, as I said
21 earlier. I'm not going to call them up for
22 final reading. I'm going to hold the bills
23 after they're voted out of this Committee.
24 I'm going to work with the Department. We're
25 going to talk about possible relocation areas,

1 02/17/04 - STREETS - BILL 040061

2 and I may not move the bills at all. But what
3 I want to do is figure out a way of cleaning
4 up 11th Street between Market and Chestnut.
5 And if it means eliminating all or some of
6 those vendors, that's what I'm going to ask
7 this Committee to support me and approve.

8 That is the worst area. There's no
9 question about it, and I think we agree on
10 that. Something needs to be done there.

11 MR. BOCA: Other than 11 Street
12 between Market and Chestnut --

13 COUNCILMAN DICICCO: I do have a
14 problem on the other side of Market on the
15 north side of Market in particular with the
16 pocketbook seller, as you call him.

17 MR. BOCA: If you tell me where you
18 have a problem, my organization will bring
19 sufficient pressures to clear that problem. I
20 cannot accomplish that on 11th Street between
21 Market and Chestnut. I've tried. We've been
22 ignored just like Ms. Johnson's been ignored
23 -- the Department, I don't mean Ms. Johnson.

24 COUNCILMAN DICICCO: And I
25 appreciate the fact that we're finally

1 02/17/04 - STREETS - BILL 040061

2 agreeing that we agree that is the biggest
3 problem of all. And we're going to figure out
4 how to clean that up.

5 There are some other issues, and if
6 you went out there you today, the pocketbook
7 seller, as you referred to that person, you
8 will see that if L&I went out there today,
9 they would probably give him six violations
10 just immediately.

11 MR. BOCA: And we're talking about
12 11th?

13 COUNCILMAN DICICCO: Eleventh
14 Street, the northeast corner of 11th and
15 Market.

16 MR. BOCA: Done. Because we have
17 our own ways of dealing with it.

18 COUNCILMAN DICICCO: I see it almost
19 every day.

20 MR. BOCA: Done.

21 COUNCILMAN DICICCO: I go out on
22 Market on my way home or wherever I'm going.
23 Nine out of ten days I'm out there. And it
24 drives me nuts. It drives me crazy. What's
25 driving me nuts is the retailers are calling

1 02/17/04 - STREETS - BILL 040061

2 me constantly complaining.

3 MR. BOCA: What, about the --

4 COUNCILMAN DICICCO: Well, about the
5 condition of the vendors and the way they
6 don't maintain the sidewalks and the fact that
7 people can't traverse the sidewalks.

8 There's a public safety issue. And
9 especially during the holidays. It's horrible
10 out there. You've got to wiggle your way
11 through these carts.

12 MR. BOCA: We will see that that
13 pocket vendor cleans up his act and we will
14 see that anybody else that I'm made aware of
15 that's violating --

16 COUNCILMAN DICICCO: I'm not going
17 to be labor this record any longer. I want to
18 believe you, but it's four years and nothing
19 really has changed.

20 MR. BOCA: You never told me about
21 that one.

22 COUNCILMAN DICICCO: We went through
23 this back on --

24 MR. BOCA: You never told me about
25 that.

1 02/17/04 - STREETS - BILL 040061

2 COUNCILMAN DICICCO: Okay, all
3 right.

4

5 Any other questions for these
6 witnesses?

7 COUNCILMAN RIZZO: Just quick. You
8 mentioned that you have a location that you
9 can't do anything -- repeat the location that
10 you've tried to clean up and can't.

11 MR. BOCA: Eleventh Street between
12 Market and Chestnut, specifically.

13 COUNCILMAN RIZZO: And they're
14 members?

15 MR. BOCA: No. Of my organization?
16 No, they're not members of the United Vendor.
17 There is one who is a food vendor and his
18 operation is good and clean. That's not a
19 problem. The guy selling the watches, you
20 know, the guy selling the music on the other
21 side of the street. No.

22 COUNCILMAN RIZZO: Okay. That's
23 what I wanted to understand.

24 MR. BOCA: If they were, we would
25 deal with it.

1 02/17/04 - STREETS - BILL 040061

2 COUNCILMAN RIZZO: Is L&I familiar
3 with these vendors that we're talking about?
4 Well, why aren't you doing something about it?

5 MS. JOHNSON: Because -- it's like a
6 continuous battle, but we do have the
7 authority to revoke the assignments. And even
8 though we didn't want to go that way, maybe
9 that will prevent you from having to pass the
10 bill. We'll just begin to revoke the
11 assignment.

12 COUNCILMAN RIZZO: I think you
13 really should use the power of the Department
14 because if these people don't believe that
15 you're going to do anything, they're not going
16 to clean up their act. And I think you hear
17 the frustration on the Association side, the
18 Council side. We really need you as the
19 enforcement arm to do something to correct
20 this. You have the power; please use it.

21 MS. JOHNSON: Okay, we will.

22 MR. HAIGLER: This issue will be
23 taken up with the Department Commissioner
24 Verdi, and I'm sure there will be some action
25 that would be taken on this.

1 02/17/04 - STREETS - BILL 040061

2 COUNCILMAN DICICCO: Thank you. And
3 you or Dominick Verdi will get back to us on
4 the --

5 MR. HAIGLER: Yes.

6 COUNCILMAN DICICCO: Okay, thank
7 you.

8 Any other questions for these
9 widths?

10 (No response.)

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

14 Darrell, do you have a question?
15 I'm sorry.

16 COUNCILMAN CLARKE: Thank you, Mr.
17 Chairman. Actually, not on this particular
18 issue but somewhat related.

19 Can you at some point give me a
20 status of the Germantown Avenue situation,
21 Germantown and Erie to Lehigh. I know that we
22 had a hearing, we passed a bill and you were
23 supposed to meet with them.

24 MR. HAIGLER: We all were supposed
25 to meet. I think we haven't really sat down

1 02/17/04 - STREETS - BILL 040061

2 to do that yet.

3 And also we've been in discussions
4 with the Law Department because they had some
5 suggestions for certain types of amendments,
6 but I'll talk to you maybe a little bit later.

7 COUNCILMAN CLARKE: Yes. That's a
8 little while ago. And it's getting ready to
9 be warm in a couple months and I don't want to
10 have the store owners calling me because we
11 hadn't acted and they held off whatever
12 protest that they were going to do based on
13 the passage of the bill. But if we're not
14 going to implement --

15 MR. HAIGLER: There has been some
16 discussion with the Law Department. And I
17 believe there's discussion --

18 COUNCILMAN CLARKE: With L&I and the
19 Law Department?

20 MR. HAIGLER: Yes, L&I and the Law
21 Department, and I believe it's going to be
22 your office as well.

23 COUNCILMAN CLARKE: But has anybody
24 -- because they were supposed to bring the
25 vendors in to talk about the -- to determine,

1 02/17/04 - STREETS - BILL 040061

2 first of all, who was legal before we started
3 assigning spots and locations and then
4 subsequently would work on a strategy to carve
5 out the specific locations for a number
6 vendors on that corridor.

7 MR. HAIGLER: And I believe there
8 has been a meeting that had taken place, as I
9 recall, there was some sort of meeting that
10 you all had with people in the Germantown.

11 MS. JOHNSON: Prior to the passage
12 of the bill, I did meet with the community and
13 the vendors. But when the bill was passed, I
14 have not been aware of what happened after
15 that.

16 COUNCILMAN CLARKE: Well, I mean if
17 you're not aware, nothing happened because
18 you're the responsible agency.

19 MR. HAIGLER: We'll make sure that
20 happens, Councilman.

21 COUNCILMAN CLARKE: I need to
22 believe that. I don't want the spring to come
23 and have the business owners calling me and
24 saying, you know, "You said you were going to
25 pass a bill to curtail the type of activity

1 02/17/04 - STREETS - BILL 040061

2 that was going on," and then I pass a bill and
3 in good faith they back off and allow the
4 process to take place, and nothing happens.

5 So can you like at a minimum --

6 MR. HAIGLER: I was just informed
7 that the Department did go out and verify
8 which vendors were licensed in the area. But
9 as far as the actual relocation process, they
10 haven't gone forward with that yet. But we'll
11 sit down and make sure that that process moves
12 forward.

13 COUNCILMAN CLARKE: Do you have a
14 time line on that?

15 MR. HAIGLER: I would say very
16 shortly. Within the month. I'll sit down
17 with somebody.

18 COUNCILMAN CLARKE: You will have
19 had the meeting, determination of licensed
20 vendors, the number of spots that will be
21 allotted for that corridor?

22 MR. HAIGLER: I'll talk to the Law
23 Department's representative today right after
24 I leave here. We'll sit down and go over
25 the -- I believe they wanted to do this by

1 02/17/04 - STREETS - BILL 040061

2 ordinance. We'll discuss possibly ordinance
3 and regulation so that was one of the issues.

4 COUNCILMAN CLARKE: Whatever I need.

5 At the end of the day, I want to have some
6 order out there. I would prefer not to get
7 any calls from any business people, any of the
8 store owners about continued concerns as it
9 relates to the operation of the vendors.

10 MR. HAIGLER: We'll put it at the
11 top of our priority list.

12 COUNCILMAN CLARKE: Thank you.

13 MS. JOHNSON: I'm sorry, your bill
14 was based whether --

15 COUNCILMAN DICICCO: Excuse me, Ms.
16 Johnson. You need speak into the microphone.

17 MS. JOHNSON: Your bill is based on
18 what the vendor is selling?

19 COUNCILMAN CLARKE: Vending was
20 prohibited on along a stretch of Germantown
21 Avenue from Lehigh -- actually, it was maybe
22 York to Butler. And there had been vending
23 over the last 10 years, albeit unauthorized.
24 And I didn't want to put people out of
25 business, but I said in exchange for

1 02/17/04 - STREETS - BILL 040061

2 authorizing vending we had to have some sense
3 of order. We had to have structured vending
4 comparable to what we had in Center City. The
5 number of locations, designated locations. We
6 also said you couldn't sell the same
7 product --

8 MS. JOHNSON: That's what I was
9 asking.

10 COUNCILMAN CLARKE: -- of a vending
11 stand in front of a store owner. So I didn't
12 want a sneaker guy selling sneakers in front
13 of the sneaker store and he can sell them for
14 half the price. It's very specific in detail,
15 and you guys were then supposed to work on the
16 strategy to implement that from a regulatory
17 standpoint.

18 MS. JOHNSON: Okay.

19 COUNCILMAN CLARKE: And I'm hearing
20 that nothing is happening, and I'm a little
21 concerned about that.

22 MS. JOHNSON: When you said that, I
23 remember that the vendors were checked to make
24 sure which ones was licensed. And I think a
25 list was compiled, but I'll have to -- I'm not

1 02/17/04 - STREETS - BILL 040062

2 the supervisor in charge of that area. A list
3 was compiled of those vendors, but I think
4 what kind of put us at a halt is we were
5 waiting for further instructions. And plus,
6 the fact that your bill have vendors selling
7 the same merchandise as the business can't be
8 placed there, so it's going to take some
9 maneuvering. But I'm pretty sure that we do
10 have a list of the people that are eligible.

11 COUNCILMAN CLARKE: Well, I would
12 like to see that maneuvering take place soon.

13 Thank you, Mr. Chairman.

14 COUNCILMAN DICICCO: Any other
15 questions?

16 (No response.)

17 COUNCILMAN DICICCO: Anyone else who
18 wishes to testify?

19 (No response.)

20 COUNCILMAN DICICCO: The Clerk will
21 read the title of the next bill.

22 THE CLERK: Bill No. 0400062, an
23 ordinance amending the ordinance approved
24 January 3, 1992 (Bill No. 1205-AA), as
25 amended, which pursuant to subsection

1 02/17/04 - STREETS - BILL 040062
2 9-204(8)(a) of the Philadelphia Code,
3 designates the locations in Center City at
4 which vending is permitted, by providing that
5 all permitted vendor locations on both sides
6 of Eighth Street and Ninth street between Arch
7 Street and Market Street shall be assigned
8 only to vendors licensed to sell prepared
9 food, all under certain terms and conditions.

10 COUNCILMAN DICICCO: Mr. Haigler.

11 MR. HAIGLER: Good day, Councilman
12 DiCicco and Members of the Committee. I am
13 Otis Haigler, Jr., Legislative and Regulatory
14 Affairs Manager for the Department of Licenses
15 and Inspections. Today, I'm here to provide
16 testimony on Bill 040062 which, if enacted,
17 will amend section 9-204 (8)(a) of The
18 Philadelphia Code to only permit sidewalk
19 vending of prepared food on both sides of
20 Eighth Street and Ninth Street between Arch
21 and Market Streets.

22 In general, the Department offers no
23 objections to the enactment of Bill 040062.
24 However, the Committee and Council should be
25 mindful that to enforce the provision of Bill

1 02/17/04 - STREETS - BILL 040062

2 040062, the Department will have to expend its
3 limited resources to evict and relocate
4 vendors who may have operated legally for
5 sometime at the locations in question.

6 Additionally, the Department will
7 have to revise our processes for licensing
8 vendors to accommodate the enforcement of this
9 bill as it relates to product sales in a very
10 confined area instead of the overall
11 regulating of vending activity.

12 Thank you for the opportunity to
13 provide the Department's testimony. I'll be
14 happy to answer any questions at this time.

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?

20 (No response.)

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

24 THE CLERK: Bill No. 040063, an
25 ordinance amending the ordinance approved

1 02/17/04 - STREETS - BILL 040063

2 January 3, 1992 (Bill No. 1205-AA), which,
3 pursuant to subsection 9-204 (8)(a) of the
4 Philadelphia Code, designates the locations in
5 Center City at which vending is permitted, by
6 providing that all permitted vendor locations
7 on both sides of 12th Street between Arch
8 Street and Chestnut Street shall be assigned
9 only to vendors licensed to sell prepared food
10 all, under certain terms and conditions.

11 COUNCILMAN DICICCO: Mr. Haigler.

12 MR. HAIGLER: Good day, Councilman
13 DiCicco and Members of the Committee. I am
14 Otis Haigler, Jr., Legislative and Regulatory
15 Affairs Manager for the Department of Licenses
16 and Inspections. Today, I'm here to provide
17 testimony on bill 0400063 which, if enacted,
18 will amend Section 9-204 (8)(a) of The
19 Philadelphia Code to only permit sidewalk
20 vending of prepared food on both sides of 12th
21 Street between Arch and Chestnut Streets.

22 In general, the Department offers no
23 objections to the enactment of Bill 040063.
24 However, the Committee and Council should be
25 mindful that to enforce the provisions of Bill

1 02/17/04 - STREETS - BILL 040067

2 0400063, the Department would have to expend
3 its limited resources to evict and relocate
4 vendors who may have operated legally for
5 sometime at the locations in question.

6 Additionally, the Department will
7 have to revise our processes for the licensing
8 of vendors to accommodate the enforcement of
9 this bill as it relates to product sales in a
10 very confined area instead of the overall
11 regulating of vending activity.

12 Thank you for the opportunity to
13 provide the Department's testimony. I'll be
14 happy to answer any questions at this time.

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

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. 040067, an
22 ordinance amending Section 9-205 of The
23 Philadelphia Code, entitled "Sidewalk Sales,"
24 by prohibiting sidewalk sales on portions of
25 Franklintown Boulevard.

1 02/17/04 - STREETS - BILL 040067

2 COUNCILMAN DICICCO: Mr. Haigler.

3 MR. HAIGLER: Good day, Councilman
4 DiCicco and Members of the Committee. I am
5 Otis Haigler, Jr., Legislative and Regulatory
6 Affairs Manager for the Department of Licenses
7 and Inspections. Today, I'm here to provide
8 testimony on Bill 040067 which, if enacted,
9 will prohibit vending on portions of
10 Franklintown Boulevard between 18th and
11 Callowhill Streets.

12 The Department offers no objections
13 to the enactment of Bill 040067, as this is
14 within Council's prerogative under Section
15 9-205 (8)(p) of The Philadelphia Code.

16 The Committee and Council should,
17 however, be mindful that continued limitations
18 placed on locations where vending is permitted
19 will impact on this type of activity in the
20 City since legal locations to conduct vending
21 will be at a premium.

22 Thank you. I'll be happy to answer
23 any questions at this time.

24 COUNCILMAN DICICCO: Any questions
25 for this witness from the committee?

1 02/17/04 - STREETS - BILL 040067

2 (No response.)

3 COUNCILMAN DICICCO: Seeing none,
4 that have concludes the public hearing on the
5 Committee on Streets and Services.

6 - - - -

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC MEETING

4

COMMITTEE ON STREETS AND SERVICES

5

- - - -

6

Tuesday, February 17, 2004

7

- - - -

8

9

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

12

BILLS 040006, 040025, 040026,
040027, 040032, 040033, 040058, 040061,
040062, 040063, 040065, 040067.

14

15

PRESENT:

16

COUNCILMAN FRANK DICICCO, Chair

17

COUNCILMAN DARRELL CLARKE

18

COUNCILWOMAN DONNA REED MILLER

19

COUNCILMAN JUAN RAMOS

20

COUNCILMAN FRANK RIZZO

21

22

23

24

25

26

27

1 02/17/04 - STREETS - PUBLIC MEETING

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

4 The Chair recognizes Councilman
5 Ramos.

6 COUNCILMAN RAMOS: Mr. Chairman, I
7 recommend that Bill No. 040058 be voted out of
8 Committee with a favorable recommendation and
9 that the Rules of Council be suspended.

10 (Duly seconded.)

11 COUNCILMAN DICICCO: It has been
12 properly moved and seconded that Bill 040058
13 be reported out of Committee with a favorable
14 recommendation, and a further recommendation
15 that the Rules of Council be suspended.

16 All those in favor signify by saying
17 aye.

18 (Aye.)

19 COUNCILMAN DICICCO: Those opposed?

20 (No response.)

21 COUNCILMAN DICICCO: The bill is
22 approved.

23 Bill No. 040032 its being held at
24 the request of the sponsor.

25 Councilman Ramos.

1 02/17/04 - STREETS - PUBLIC MEETING

2 COUNCILMAN RAMOS: Mr. Chairman, I
3 recommend that Bill No. 040065 be voted out of
4 Committee with a favorable recommendation and
5 that the Rules of Council be suspended.

6 (Duly seconded.)

7 COUNCILMAN DICICCO: It has been
8 properly moved and seconded that Bill 040065
9 be reported out of Committee with a favorable
10 recommendation, and a further recommendation
11 that the Rules of Council be suspended.

12 All those in favor signify by saying
13 aye.

14 (Aye.)

15 COUNCILMAN DICICCO: Those opposed?

16 (No response.)

17 COUNCILMAN DICICCO: The bill is
18 approved.

19 Councilman Ramos.

20 COUNCILMAN RAMOS: Mr. Chairman, I
21 recommend that Bill No. 040025 be voted out of
22 Committee with a favorable recommendation and
23 that the Rules of Council be suspended.

24 (Duly seconded.)

25 COUNCILMAN DICICCO: It has been

1 02/17/04 - STREETS - PUBLIC MEETING

2 properly moved and seconded that Bill 040025
3 be reported out of Committee with a favorable
4 recommendation, and that the Rules of Council
5 be suspended.

6 All those in favor signify by saying
7 aye.

8 (Aye.)

9 COUNCILMAN DICICCO: Those opposed?

10 (No response.)

11 COUNCILMAN DICICCO: The bill is
12 approved.

13 Councilman Ramos.

14 COUNCILMAN RAMOS: I recommend that
15 Bill No. 040026 be moved out of Committee with
16 a favorable recommendation and that the Rules
17 of Council be suspended.

18 (Duly seconded.)

19 COUNCILMAN DICICCO: It has been
20 properly moved and seconded that Bill 040026
21 be reported out of Committee with a favorable
22 recommendation, and a further recommendation
23 that the Rules of Council be suspended.

24 All those in favor signify by saying
25 aye.

1 02/17/04 - STREETS - PUBLIC MEETING

2 (Aye.)

3 COUNCILMAN DICICCO: Those opposed?

4 (No response.)

5 COUNCILMAN DICICCO: The bill is
6 approved.

7 COUNCILMAN RAMOS: I recommend that
8 Bill No. 040027 be voted out of Committee with
9 a favorable recommendation and that the Rules
10 of Council be suspended.

11 (Duly seconded.)

12 COUNCILMAN DICICCO: It has been
13 properly moved and seconded that Bill 040027
14 be reported out of Committee with a favorable
15 recommendation, and a further recommendation
16 that the Rules of Council be suspended.

17 All those in favor signify by saying
18 aye.

19 (Aye.)

20 COUNCILMAN DICICCO: Those opposed?

21 (No response.)

22 COUNCILMAN DICICCO: The bill is
23 approved. The Chair recognizes Councilman
24 Ramos.

25 COUNCILMAN RAMOS: Bill No. 040033

1 02/17/04 - STREETS - PUBLIC MEETING

2 be reported out of Committee with a favorable
3 recommendation.

4 (Duly seconded.)

5 COUNCILMAN DICICCO: It has been
6 properly moved and seconded that Bill 040033
7 be reported out of Committee with a favorable
8 recommendation.

9 All those in favor signify by saying
10 aye.

11 (Aye.)

12 COUNCILMAN DICICCO: Those opposed?
13 (No response.)

14 COUNCILMAN DICICCO: The bill is
15 approved.

16 Councilman Ramos.

17 COUNCILMAN RAMOS: That Bill No.
18 040006 be reported out of Committee with a
19 favorable recommendation and that the Rules of
20 Council be suspended.

21 (Duly seconded.)

22 COUNCILMAN DICICCO: It has been
23 properly moved and seconded that Bill 040006
24 be reported out of Committee with a favorable
25 recommendation, and a further recommendation

1 02/17/04 - STREETS - PUBLIC MEETING

2 that the Rules of Council be suspended.

3 All those in favor signify by saying
4 aye.

5 (Aye.)

6 COUNCILMAN DICICCO: Those opposed?

7 (No response.)

8 COUNCILMAN DICICCO: The bill is
9 approved.

10 Councilman Ramos.

11 COUNCILMAN RAMOS: I recommend that
12 Bill No. 040061 be reported out of Committee
13 with a favorable recommendation.

14 (Duly seconded.)

15 COUNCILMAN DICICCO: It has been
16 properly moved and seconded that Bill 040061
17 be reported out of Committee with a favorable
18 recommendation.

19 All those in favor signify by saying
20 aye.

21 (Aye.)

22 COUNCILMAN DICICCO: Those opposed?

23 (No response.)

24 COUNCILMAN DICICCO: The bill is
25 approved.

1 02/17/04 - STREETS - PUBLIC MEETING

2 Councilman Ramos.

3 COUNCILMAN RAMOS: That Bill No.
4 040062 be reported out of Committee with a
5 favorable recommendation.

6 (Duly seconded.)

7 COUNCILMAN DICICCO: It has been
8 properly moved and seconded that Bill 040062
9 be reported out of Committee with a favorable
10 recommendation.

11 All those in favor signify by saying
12 aye.

13 (Aye.)

14 COUNCILMAN DICICCO: Those opposed?

15 (No response.)

16 COUNCILMAN DICICCO: The bill is
17 approved.

18 Councilman Ramos.

19 COUNCILMAN RAMOS: That Bill No.
20 040063 be reported out of Committee with a
21 favorable recommendation.

22 (Duly seconded.)

23 COUNCILMAN DICICCO: It has been
24 properly moved and seconded that Bill 040063
25 be reported out of Committee with a favorable

1 02/17/04 - STREETS - PUBLIC MEETING

2 recommendation.

3 All those in favor signify by saying
4 aye.

5 (Aye.)

6 COUNCILMAN DICICCO: Those opposed?

7 (No response.)

8 COUNCILMAN DICICCO: The bill is
9 approved.

10 Councilman Ramos.

11 COUNCILMAN RAMOS: That Bill No.

12 040067 be reported out of Committee with a
13 favorable recommendation and that the Rules of
14 Council be suspended.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It has been
17 properly moved and seconded that Bill 040067
18 be reported out of Committee with a favorable
19 recommendation, and a further recommendation
20 that the Rules of Council be suspended.

21 All those in favor signify by saying
22 aye.

23 (Aye.)

24 COUNCILMAN DICICCO: Those opposed?

25 (No response.)

1 02/17/04 - STREETS - PUBLIC MEETING

2 COUNCILMAN DICICCO: The bill is
3 approved.

4 Thank you everyone. This concludes
5 the public meeting on the Committee on Streets
6 and Services.

7 (Council adjourned at 11:45 a.m.)

8 - - - -

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 February 17, 2004, 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