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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 8, 2009
2:15 p.m.

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PRESENT:

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COUNCILMAN FRANK DiCICCO, CHAIR

11

COUNCILWOMAN JANNIE BLACKWELL

12

COUNCILMAN BILL GREEN

13

COUNCILMAN WILLIAM GREENLEE

14

COUNCILMAN CURTIS JONES, JR.

15

COUNCILMAN JAMES F. KENNEY

16

COUNCILWOMAN DONNA REED MILLER

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COUNCILWOMAN MARIA QUINONES-SANCHEZ

18

19

BILLS 090746, 090838, 090839, 090840, 090846,
090827, 090742, 090745, 090811, 090749,
090812, 090832, 090713, 090741, 090743,
090747, 090748, 090775, 090779, 090781 and
090848

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V A R A L L O Incorporated

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Litigation Support Services

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Eleven Penn Center

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1835 Market Street, Suite 600

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Philadelphia, Pennsylvania 19103

215.561.2220 215.567.2670

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COUNCILMAN DiCICCO: Good

3

afternoon, everyone. The Committee on

4

Streets and Services is now in session.

5

This is the public hearing.

6

In attendance are, to my

7

extreme right, Councilman Jones. To my

8

immediate right is Councilwoman Donna

9

Reed Miller. To my immediate left is

10

Councilman Bill Greenlee. I believe

11

Councilman Green is also -- well, he was

12

here. He'll be back.

13

We do have a quorum. Also in

14

attendance are Councilmembers Jannie

15

Blackwell and James Kenney, who are not

16

members of this Committee, but are here

17

to -- I believe Councilman Kenney has

18

a --

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COUNCILMAN KENNEY: I'm just

20

watching you.

21

COUNCILMAN DiCICCO: I need

22

watching, they say. Okay.

23

I'll ask Mr. Abernathy to read

24

the title of the first bill.

25

THE CLERK: Bill No. 090746 is

1 12/8/09 - STREETS - BILL 090746, etc.
2 being held at the request of the sponsor.

3 Bill No. 090838, an ordinance
4 establishing a one way regulation on Old
5 York Road, from 66th Avenue to North 67th
6 Avenue, southbound.

7 Bill No. 090839, an ordinance
8 authorizing the revision of lines and
9 grades on a portion of City Plan No. 242
10 by striking from the City Plan and
11 vacating portions of the beds of Old York
12 Road and a certain cut-back area at the
13 southerly side of Sixty-sixth Avenue
14 between Old York Road and Broad Street,
15 thereby reducing the width of Old York
16 Road from Sixty-sixth Avenue to a point
17 approximately one-hundred sixty-three
18 feet southwestwardly therefrom, by
19 relocating the southeasterly curblineline of
20 Old York Road from Sixty-sixth Avenue to
21 a point approximately one-hundred
22 ninety-eight feet southwestwardly
23 therefrom, and by placing on the City
24 Plan a curb bumpout at the northeasterly
25 corner of Old York Road and Sixty-fifth

1 12/8/09 - STREETS - BILL 090746, etc.
2 Avenue, all under certain terms and
3 conditions; and

4 Bill No. 090840, an ordinance
5 granting permission to ABEER, LP, owner
6 of the property Oak Lane Diner, 6528
7 North Broad Street, to legalize a
8 one-story concrete masonry construction,
9 under certain terms and conditions.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN DiCICCO: Thank you.

13 Councilwoman Miller just
14 indicated to me that Bill No. 090838 is
15 also being held.

16 And let the record reflect that
17 Councilwoman Sanchez, who is a member of
18 this committee, is also present.

19 Good afternoon, Commissioner.

20 COMMISSIONER TOLSON: Good
21 afternoon.

22 COUNCILMAN DiCICCO: Please
23 identify yourself for the record and
24 proceed with your testimony.

25 COMMISSIONER TOLSON: Good

1 12/8/09 - STREETS - BILL 090746, etc.

2 afternoon --

3 COUNCILMAN DiCICCO: We have
4 copies?

5 THE CLERK: Yes.

6 COUNCILMAN DiCICCO: We do have
7 copies. Thank you.

8 COMMISSIONER TOLSON: Good
9 afternoon, Chairman and members of the
10 Committee. My name is Clarena Tolson,
11 Commissioner of the Department of
12 Streets, and I would like to offer
13 testimony on Bill No. 090839 and Bill No.
14 090840.

15 These bills are not
16 Administration ordinances, but are
17 ordinances requested by ABEER, LP, owners
18 of the Oak Lane Diner located at 6528
19 North Broad Street.

20 The purpose of Bill No. 090839
21 is to strike from the City Plan certain
22 portions of the bed of Old York Road,
23 from 66th to a point approximately 163
24 feet southwestwardly therefrom and of the
25 bed of 66th Avenue from Old York Road to

1 12/8/09 - STREETS - BILL 090746, etc.
2 Broad Street, and to relocate a portion
3 of the southeasterly curbline of Old York
4 Road from 66th southwestwardly and
5 establish a curb bumpout at the
6 northeasterly corner of Old York Road and
7 65th. These actions will modify the
8 street's lines at this location to
9 conform with certainly recently
10 constructed additions to the restaurant
11 building which occupies the abutting
12 property. As proposed in this bill, the
13 right-of-way width of Old York Road will
14 change from 70 feet to 51 feet at the
15 most narrow portion, and the cart way
16 will change from 44 feet to 20 feet at
17 the most narrow portion. This reduction
18 in width will necessitate the
19 establishment of a one-way regulation to
20 change the traffic direction of Old York
21 Road from two-way to one-way, southbound.

22 The purpose of Bill 090840 is
23 to legalize a one-story concrete masonry
24 addition that encroaches onto and below
25 the sidewalk at 6528 North Broad Street.

1 12/8/09 - STREETS - BILL 090746, etc.

2 The Streets Department does not
3 support these bills. The building
4 encroachment and curblin changes that
5 they seek to accommodate were initiated
6 without the approval of the Streets
7 Department and without permits and
8 approvals required from various other
9 utility companies and public agencies.

10 Over the past year, the Streets
11 Department has, through numerous meetings
12 and correspondence, attempted to work
13 with the property owners to arrive at a
14 resolution that will protect the
15 interests of the City and the public
16 while also preserving, to the maximum
17 extent possible, the owner's development
18 goals. To date, no resolution has been
19 reached, despite a proposal offered by
20 the Streets Department which would allow
21 approximately 90 percent of the illegally
22 built structures to remain and proceed to
23 permitting.

24 This proposal was most recently
25 restated in a letter to the restaurant

1 12/8/09 - STREETS - BILL 090746, etc.
2 owners dated November 19th, 2009, which
3 clearly states the actions and conditions
4 required of the owners in order to obtain
5 Streets Department support for the
6 proposed changes. A copy of this letter
7 is included with the written testimony
8 submitted by the Streets Department to
9 the Committee.

10 Until such time as the owners
11 have substantially complied with the
12 actions and conditions with which the
13 Department has outlined to them, the
14 Streets Department is opposed to the
15 passage of these bills.

16 COUNCILMAN DiCICCO: Thank you,
17 Commissioner.

18 Mr. Morelli, do you have
19 testimony?

20 MR. MORELLI: I have no
21 testimony.

22 COUNCILMAN DiCICCO:
23 Mr. Erickson.

24 (Witness approached witness
25 table.)

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. ERICKSON: Good afternoon,
3 Chairman DiCicco and members of the
4 Streets and Services Committee. I am
5 William Erickson, a City Planner with the
6 Development Planning Division of the
7 Philadelphia City Planning Commission. I
8 am here to testify on Bill No. 090839,
9 which Councilmember Miller introduced
10 into City Council on November 19th, 2009.

11 Bill No. 090839 will revise the
12 lines and grades of Old York Road by
13 removing the northbound lane and removing
14 the northbound cutback. These revisions
15 will also include a bump-out at 65th and
16 Old York Road to prevent any northbound
17 through traffic.

18 The Philadelphia City Planning
19 Commission has reviewed Bill No. 090839
20 at its meeting on December 8th, 2009 and
21 is requesting an additional 45 days to
22 review this ordinance.

23 It's the same recommendation on
24 090840 where we're recommending an
25 additional 45 days. This changes my

1 12/8/09 - STREETS - BILL 090746, etc.
2 testimony slightly in that I didn't think
3 the Planning Commission would have an
4 opportunity to be here today and get over
5 here for testimony, but we did get it
6 over there and get back here.

7 COUNCILMAN DiCICCO: Thank you.

8 What is the reason for the
9 non-recommendation? Just because you
10 haven't had time to review it?

11 MR. ERICKSON: Well, that we
12 haven't had time to review it and
13 basically the Executive Director is
14 really looking at what's the end game,
15 what can we live with, what can't we live
16 with at the total -- at the end of the
17 day, what is it actually going to be, you
18 know, what would be an appropriate handle
19 on this. But that was the recommendation
20 that came out of the Planning
21 Commission's meeting today.

22 COUNCILMAN DiCICCO: Do any of
23 those concerns have to deal with the
24 issues or concerns of the Streets
25 Department?

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. ERICKSON: Well, I would
3 assume that it does deal with the issues
4 and concerns of the Streets Department,
5 especially the area of the encroachment
6 on Broad Street, the legalization of the
7 structure, the actual wording in the bill
8 that doesn't make it a temporary
9 structure, those issues that they'd want
10 to be taking up.

11 COUNCILMAN DiCICCO: Is
12 Mr. Haigler -- will you be testifying,
13 Mr. Haigler?

14 MR. HAIGLER: Not formally.

15 COUNCILMAN DiCICCO: Not
16 formally.

17 MR. HAIGLER: But I guess I
18 can.

19 COUNCILMAN DiCICCO: How about
20 informally? I'm just curious as the
21 Streets Department -- I think I figured
22 out what the Planning Commission issue
23 is, but is there any correlation between
24 what the Streets Department and L&I would
25 be approving or disapproving?

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. HAIGLER: L&I's
3 responsibility -- sorry. Otis Haigler,
4 Jr., Director of Legislative Affairs for
5 the Department of Licenses and
6 Inspections.

7 L&I's responsibility primarily
8 is to deal with building permits that are
9 issued for the construction of buildings
10 or additions that are over the
11 right-of-way. We require approvals of
12 other agencies before we issue our
13 permits.

14 We have issued a stop work
15 order on this particular project because
16 of the issues related to the construction
17 over the public right-of-way without the
18 prior approvals or permits.

19 COUNCILMAN DiCICCO: So you
20 issued a stop work order for that portion
21 of the property that is new, the
22 addition?

23 MR. HAIGLER: That's correct.

24 COUNCILMAN DiCICCO: Not
25 impacting on the operation of the

1 12/8/09 - STREETS - BILL 090746, etc.
2 existing or the original building?

3 MR. HAIGLER: That's correct.

4 COUNCILMAN DiCICCO: Are there
5 any concerns as to public safety issues
6 with the new addition impacting the
7 original facility or original building,
8 that you're aware of?

9 MR. HAIGLER: I understand that
10 there are some concerns related to
11 certain things that were on the
12 right-of-way, like a fire hydrant that's
13 been pretty much buried.

14 COUNCILMAN DiCICCO: Buried?

15 MR. HAIGLER: Buried.

16 COUNCILMAN DiCICCO: The fire
17 hydrant was buried?

18 MR. HAIGLER: Buried.

19 COUNCILMAN DiCICCO: What is
20 there now, a sidewalk where there was --

21 MR. HAIGLER: I have a picture
22 here if somebody would like to take a
23 look at this. The only thing that's
24 sticking up from where the fire hydrant
25 was is the portion of the hydrant where

1 12/8/09 - STREETS - BILL 090746, etc.

2 you would attach the wrench to turn the
3 water on.

4 COUNCILMAN DiCICCO:

5 Mr. Haigler, this photograph you provided
6 us with, does this condition exist today
7 or has that fire hydrant that was
8 partially buried been totally removed?

9 MR. HAIGLER: I believe --

10 MR. ERICKSON: According to the
11 Executive Director who went out there, it
12 has been -- I think you now can -- the
13 deck has been removed and you can now
14 access that fire hydrant. So the deck --
15 they ripped out that portion of the deck,
16 that concrete there, and that you can now
17 access the fire hydrant. That's the word
18 I had from my Executive Director.

19 COUNCILMAN DiCICCO: Is the
20 fire hydrant below the --

21 MR. ERICKSON: No. They raised
22 the deck.

23 COUNCILMAN DiCICCO: They
24 brought it back up?

25 MR. ERICKSON: That concrete

1 12/8/09 - STREETS - BILL 090746, etc.
2 came up about three to four feet. So
3 they've removed that portion of the deck,
4 as far as I know.

5 COUNCILMAN DiCICCO: The
6 hydrant is now exposed --

7 MR. ERICKSON: That's the word
8 I have.

9 COUNCILMAN DiCICCO: -- and can
10 be functional?

11 MR. ERICKSON: The hydrant is
12 now exposed.

13 COUNCILMAN DiCICCO:
14 Councilwoman Sanchez.

15 COUNCILWOMAN SANCHEZ: I guess
16 as a District Councilperson, we're trying
17 to fix what has happened here. Is there
18 any realtime photos and does the current
19 status of the business present any public
20 safety issues outside of the permitting,
21 whatever went up without permits or
22 whatever? Is there a public safety issue
23 other than the street changing to a
24 one-way street?

25 COUNCILMAN DiCICCO: Frank,

1 12/8/09 - STREETS - BILL 090746, etc.

2 pull your chair up.

3 Stay there, Otis. I think

4 we're going to need you again.

5 Just pull up a chair, please.

6 (Witness approached witness
7 table.)

8 MR. MORELLI: First, there was
9 a meeting with the Committee of Highway
10 Supervisors with all impacted utilities
11 that was held last April, and at that
12 time, PECO had strong objections to the
13 encroachment into Broad Street, because
14 eight foot off the building line is a
15 PECO line. So now the PECO line is
16 within a half a foot of existing
17 structure.

18 I contacted PECO this morning,
19 Ed McBride, and he said that he had
20 requested that an engineering plan be
21 brought to them, that the line could
22 either be relocated to the satisfaction
23 of PECO or -- and as of today, they still
24 have not received engineering drawings.
25 So PECO requested this bill not be moved

1 12/8/09 - STREETS - BILL 090746, etc.

2 on until they had a chance to review the
3 utility line. I have an e-mail from
4 McBride.

5 COUNCILMAN DiCICCO: Maybe we
6 can make copies of that, please, for the
7 committee.

8 Councilman Green is now in
9 attendance, who is a member of this
10 committee as well.

11 MR. MORELLI: The second safety
12 issue was that there was bollards put
13 along the curblines with lighting along
14 them. There was no permitting process
15 for that. The electricity running
16 underneath the footway to these
17 bollards -- and I don't -- I'm not sure
18 if they had been disconnected at this
19 point, but the Streets Department would
20 like to see them disconnected, the
21 electricity disconnected and also
22 removed. And I have photos of those
23 also.

24 COUNCILWOMAN SANCHEZ: Are
25 those realtime photos?

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. MORELLI: Yes, they are.

3 COUNCILWOMAN SANCHEZ: Can we
4 make copies of those?

5 And the reason for having the
6 lights removed?

7 MR. MORELLI: There was no
8 permitting done. We don't know where the
9 electricity --

10 COUNCILWOMAN SANCHEZ: We're
11 fixing something, so I don't want to get
12 to the technicalities of what came first,
13 the chicken or the egg. Is there a
14 public safety issue with the lights being
15 there?

16 COMMISSIONER TOLSON:
17 Councilwoman Sanchez, the safety issue is
18 that basically when you look at these
19 pictures, you'll see that they're very
20 attractive bollards put in with light
21 fixtures on top. If someone were to come
22 in and jackhammer the sidewalk or do
23 anything, they could be electrocuted.
24 You could have a heavy rain, somebody
25 leans against the bollard, you're

1 12/8/09 - STREETS - BILL 090746, etc.
2 electrocuted. You could have failure
3 back to the building, have a fire.

4 There's no permits. This is
5 basically -- it's like putting an
6 extension cord underneath a rug. It
7 looks fine until you have a fire, but you
8 shouldn't do it.

9 COUNCILWOMAN SANCHEZ: Is there
10 any way for them to encapsulate this for
11 safety issues?

12 COMMISSIONER TOLSON: There's a
13 way to do it safely and properly, but you
14 have to remove this and do it the right
15 way.

16 COUNCILWOMAN SANCHEZ: Okay.
17 Thank you.

18 COUNCILMAN DiCICCO: My
19 understanding talking to Councilwoman
20 Miller, someone from the diner or a
21 representative of the diner will be
22 testifying they will be removing those
23 lights and maybe correcting some of the
24 other problems.

25 But Councilman Jones.

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILMAN JONES: Just for
3 purposes of timeline, when was this first
4 brought to your attention by way of this
5 structure being erected?

6 COMMISSIONER TOLSON: That was
7 in December of 2008.

8 COUNCILMAN JONES: And you have
9 been in constant contact with the owner
10 during that process, or your department?

11 COMMISSIONER TOLSON: Since
12 that time, the Councilwoman has convened
13 a number of meetings. We've also had
14 communications with them to try to reach
15 some understanding of what could be done
16 to try to improve the situation that we
17 have.

18 COUNCILMAN JONES: Can you
19 describe some of those recommendations,
20 please?

21 COMMISSIONER TOLSON: Yes.
22 There was a -- plans were drawn up to
23 kind of highlight what they had and then
24 what we could live with and not live
25 with. We asked that they move the

1 12/8/09 - STREETS - BILL 090746, etc.
2 building line back to be similar to the
3 building line for the rest of the diner,
4 though willing to say you can make
5 changes on the back side on Old York
6 Road, willing to stretch out to the
7 intersection or crossing over Old York
8 Road the turnaround, change the direction
9 of the street with no problem. All those
10 things we're willing to work with them
11 on.

12 MR. MORELLI: From the very
13 beginning --

14 COUNCILMAN JONES: I wasn't
15 done.

16 And of those recommendations,
17 how much of them were worked on, done? I
18 see the picture here where -- was this a
19 part of the recommendations that that be
20 changed?

21 COMMISSIONER TOLSON: Yes.
22 That we asked to -- most recently we were
23 out there November 12th. We were out at
24 the site with the Councilwoman and her
25 staff and walked the site to try to talk

1 12/8/09 - STREETS - BILL 090746, etc.
2 about how we could make this work. It
3 was moving the wall back, and we even
4 suggested that there was likely some
5 problems with the wall. It had to be
6 moved anyway, so in the process of moving
7 it back, move it back properly.

8 COUNCILMAN DiCICCO:
9 Commissioner, excuse me for interrupting.
10 What were the problems with the wall?

11 COMMISSIONER TOLSON: Untrained
12 eye, but it appeared -- it didn't appear
13 to be plumb. There was mold on the
14 inside, so --

15 COUNCILMAN DiCICCO: Mold?

16 COMMISSIONER TOLSON: Mold. So
17 it didn't -- it wasn't clear why that was
18 existing. The owner suggested that
19 because he was forced to stop work, that
20 the drywall had a leak -- was receiving a
21 leak from the roof. But the mold was
22 coming from the floor, and that may have
23 been because the structure was built
24 below the sidewalk level. And this is
25 not L&I speaking. This is an untrained,

1 12/8/09 - STREETS - BILL 090746, etc.
2 not certified L&I person.

3 COUNCILMAN JONES: Of those
4 recommendations, how many of them were
5 there?

6 COMMISSIONER TOLSON: We didn't
7 number it that way, but we did say of the
8 X number of feet that you want to add to
9 your facility, we can work with you and
10 we're willing to support 90 percent of
11 it.

12 COUNCILMAN JONES: What I was
13 asking, the context of my question was,
14 if you had ten recommendations, how many
15 of them did they comply with?

16 COMMISSIONER TOLSON: Basically
17 nine of ten. We're saying that 90
18 percent of the space we were willing to
19 work with.

20 I'm sorry. You asked another
21 question. You asked what were they
22 willing to comply with.

23 COUNCILMAN JONES: Yeah.

24 COMMISSIONER TOLSON: They
25 wanted to have their building as is with

1 12/8/09 - STREETS - BILL 090746, etc.
2 no modifications. They said to us that
3 they would remove the bollards and remove
4 the lighting. They have not. They told
5 us verbally that they had disconnected
6 the electricity, but we have no proof of
7 any of that. But they had told us that
8 they were willing to remove them, but
9 they had not.

10 COUNCILMAN JONES: Let me just
11 succinctly put, out of ten
12 recommendations, how many had they
13 complied with or stated they would be
14 willing to comply with?

15 COMMISSIONER TOLSON: One
16 second, sir.

17 Okay. We do have a listing the
18 way that you're suggesting it, which is
19 not based on space. We had seven
20 requests of them and they had not
21 complied with any of them.

22 COUNCILMAN JONES: Have they
23 expressed willingness to comply to how
24 many of them?

25 COMMISSIONER TOLSON: They have

1 12/8/09 - STREETS - BILL 090746, etc.

2 expressed willingness to do whatever is
3 necessary, but we have not seen that.

4 COUNCILMAN DiCICCO: And when
5 was that?

6 COMMISSIONER TOLSON: This was
7 November 19th.

8 COUNCILMAN JONES: So has there
9 been a recent inspection to see if
10 they've -- well, at least one of them I
11 understand they complied with. So I'm
12 trying to guess between what you stated
13 there and what they stated a willingness
14 to comply with, how much of it can be
15 verified was done.

16 MR. MORELLI: Councilman, there
17 were conditions all along the way that we
18 were seeking for them to comply with, and
19 as you can see in the plan on Old York
20 Road, the first construction went out to
21 the center line of Old York Road. The
22 Streets Department couldn't live with
23 that, so we worked with their architect
24 and scaled the patio back and then add a
25 one-way street, which would provide

1 12/8/09 - STREETS - BILL 090746, etc.
2 traffic -- pedestrian access along there
3 and it would still give them all of the
4 building encroachment that they produced
5 on Old York Road.

6 COUNCILMAN JONES: So did they
7 comply with that?

8 MR. MORELLI: Yeah. That's a
9 condition they complied with. These were
10 outstanding issues --

11 COUNCILMAN JONES: I'm not an
12 engineer, so you could tell me about
13 setbacks until -- my eyes are going to
14 glaze over. I just want to know, out of
15 the significant recommendations -- and
16 you said there's seven -- we established
17 that they did two, or how many?

18 MR. MORELLI: Councilman, there
19 was seven outstanding conditions as of
20 November 19th. There was efforts to
21 comply with that all along the way with
22 various levels of compliance, but as of
23 November 19th, we had seven issues that
24 needed to be resolved.

25 COUNCILMAN JONES: Of which was

1 12/8/09 - STREETS - BILL 090746, etc.

2 this one of them?

3 MR. MORELLI: No, that's not
4 one of them.

5 COUNCILMAN JONES: That's not
6 even one of them?

7 MR. MORELLI: We've worked with
8 them and we came to an agreement along
9 Old York Road. We've narrowed the width
10 down, created a one-way street. Part of
11 the patio area needed to be removed. So
12 all the conditions that we requested on
13 Old York Road have been complied with.

14 COUNCILMAN JONES: So they did
15 do those?

16 MR. MORELLI: Those conditions,
17 yes.

18 COMMISSIONER TOLSON: On Old
19 York Road.

20 MR. MORELLI: On Old York Road.

21 COUNCILMAN JONES: So there's
22 some outstanding, there's seven of them?

23 MR. MORELLI: There's seven
24 outstanding issues.

25 COUNCILMAN JONES: And of that

1 12/8/09 - STREETS - BILL 090746, etc.
2 seven, how many have they complied with
3 that you can verify?

4 MR. MORELLI: Zero.

5 COUNCILMAN JONES: Okay.

6 Thank you, Mr. Chairman.

7 COUNCILMAN DiCICCO: Before I
8 get to Councilman Greenlee, Mr. Haigler,
9 there is a cease operations, you said?

10 MR. HAIGLER: Stop work.

11 COUNCILMAN DiCICCO: Stop work.
12 I'm sorry. And when was that issued?

13 MR. HAIGLER: 12/8/08.

14 COUNCILMAN DiCICCO: Has work
15 been done since 12/8/08?

16 MR. HAIGLER: I don't have
17 information to that.

18 COUNCILMAN DiCICCO: I mean,
19 all this stuff we're talking about now --

20 MR. HAIGLER: I don't think any
21 work was done relative to --

22 COUNCILMAN DiCICCO: I would
23 assume they were still working over this
24 past year.

25 MR. MORELLI: The patio area

1 12/8/09 - STREETS - BILL 090746, etc.

2 was removed since the stop work order.

3 That was scaled back.

4 COUNCILMAN DiCICCO: So the
5 work they were doing was correcting the
6 violations?

7 MR. MORELLI: Correct. That
8 one, yes. I'm not sure what was going on
9 inside the structure.

10 COUNCILMAN DiCICCO: Do you
11 know, Mr. Haigler, what was going on, if
12 anything, was going on inside?

13 MR. HAIGLER: I don't know.

14 COUNCILMAN DiCICCO: Councilman
15 Greenlee.

16 COUNCILMAN GREENLEE: Thank
17 you, Mr. Chairman.

18 Not to belabor this, but
19 Councilwoman Sanchez and I were just
20 talking. I mean, all the reports you
21 have, the latest is November 19th,
22 correct?

23 MR. MORELLI: Correct.

24 COUNCILMAN GREENLEE: Wouldn't
25 it have made sense to try to have

1 12/8/09 - STREETS - BILL 090746, etc.
2 something like right up to date, Monday
3 or at least Friday, last Friday, to try
4 to -- because I have a feeling they'll
5 come in and they're going to say they did
6 certain things, and they may have done
7 those, and we're kind of -- we kind of
8 don't know. I mean, the 19th wasn't a
9 long time ago, but it was two, three
10 weeks ago. I mean, shouldn't we really
11 have, in fairness, an update? Because in
12 fairness, you gave a picture of a
13 hydrant, and just by looking at that,
14 that looks awful bad, but then we're
15 told, well, yeah, they took it away. So
16 we're not sure what's now and what was
17 then.

18 COMMISSIONER TOLSON:
19 Councilman, I think that the hydrant was
20 just a demonstration of what was built
21 and how it was built to say that this was
22 built not doing the right things.

23 COUNCILMAN GREENLEE: Well, we
24 agree.

25 COMMISSIONER TOLSON: So when

1 12/8/09 - STREETS - BILL 090746, etc.
2 that was found, it has to be corrected.
3 It had to be exposed.

4 COUNCILMAN GREENLEE: No. I
5 understand.

6 COMMISSIONER TOLSON: So that's
7 just by example.

8 COUNCILMAN GREENLEE: But in
9 all fairness, Commissioner, when it was
10 presented, I think we all thought that
11 was still going on. Councilwoman Miller
12 knew it wasn't, but the rest of us,
13 that's the way it was kind of presented.

14 COMMISSIONER TOLSON: I think
15 we were answering the question by
16 Councilman DiCicco about the public
17 safety issue that had existed, and that
18 was what we had.

19 COUNCILMAN GREENLEE: At that
20 time, yeah. All right. I understand.

21 COMMISSIONER TOLSON: And this
22 list of things, I think that we would
23 know if they had submitted anything for
24 the building zoning or plumbing or
25 electrical permits, that the utility

1 12/8/09 - STREETS - BILL 090746, etc.
2 agency approvals would be obtained, that
3 the bollards were removed. Those things
4 are -- the building be scaled back, that
5 they give us a letter. Those are the
6 kinds of things that we requested and I
7 think that we would know.

8 COUNCILMAN GREENLEE: All
9 right.

10 COMMISSIONER TOLSON: We
11 have -- the Councilwoman has been very
12 diligent and patient in this process in
13 bringing all parties together to hear the
14 issues, and it has been a very, very slow
15 process in terms of trying to gain
16 information.

17 COUNCILMAN GREENLEE: So since
18 that time up to today, there's no permits
19 out at least to deal with those seven
20 issues you talked about?

21 COMMISSIONER TOLSON: There's
22 nothing. Getting a permit is one of the
23 issues here, and there's --

24 COUNCILMAN GREENLEE: Pardon
25 me? I'm sorry.

1 12/8/09 - STREETS - BILL 090746, etc.

2 COMMISSIONER TOLSON: Getting a
3 permit is one of the seven things.

4 COUNCILMAN GREENLEE: That's
5 what I'm saying. You see no --

6 COMMISSIONER TOLSON: No.

7 COUNCILMAN GREENLEE: Okay.
8 That was basically my question. All
9 right.

10 COUNCILMAN DiCICCO: Councilman
11 Green.

12 COUNCILMAN GREEN: Just one
13 quick question. Of the seven remaining
14 issues, how many impact public health,
15 safety and welfare?

16 MR. MORELLI: Removing the
17 bollards, getting clearance from all the
18 utilities, which hasn't been done,
19 because I just spoke with PECO today. So
20 that's a public safety issue.

21 COMMISSIONER TOLSON: Plumbing
22 and electrical permits, no.

23 COUNCILMAN GREEN: That's the
24 permitting issue. That's not -- you're
25 not telling me the plumbing is unsafe or

1 12/8/09 - STREETS - BILL 090746, etc.

2 it's going to affect public safety.

3 COUNCILMAN DiCICCO: Excuse me
4 for interrupting, but that could mean
5 that they may be unsafe. We don't know.

6 COUNCILMAN GREEN: Because you
7 haven't inspected them.

8 Obviously L&I has to do an
9 inspection of plumbing, electrical and
10 everything before anybody will get a CO.
11 So I'm talking about public health,
12 safety and welfare issues. So it's the
13 bollards and the clearance from
14 electricity?

15 COMMISSIONER TOLSON:
16 Councilman, I'm not sure how to answer
17 that, because it is a safety issue.

18 COUNCILMAN GREEN: Well, they
19 won't get a CO if the electricity is not
20 to code, the plumbing is not to code.

21 COUNCILMAN DiCICCO:
22 Mr. Haigler.

23 MR. HAIGLER: Otis Haigler
24 again, Director of Legislative Affairs
25 for the Department of Licenses and

1 12/8/09 - STREETS - BILL 090746, etc.

2 Inspections.

3 The purpose of the permitting
4 process is to do a review before the
5 equipment is installed and --

6 COUNCILMAN GREEN: I understand
7 that.

8 MR. HAIGLER: If I can finish.
9 In that process of review, we review, of
10 course, with the requirements of the Code
11 to determine whether or not the issue is
12 safe. We haven't had that opportunity.
13 We don't know if there is currently a
14 public safety or health issue because we
15 haven't determined that based on a formal
16 review of the process.

17 COUNCILMAN GREEN: Right, but
18 let's just say we grant -- we pass
19 Councilwoman Miller's bill and they get
20 the relief they need with respect to
21 encroachments and other stuff like that.
22 Are you going to give them a CO if the
23 electrical is unsafe?

24 MR. HAIGLER: No. No.

25 COUNCILMAN GREEN: So that is

1 12/8/09 - STREETS - BILL 090746, etc.
2 not ever going to be a public safety
3 issue, because they won't get a CO.
4 They'll have to fix --

5 MR. HAIGLER: Normally it
6 wouldn't be a public safety issue if it's
7 not already there, but it's already there
8 now.

9 COUNCILMAN GREEN: But we
10 don't -- the past is the past. I'm
11 talking about going forward.

12 So the two public safety issues
13 that you guys have identified that you're
14 aware of today and you're saying you're
15 going to prevent any in the future by not
16 issuing a CO, the two public safety
17 issues are the bollards -- and I don't
18 know what that is -- and the clearance
19 from electricity.

20 MR. HAIGLER: Well, also you
21 have the structure that's there, and
22 without a formal plan review and a review
23 by our engineers, we don't even know if
24 that's been erected correctly.

25 COUNCILMAN GREEN: But they're

1 12/8/09 - STREETS - BILL 090746, etc.

2 not going to get a CO if it's not a safe
3 structure. Is that right or wrong?

4 MR. HAIGLER: They won't get
5 the CO -- I think what we're trying to
6 say is, they won't get the legal
7 document, but the structure is already
8 there, so it could still present a public
9 safety issue.

10 COUNCILMAN GREEN: It's either
11 safe or not safe. Thank you.

12 COUNCILMAN DiCICCO: Unless I'm
13 misunderstanding this, you look at Bill
14 No. 840, we're being asked to legalize
15 the addition or additional structure, and
16 there may be some of those issues that
17 you raise.

18 COUNCILMAN GREEN: But we're
19 not granting the CO.

20 COUNCILMAN DiCICCO: But we're
21 legalizing --

22 MR. HAIGLER: From the
23 standpoint of the legislative process,
24 you're legalizing the right to do this,
25 but it still would have to be reviewed to

1 12/8/09 - STREETS - BILL 090746, etc.

2 determine whether or not it's in

3 compliance with the Code for safety.

4 Normally that process is done before the

5 structure is already built.

6 COUNCILMAN DiCICCO: Right. So

7 we're kind of doing it in reverse order.

8 If all of those other issues

9 that are either known or unknown yet that

10 would eventually get approval for, if

11 they make the Code and they get the

12 approval, would there still be objection

13 to the expansion, the addition?

14 COMMISSIONER TOLSON:

15 Councilman, I think that we would --

16 COUNCILMAN DiCICCO:

17 Commissioner Tolson.

18 COMMISSIONER TOLSON: Clarena

19 Tolson.

20 I think it's difficult for us

21 to understand in the contingency. I

22 think that given the number of challenges

23 we've had in this process, we really want

24 to see the entire package. In all

25 honesty, we had difficulty even finding

1 12/8/09 - STREETS - BILL 090746, etc.

2 out who the contractor was until six
3 weeks ago. And we're baffled. But to
4 that extent, I think that all of us want
5 to err on the side of public safety. We
6 want to try to do the right thing by the
7 citizens. None of us want our names to
8 anything that could be potentially
9 unsafe. And we're struggling. As you
10 can see, we're struggling to try to work
11 together with a businessman who has made
12 a large investment but also put that on
13 balance with public safety.

14 COUNCILMAN DiCICCO: I hear you
15 and I appreciate your honesty. I think
16 that goes to some of the concerns or
17 questions that Councilman Green raised.

18 But Councilwoman Miller.

19 COUNCILWOMAN MILLER: You know,
20 we're all concerned about public safety
21 in this whole year of meeting. We want
22 to make sure that this building is safe
23 for people to use. The old building is
24 safe, as far as I know. I'm not an
25 engineer. I don't work for L&I, and I

1 12/8/09 - STREETS - BILL 090746, etc.
2 can't make the determination. And the
3 goal that I've always stated is that I
4 want to figure out a way that we can work
5 with this businessperson that did a
6 significant investment at Broad and Old
7 York Road, and it's always just been my
8 goal for us to work with them to see what
9 we need to do to get them to correct.
10 And some things were easier than others.
11 Yes, they did promise to disconnect the
12 bollards, which are the lights on the
13 sidewalk, for anybody who doesn't know
14 what a bollard is, because I certainly
15 didn't. And also -- we were all shocked
16 when we went there last year in December.
17 It was my first time seeing it, but what
18 I couldn't figure out was where were
19 other City agencies. It took a while to
20 build what they built and nobody knew it
21 was being built there. So I always felt
22 that we need to work together to see what
23 we can do to get this building legal.
24 And, yes, there have been a few
25 struggles. It did take a while.

1 12/8/09 - STREETS - BILL 090746, etc.

2 I believe you got the
3 information on the contractor in
4 September, and we have had several --
5 many meetings prior to that, and we've
6 been meeting now for a whole year, and
7 it's time for us to figure out what to do
8 here.

9 The bills that you're opposing,
10 one you wrote, but you've decided to
11 oppose the bill.

12 But I think it might be time,
13 Councilman, to call on those folks from
14 Oak Lane Diner and ask these departments
15 to stay.

16 COUNCILMAN DiCICCO: Certainly
17 we're going to bring the applicant in. I
18 just want to make sure that this
19 committee at least had an opportunity to
20 ask questions of them.

21 Are there any other questions
22 for these witnesses at this time?

23 (No response.)

24 COUNCILMAN DiCICCO: If you can
25 remain here, we'd appreciate it.

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2 Someone for the applicant.

3 Albert Taus, the architect.

4 COUNCILWOMAN MILLER: And I
5 just want to state for the record also
6 that we do have letters from the various
7 utilities, PECO, Water Department and
8 PGW, and we also spoke to PECO earlier
9 today, spoke to Ed McBride.

10 COUNCILMAN DiCICCO: My
11 understanding from Mr. McBride via e-mail
12 is that he just would like to see a plan.
13 He hasn't gotten a plan yet.

14 (Witness approached witness
15 table.)

16 COUNCILMAN DiCICCO: So,
17 Mr. Taus, Mr. Winbush, PECO needs that
18 plan. They're not suggesting that they
19 would not agree to what you did. They
20 just need to have that plan. People
21 don't want to sign off if there's some
22 potential for some public safety issues
23 here.

24 Mr. Taus, are you ready?

25 MR. TAUS: Yes, sir.

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2 COUNCILMAN DiCICCO: Do you
3 have any statements for us or could you
4 shed some light on the questions that
5 have been raised here as to the -- I
6 think the biggest, for me at least,
7 speaking for me, the biggest issue for me
8 is a question of public safety, what has
9 been built here both in terms of the
10 expansion being built to Code and
11 probably more so is the electrical issues
12 that have been raised, do they pose a
13 public safety issue. Things like that
14 are, to me, important. I suspect my
15 committee has the same feelings. Because
16 I don't want to approve something that
17 may have the potential, knowing what
18 little I know about this project already,
19 that may create an opportunity for
20 someone to be injured or more severely
21 injured or die as a result of what we're
22 approving here today.

23 MR. TAUS: I'd like to thank
24 you for hearing my testimony, first of
25 all, and to let you know that I've been

1 12/8/09 - STREETS - BILL 090746, etc.
2 involved in this project for over a year
3 now, since I think it was fall of '08.
4 When I originally got involved in this
5 project, the scope of work was a little
6 bit less than it ended up being, but when
7 I was called back and I saw the addition,
8 I was surprised as everyone else.

9 Move forward or fast forward --

10 COUNCILMAN DiCICCO: Excuse me
11 for interrupting. You came in after
12 the --

13 MR. TAUS: Well, I came in
14 originally for zoning approval of a deck
15 on the Oak Lane Diner.

16 COUNCILMAN DiCICCO: Had the
17 deck already been installed?

18 MR. TAUS: No.

19 COUNCILMAN DiCICCO: Had the
20 extension or the addition already been
21 built? Any of that -- none of that was
22 done?

23 MR. TAUS: That went through
24 just the process of zoning.

25 COUNCILMAN DiCICCO: But none

1 12/8/09 - STREETS - BILL 090746, etc.
2 of the construction had taken place?

3 MR. TAUS: That is correct.

4 COUNCILMAN DiCICCO: You were
5 retained at that time?

6 MR. TAUS: I was retained to
7 get the approvals for the deck, and
8 subsequent to that, there was a gap of
9 time after they got the approval for the
10 deck zoning-wise, and then I came upon
11 the project --

12 COUNCILMAN DiCICCO: The
13 approval you asked for on the deck, did
14 it have a fire hydrant or no fire
15 hydrant?

16 MR. TAUS: The fire hydrant was
17 on the edge of the sidewalk, and if I
18 could just skip forward --

19 COUNCILMAN DiCICCO: Walk us
20 through that, yeah.

21 MR. TAUS: So everybody feels
22 comfortable. The Water Department
23 approved removing that or eliminating
24 that, because across the street within
25 about, I'm guessing, plus or minus 120

1 12/8/09 - STREETS - BILL 090746, etc.

2 feet, there's another fire hydrant on the
3 other side of Old York Road.

4 COUNCILMAN DiCICCO: Well, I
5 had an experience at the intersection
6 where I live, we just relocated -- had a
7 fire hydrant relocated even though
8 there's a fire hydrant directly across
9 11th Street, and the reason they couldn't
10 remove one is, one is a high pressure
11 versus one that is whatever the technical
12 term is. So just because there are two
13 fire hydrants at an intersection doesn't
14 necessarily mean you can eliminate one.

15 MR. TAUS: I'm just stating the
16 fact. Maybe --

17 COUNCILMAN DiCICCO: I'm not
18 arguing with you. I'm just letting you
19 know what I found out recently about
20 that.

21 MR. TAUS: It's my
22 understanding that the Water Department
23 said, Okay, this can be eliminated
24 because there's one across the street.

25 COUNCILMAN DiCICCO: When you

1 12/8/09 - STREETS - BILL 090746, etc.
2 said it's your understanding, was that
3 part of some document?

4 MR. TAUS: It's my
5 understanding also that everything has
6 been approved by the Water and Sewer
7 Department for this project, except for
8 the corrosive test that needs to be
9 remediated. There was a corrosive test
10 and a report, and that part of the
11 approval process needs to be taken care
12 of. Otherwise, everything else we show
13 on the plans is being remediated and
14 relocated and the --

15 COUNCILMAN DiCICCO: What's the
16 corrosive test?

17 MR. TAUS: From my
18 understanding -- and I'm not a plumbing
19 engineer or mechanical engineer, but it's
20 corrosive. They take a test of the water
21 that's coming through the pipes and see
22 if there's any --

23 COUNCILMAN DiCICCO: I'm not
24 talking about fire hydrant water. I'm
25 talking about water into the diner.

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2 MR. TAUS: Yes. It's not
3 unsafe, but there are standards and
4 there's limits, and I think that there's
5 some remediation that needs to be taken
6 care of whenever there's an improvement
7 of this type.

8 I probably shouldn't even speak
9 to this, because I'm not an expert at
10 all, and that was...

11 COUNCILMAN DiCICCO: Okay.
12 Well, continue.

13 MR. TAUS: Anyway, subsequent
14 to all this, we went through the process
15 to make sure -- I think it was the
16 concern of all the departments that this
17 building was safe. So I hired for the
18 client a structural engineer. His name
19 is Bob Rosen. He's a structural
20 engineer. He's probably got 40, 50 years
21 in the business. He's well recognized in
22 the City of Philadelphia, and he wrote a
23 report and took inventory of every piece
24 of steel, every concrete block and all
25 the reinforcing for the exterior walls,

1 12/8/09 - STREETS - BILL 090746, etc.

2 and at the end of the report I think you
3 have in your hand -- that was submitted
4 in July, July 19th?

5 COUNCILMAN DiCICCO: July 7th.

6 MR. TAUS: July 17th.

7 COUNCILMAN DiCICCO: July 7th.

8 Is that the Rosen report?

9 MR. TAUS: Yes.

10 COUNCILMAN DiCICCO: It's dated
11 July 7th.

12 MR. TAUS: I'm sorry. Forgive
13 me. I got to put my glasses on.

14 COUNCILMAN DiCICCO: No big
15 deal.

16 MR. TAUS: July 7th, 2009. His
17 next-to-the-last paragraph, "With all the
18 above data, I proceeded a structural
19 review of the building's capacity. This
20 review was made using the live load
21 required by the IBC and the Philadelphia
22 Building Code. All dead loads were also
23 applied. The result of this review
24 indicates that the in-place building is
25 in accordance or in excess of the Code

1 12/8/09 - STREETS - BILL 090746, etc.

2 requirements for this use.

3 "If you have any questions," so
4 on and so forth.

5 So I felt comfortable this
6 building was safe, and every time that I
7 visited the site, I was completely
8 comfortable conducting a meeting with Bob
9 for whatever reason in that space so we
10 would understand the significance. So
11 that would be, as far as I was concerned,
12 the only life safety issue, other than
13 the, as the Commissioner of the Streets
14 pointed out, the wiring in the bollards
15 in the street. Those were removed. All
16 the wiring was either disconnected at the
17 panel, so there's no power to those light
18 bollards, or removed.

19 COUNCILMAN DiCICCO: When you
20 say "at the panel," you mean the circuit
21 breaker box?

22 MR. TAUS: That's correct.

23 COUNCILMAN DiCICCO: But they
24 could be reconnected if someone wanted
25 to?

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. TAUS: I guess so, but I
3 think some of the wiring -- most of the
4 wiring out of the bollards were removed
5 also.

6 COUNCILMAN DiCICCO: Councilman
7 Greenlee.

8 COUNCILMAN GREENLEE: You just
9 kind of answered the question mostly,
10 sir, in your last statement. But, I
11 mean, of the things that the Streets
12 Department and L&I talked about, I'll be
13 honest with you, that whole electrical
14 issue was the greatest concern that I
15 heard. Not that some of the other issues
16 should be ignored, but when you talk
17 about possible electrocution, obviously
18 you're talking about serious stuff.

19 So you're saying, to the best
20 of your knowledge -- I don't know if
21 there's anybody else here that can say
22 that -- that concern that was expressed
23 by the City officials does not exist
24 anymore or should not exist?

25 MR. TAUS: Well, it doesn't

1 12/8/09 - STREETS - BILL 090746, etc.

2 mean --

3 COUNCILMAN GREENLEE:

4 Everything has been disconnected?

5 MR. TAUS: That is correct.

6 COUNCILMAN GREENLEE: So if
7 people go up there, there should be no
8 risk of electrical shock or anything like
9 that?

10 MR. TAUS: I would feel
11 comfortable walking there or even getting
12 involved in fiddling around with those
13 bollards that have the lights in them.

14 COUNCILMAN DiCICCO: So the
15 bottom line is --

16 COUNCILMAN GREENLEE: We'll
17 test you first before I come.

18 COUNCILMAN DiCICCO: -- all
19 this stuff could have been eliminated had
20 they gone through the regular permitting
21 and inspection process, because I think
22 the bollards add some aesthetic value to
23 the site. All that could have been done.

24 MR. TAUS: A hundred percent.

25 COUNCILMAN DiCICCO: For

1 12/8/09 - STREETS - BILL 090746, etc.
2 whatever reason, they chose to bypass
3 that.

4 MR. TAUS: I think they just
5 didn't know the system.

6 COUNCILMAN DiCICCO: I'm sorry.
7 Councilman Greenlee.

8 COUNCILMAN GREENLEE: One other
9 thing came to my mind. Thank you,
10 Mr. Chairman.

11 Is there anything else, so I'm
12 clear, in your opinion, that needs to be
13 done here? What else needs to be done to
14 bring you in compliance, or, in your
15 opinion, is it just that it hasn't been
16 inspected and you haven't gotten the
17 necessary permits?

18 MR. TAUS: Well, we're in the
19 process of trying to proceed in a
20 backwards mode to get everything
21 approved. We hired a civil engineer to
22 prepare the documents so we could get the
23 proper zoning approvals, and we're going
24 through that process. It's been slow
25 because of, I guess, some issues getting

1 12/8/09 - STREETS - BILL 090746, etc.
2 it into the right departments and so on
3 and so forth. But we have been trying to
4 go through the proper channels, and we're
5 right now trying to get zoning approval
6 before we submit plans for building
7 permits.

8 COUNCILMAN GREENLEE: But in
9 all fairness, I don't always defend the
10 departments, but if it kind of had been
11 done the other way -- you're doing it
12 backwards. If it had been done right --
13 I'm not blaming you, but if it had been
14 done right, maybe even though the process
15 is slow anyway, but we might not be here
16 then, in all due respect. Am I correct?

17 MR. TAUS: There's no doubt
18 that the process was absolutely the wrong
19 way, but it's there.

20 COUNCILMAN GREENLEE: I got
21 you.

22 MR. TAUS: The owner is sick
23 about this at this point. It's been a
24 long time, and I'm just trying to help
25 his situation to try to get it right for

1 12/8/09 - STREETS - BILL 090746, etc.
2 him and the City and the public.

3 COUNCILMAN GREENLEE: But in
4 your opinion, because the Commissioner
5 said that -- and she was just going by
6 the lack of seeing permits or anything
7 like that, but as of the last time she
8 was out there, there was still public
9 safety issues. You don't believe that
10 they exist anymore; is that what you're
11 saying?

12 MR. TAUS: As far as I see, I
13 think that we can feel safe that there's
14 no public safety issues at this time. I
15 feel safe.

16 COUNCILMAN DiCICCO: I was just
17 thinking out loud. Is there a way in
18 which all of the parties -- and I take
19 Mr. Rosen's comments. I think they're
20 very valuable to what our concerns are
21 and I think they help answer a lot of the
22 questions about the safety of the
23 building, not knowing what the plumbing
24 and electrical issues may be.

25 Isn't there a way in which

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2 Mr. Rosen, maybe yourself, Mr. Taus, and
3 L&I can all just go through this with a
4 punch list and figure out what needs to
5 get done, like you would do a job had it
6 been done in the proper way, meaning the
7 proper way if permits were taken out, if
8 the plans had been reviewed by all the
9 various departments and they would have
10 approved, disapproved and you make the
11 corrections?
12 It's done. There's a structure
13 up. It's a business. We want to see the
14 business continue and grow, but, again, I
15 still, having said all that,
16 personally -- and I want to support my
17 colleague, because it's a district
18 matter. I still have a little bit of a
19 problem legalizing something when I don't
20 know what's behind those walls or
21 underneath the sidewalk or coming into
22 the building from the main water line. I
23 have a problem with that. I have a
24 problem with that. And everybody has got
25 to figure out how they're going to vote

1 12/8/09 - STREETS - BILL 090746, etc.
2 on this, but there are too many unknowns
3 out there for me, despite the fact that I
4 know you personally, I know your
5 reputation, I don't think I know
6 Mr. Rosen, and I take all these things to
7 be factual, but there's a lot of
8 unknowns, in my opinion, and there needs
9 to be a way in which we as the City and
10 all of our agencies can come together and
11 meet at this site and do a walk-through.

12 MR. TAUS: I totally agree.

13 COUNCILMAN DiCICCO: Is the
14 owner here?

15 MR. TAUS: Yes.

16 Tony?

17 One thing I didn't mention, I
18 did hire for the owner a mechanical,
19 electrical and plumbing engineer, and
20 they --

21 COUNCILMAN DiCICCO: They'll do
22 the underwriting?

23 MR. TAUS: Well, they already
24 drew up the electrical plans and I
25 believe the electrical plans are in the

1 12/8/09 - STREETS - BILL 090746, etc.
2 electrical department for permitting
3 process.

4 COUNCILMAN DiCICCO: But I
5 think the problem -- and I could be out
6 of line here -- is that the electrical
7 unit of L&I, because they can't see what
8 has already been installed in many cases
9 because it's behind walls or under
10 sidewalks, it's difficult to ask them to
11 sign off on something they can't see. I
12 wouldn't sign off on it. With everyone's
13 good intentions, not suspecting anyone is
14 saying something that's not correct, I
15 couldn't ask the Department of L&I to go
16 out and approve something that they can't
17 see. Oh, just because I said it's so
18 doesn't make it so. There's got to be
19 another way around it.

20 MR. TAUS: Everything that's
21 outside the building has been
22 disconnected and capped.

23 COUNCILMAN DiCICCO: Well,
24 yeah, it's disconnected, but --

25 MR. TAUS: Well, we can

1 12/8/09 - STREETS - BILL 090746, etc.

2 eliminate that and run the --

3 (Witness approached witness
4 table.)

5 COUNCILMAN DiCICCO: The
6 history of the way this was done --
7 excuse me one minute, sir.

8 Finish, Mr. Taus.

9 MR. TAUS: I was just going to
10 say that everything with inside the
11 building above the ceilings, because it's
12 an acoustical ceiling, we can see those
13 wires. So whatever is exposed, we're
14 okay with, the electrical engineer.

15 COUNCILMAN DiCICCO: But where
16 you can't see --

17 MR. TAUS: Where you can't see,
18 I can't testify, because you can't
19 see through walls.

20 COUNCILMAN DiCICCO: Were
21 connections done or is it to code? Were
22 the right junction boxes put in? I don't
23 know, and the only way you really know
24 that is to rip everything out really.

25 Sir, if you wish to say a few

1 12/8/09 - STREETS - BILL 090746, etc.
2 words, would you please state your name
3 for the record and --

4 MR. ELEBAH: My name is Tony
5 Elebah. I'm the owner of Oak Lane Diner.
6 And the only thing I want to say, if
7 anything I did wrong, I'm sorry about it.
8 I didn't mean like to go over the record
9 or over the rules. It's not my
10 intention. But I just start building it
11 like based and I have the zoning for to
12 build the deck. I misunderstand. I
13 build it.

14 But only thing I want to say to
15 everybody, I really try to make
16 everything right, and everything I
17 believe like a human being, it is right.
18 There's nothing I built against people's
19 safety.

20 It's been -- I invest a lot of
21 money inside this building, and it's my
22 own money. I came in and when I bought
23 the diner, it was very old, filthy, and I
24 didn't know how bad shape the diner is
25 until I bought it, because I didn't go

1 12/8/09 - STREETS - BILL 090746, etc.

2 all the details. Like it looks good, but
3 it was old.

4 So anyway, when I start
5 building up, I fix it up. It was a piece
6 of ground in front of the diner. It's
7 supposed to belong to the diner. The way
8 I built the diner, it's belong to the
9 diner.

10 So I figure out, we build
11 something, because the diner is too
12 small. People around the neighborhood,
13 they need some place for meeting or for
14 anything like to be together. Plus, the
15 front of the diner was so dark. Like
16 nighttime safety-wise, it's no good.
17 There's no light, because it's too big
18 place, too wide street. There's no
19 lights.

20 So anyway, I start -- the
21 sidewalk, you cannot even walk on it. So
22 I spent 120,000. That's how I start. I
23 spent \$120,000 to fix the sidewalk for
24 this. It's the City property. It's not
25 my property. I make it nice and

1 12/8/09 - STREETS - BILL 090746, etc.
2 beautiful, and you can see it over there.
3 Okay? And I put the lights. These
4 lights, I didn't put just for like just
5 to put it. They just light up, because
6 it was so dark nighttime. So for the
7 safety really, this is good. Now they
8 say, We do not know how you connect it.
9 It's been connect to the diner. I don't
10 connect it to any other place. It's been
11 connected right by somebody's
12 electricity, and he's licensed. And he
13 did apply for permits, and they never
14 give it to him. They take forever to do
15 it, and I thought he's doing it right.
16 Anyway, now we get electrician
17 engineering, and he said everything is
18 fine, by the Code. Like I don't have to
19 tear anything down. But if you want me
20 to tear it down, I tear it down. And out
21 of all -- because I understand it's some
22 things -- we can go over it. We can do
23 it. But the problem is, I really get
24 sick out of this. It's not sick like
25 sick. I get really sick. I got anxiety.

1 12/8/09 - STREETS - BILL 090746, etc.

2 I got enough problem.

3 So all I'm asking, like I say
4 to everybody, if this is going to keep
5 going and get -- because the business
6 goes down. The economy is not good
7 anymore. I don't have money like I did
8 year and a half ago, because whatever I
9 spend in this is my kid's money. It's no
10 banks. Every bank I try refuse to give
11 me money to invest in the area. So I
12 sold a piece of ground I have and I spend
13 all the money on this place.

14 If you don't want it, I tear it
15 down, because whatever they ask me to do
16 is tear down the whole building. They
17 ask me to move back four and a half feet.
18 How I'm going to remove four and a half
19 feet? Four and a half feet, it means you
20 cut this wall, you cut this wall, you cut
21 this wall. How I'm going to remove it?
22 And from the beginning I work with them.
23 They said, Okay, cut this. I cut it.
24 Okay. We agree for this. I said, Okay,
25 fine. And, finally, they came with this

1 12/8/09 - STREETS - BILL 090746, etc.
2 proposal. They want me to go back four
3 and a half feet with the same line with
4 the diner. I am with the same line with
5 the diner, but to the vestibule. The
6 whole problem, they want me to go with
7 the diner line. And what's the issue?
8 Oh, the sidewalk is small. This sidewalk
9 is small? Look at the rest of the block,
10 how small is it. This is big. But I
11 don't know what is it.

12 But what I see here, it became
13 just something -- I couldn't take it.
14 You have the decision, because, honestly,
15 I'm not supposed to say this, but it's
16 enough. Like if they want to legalize
17 everything, I will do it. I don't have
18 that much money like before. If I do
19 what they want, I'm tearing down the
20 whole building. I need two, three
21 hundred thousand dollars to build it up.
22 From where I'm going to get this money?

23 Oh, you got to do it.

24 I cannot take it. That's
25 enough. You want me to tear it down? I

1 12/8/09 - STREETS - BILL 090746, etc.

2 tear it down. You want me to keep going
3 and legalize everything as I build it,
4 it's fine.

5 COUNCILMAN DiCICCO: It has to
6 be legal.

7 MR. ELEBAH: That's what I
8 said, it's fine. I will do it. I will
9 do anything possibly to do it.

10 COUNCILMAN DiCICCO: That's
11 what we're trying to get to.

12 MR. ELEBAH: I understand, and
13 I thank you.

14 COUNCILMAN DiCICCO: The
15 purpose of this hearing is to try to get
16 to that point.

17 MR. ELEBAH: I thank you, sir,
18 honestly.

19 COUNCILMAN DiCICCO: But
20 understand -- I appreciate and I do
21 understand the financial investment you
22 made. I was in business once. It went
23 bankrupt, so I know all about that stuff,
24 and I understand that. But you keep
25 referring to they want you to take a wall

1 12/8/09 - STREETS - BILL 090746, etc.

2 down.

3 MR. ELEBAH: The way they ask

4 me.

5 COUNCILMAN DiCICCO: The wall

6 didn't exist to -- they didn't ask you to

7 take a wall down --

8 MR. ELEBAH: Yes.

9 COUNCILMAN DiCICCO: -- until

10 you built it.

11 MR. ELEBAH: I understand.

12 COUNCILMAN DiCICCO: So --

13 MR. ELEBAH: I apologize for

14 this.

15 COUNCILMAN DiCICCO: Well,

16 apologies --

17 MR. ELEBAH: I understand.

18 COUNCILMAN DiCICCO: I'm trying

19 to be gentle. Apologies are one thing.

20 You said you built it and you

21 had contractors do this. You said the

22 electrical contractor applied for a

23 permit, but he never got it, so they went

24 ahead and did it anyway. What do you

25 mean he never got the permit? Did he

1 12/8/09 - STREETS - BILL 090746, etc.

2 apply for it or did he tell you he

3 applied for it?

4 MR. ELEBAH: Yeah, he told me

5 he applied for it.

6 COUNCILMAN DiCICCO: Did you

7 hire a general contractor who then hired

8 subs or did you hire the individual

9 contractors on your own?

10 MR. ELEBAH: I just hire a

11 contractor and he did the job.

12 COUNCILMAN DiCICCO: The

13 general contractor and he brought in

14 subs, he brought in masonry, electric?

15 MR. ELEBAH: Yeah. I was the

16 general contractor.

17 COUNCILMAN DiCICCO: You were

18 the general contractor?

19 MR. ELEBAH: Yeah.

20 COUNCILMAN DiCICCO: And then

21 you hired the subs?

22 (Mr. Elebah shakes head in the

23 affirmative.)

24 COUNCILMAN DiCICCO: And you

25 were made aware of this how long ago?

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. TAUS: Fall of 2008. And I
3 might say that no work other than the
4 removal of the deck and some of the --

5 COUNCILMAN DiCICCO: Again, I
6 go back to he says the electrical work
7 was done properly. I don't know. Maybe
8 it was. Maybe it was. Who knows? Is
9 there conduit? Was it done with conduit
10 that meets the Code? No one knows.

11 MR. TAUS: I think that
12 that's --

13 COUNCILMAN DiCICCO: I don't
14 want to see him have to tear the building
15 down and take all that money and have
16 it -- which he's never going to be able
17 to --

18 MR. TAUS: Well, that's a
19 separate issue. The bollards that are
20 light standards on the sidewalk is a
21 different issue than the building itself,
22 I think, where the --

23 COUNCILMAN DiCICCO: I just
24 wonder if someone told him, Don't worry
25 about it, and the man didn't worry about

1 12/8/09 - STREETS - BILL 090746, etc.

2 it until now. That's just my personal
3 observation.

4 Councilman Greenlee.

5 COUNCILMAN GREENLEE: Again, I
6 was going to ask the gentleman, the
7 owner, this, because I just asked -- I
8 asked you the question. I guess what I'm
9 trying to get at, I would feel a lot more
10 comfortable with this bill if there was
11 some sort certification on the electrical
12 problem. That's my biggest concern. The
13 thing with the sidewalk and all,
14 personally I don't have a problem with
15 that. Maybe it doesn't meet all the
16 standards, but I've seen sidewalks a heck
17 of a lot narrower than that. Okay? I'd
18 like to see -- I've been in the Oak Lane
19 Diner a number of times. I think it
20 needed work. He's done a lot of work. I
21 want to see that work, I want to see more
22 people come up there, all that.

23 The one thing that does concern
24 me, though -- and I don't want to be part
25 of approving something and then there be

1 12/8/09 - STREETS - BILL 090746, etc.
2 a fire or somebody gets shocked. So what
3 I'm getting at is, I'd like to see some
4 kind of certification before at
5 least this -- even if we move this out of
6 committee today, make some effective date
7 later. I'm just giving an option. Make
8 an effective date later so we can be
9 comfortable that there's this
10 certification or something like that.

11 I'm just -- and, again, I'm
12 like Councilman DiCicco, I want to work
13 with Councilwoman Miller. And, again, on
14 most of this, I'm okay, but that
15 electrical thing -- and I know I'm
16 repeating myself about 45 times, but that
17 concerns me.

18 MR. TAUS: Well --

19 COUNCILMAN GREENLEE: That
20 concerns me a lot.

21 MR. TAUS: I think that there's
22 two items that could make us all feel
23 much more comfortable. One, there was an
24 electrical engineer hired, and he went
25 over all the electric wiring, so on and

1 12/8/09 - STREETS - BILL 090746, etc.
2 so forth. But there's another step in
3 the process before you can occupy an
4 establishment like this that has an
5 improvement of this sort. Have the
6 underwriter come in and certify that the
7 wiring was put in accordance to the Code.
8 So that might be a way for all of --

9 COUNCILMAN GREENLEE: And how
10 long would that take to happen, in
11 your -- do you have knowledge of how long
12 that takes?

13 MR. TAUS: I would say if you
14 gave us a month, it's probably a
15 sufficient amount of time. If not, maybe
16 three, four weeks.

17 COUNCILMAN GREENLEE: And,
18 again, I don't mean this with any
19 disrespect, as I know Councilman DiCicco
20 didn't. We want to be sure, because
21 there's a lot of things that was not done
22 right here, and I understand frustration
23 of getting permits and I understand you
24 want to get it done and I understand
25 money and all, all of that, but, again,

1 12/8/09 - STREETS - BILL 090746, etc.
2 when we're talking about real public
3 safety -- and not that I'm saying
4 tripping is not a public safety, but sure
5 as heck electrocution is a public safety,
6 and I just want to be real, real sure
7 that this gets done right and it's
8 certified, not, with all due respect,
9 sir, "to the best of my knowledge, it's
10 okay." Because to the best of my
11 knowledge, I wouldn't know about
12 electricity, except I turn the switch on.

13 MR. TAUS: Well, an engineer
14 and an underwriter --

15 COUNCILMAN GREENLEE: That's
16 what I mean. That's what I want to see.
17 That's what I'd like to see to be really
18 comfortable.

19 MR. TAUS: -- is the way to go.

20 COUNCILMAN GREENLEE: And that
21 goes back to what was said. Now, again,
22 I don't know, Mr. Chairman or the
23 sponsor, the timeframe thing, if we can
24 solve it that way.

25 COUNCILMAN DiCICCO: Any other

1 12/8/09 - STREETS - BILL 090746, etc.

2 questions for Mr. Taus?

3 (No response.)

4 COUNCILMAN DiCICCO: Thank you,
5 Mr. Taus.

6 MR. TAUS: Thank you.

7 COUNCILMAN DiCICCO: Pastor
8 Ronald King Hill and Mr. Joseph Mixon.

9 PASTOR HILL: Thank you,
10 Mr. DiCicco, the Chair, and to other
11 Councilpersons present. I come today in
12 support of --

13 COUNCILMAN DiCICCO: Your name?

14 PASTOR HILL: Pastor Ronald
15 King Hill.

16 COUNCILMAN DiCICCO: Thank you.

17 PASTOR HILL: I come today to
18 be in support of the Oak Lane Diner. I
19 have four letters with me I'd like to
20 read into the record, and I also have
21 over 500 names on a petition I'd like
22 to --

23 COUNCILMAN DiCICCO: We'll
24 accept the petition, and if you can, I
25 suspect that the letters are probably all

1 12/8/09 - STREETS - BILL 090746, etc.
2 similar.

3 PASTOR HILL: Pretty close.
4 Can I identify who they're from?

5 COUNCILMAN DiCICCO: Yeah.
6 Yeah.

7 PASTOR HILL: The Baptist
8 Ministers Conference of Philadelphia and
9 Vicinity, the Missionary Baptist Pastors
10 Conference of Philadelphia and Vicinity,
11 the Triumph Baptist Church and the
12 Corinthian Baptist Church, which is a
13 local church in that community.

14 I have also over 503 names on a
15 petition I'd like to support.

16 I'm a long-time resident in the
17 community, and the Oak Lane Diner has
18 been a hub in the community, and we
19 support the efforts that have been
20 presented here today. Hopefully that you
21 will move favorably upon them. I thank
22 you for hearing me.

23 COUNCILMAN DiCICCO: Thank you,
24 Reverend. You heard some of the
25 testimony. I think you can appreciate

1 12/8/09 - STREETS - BILL 090746, etc.

2 what our concern is. Nothing against the
3 diner. It's a business. We want to see
4 it expand and grow and be prosperous.
5 It's good for everyone. But we do have
6 those other issues that are in the public
7 safety interest. I believe that is our
8 main concern. Other than that, this
9 thing would have sailed through easily.

10 PASTOR HILL: Thank you.

11 COUNCILMAN DiCICCO: Thank you.

12 MR. MIXON: My name is Joe
13 Mixon. I just wanted to say that the
14 diner has been a mainstay in that area.
15 It's a wonderful place to go to. The
16 seniors depend on it for breakfast, lunch
17 and for birthdays and all. I mean, we're
18 all around there all the time eating and
19 socializing. It's like a steady place
20 that we could go, and we, the seniors,
21 depend on that place. It's good for the
22 handicapped. It's accessible. And we
23 just support the expansion of it.

24 Now, I know there's been some
25 concerns. I mean, I don't know about the

1 12/8/09 - STREETS - BILL 090746, etc.
2 electricity and all the other kind of
3 things, but I know I've been out there in
4 the rain, and all the times that I've
5 used that diner and up against the
6 pillars with the light on, I haven't got
7 a little shock at all. I mean, I'm not
8 an engineer, but I have worked in
9 demolition and I'm a demolition
10 contractor, retired. I worked for
11 Geppert Brothers. I worked for myself.
12 I didn't mean to get into all this, but
13 Tony had said that the electrical --
14 somebody who did the electrical was an
15 electrical person and was certified.
16 And, like I said, not getting off the
17 beaten track, I've been exposed to that
18 lighting in the rain and all. Well,
19 maybe by the grace of God I didn't get
20 electrocuted, but I was all up against
21 it.

22 But the diner has been a great
23 place, and we hope that you will think
24 long and hard about continuing the
25 expansion of it. We support the

1 12/8/09 - STREETS - BILL 090746, etc.

2 expansion of it.

3 Thank you.

4 COUNCILMAN DiCICCO: Thank you.

5 Thank you for your testimony.

6 Any comments, questions for
7 these witnesses?

8 Councilwoman Miller.

9 COUNCILWOMAN MILLER: I just
10 want to thank you for coming in to
11 testify, and we appreciate your
12 testimony. Thank you.

13 COUNCILMAN DiCICCO: Can I have
14 Commissioner Tolson and maybe Morelli and
15 Erickson? And is Otis still here?

16 (Witnesses approached witness
17 table.)

18 COUNCILMAN DiCICCO: We're just
19 going to stand in recess for about a
20 minute. Just hang there, please.

21 (Pause.)

22 COUNCILMAN DiCICCO: The Chair
23 recognizes Councilwoman Miller.

24 COUNCILWOMAN MILLER: Okay.

25 Hi. Mr. Chair, I am recommending that

1 12/8/09 - STREETS - BILL 090746, etc.
2 this bill be held until everyone from
3 various departments go out there and make
4 this inspection, and we will -- City
5 Council is going to recess actually next
6 week and we would like to have this
7 report ready for us when we return. Now,
8 I am not sure on the return date. Are
9 you?

10 COUNCILMAN DiCICCO: Sometime
11 middle of January. You got about 40
12 days, maybe a little more, give or take,
13 45 days.

14 COUNCILWOMAN MILLER: And we
15 want reports. In fact, what we'll do is
16 put it in writing on what we expect to
17 happen in 40 days. But the issue here
18 has been public safety, and we're all
19 concerned about public safety, and we
20 want any issue that deals with public
21 safety addressed. We will send you
22 something in writing, a specific request.

23 I know that this diner is
24 important to the community. I don't go
25 there myself that often, but when I do, I

1 12/8/09 - STREETS - BILL 090746, etc.
2 see many people from the community there
3 that I know from all walks of life, and
4 many people are concerned about this
5 expansion. We want to do the right
6 thing. I want my colleagues to feel
7 comfortable about this. We've been
8 meeting for a whole year. I have the
9 same goal Councilman DiCicco stated. I
10 have the exact same goals, and that's why
11 we've been meeting. And a year later, we
12 still need to meet, and I don't know what
13 takes a year to complete.

14 But in any event, this hearing
15 can go on and on and on and some people
16 still have unanswered questions, and at
17 this point, I do want to hold this bill.

18 COUNCILMAN DiCICCO: Thank you.

19 COUNCILWOMAN MILLER: And we'll
20 also hold the other bill. I think it's
21 839.

22 COUNCILMAN DiCICCO: 090839.

23 COUNCILWOMAN MILLER: Right.

24 We will also hold that bill, and when we
25 come back, we'll have the other bill.

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILMAN DiCICCO: Thank you.

3 COUNCILWOMAN MILLER: Thank
4 you.

5 COUNCILMAN DiCICCO: Thank you
6 all for your testimony. Thank you.

7 Mr. Abernathy, the title of the
8 next bill.

9 THE CLERK: Bill No. 090846, an
10 ordinance establishing a parking
11 regulation on Race Street, between North
12 7th Street and North 9th Street, both
13 sides.

14 Mike Resnick is testifying on
15 behalf of the Administration.

16 (Witness approached witness
17 table.)

18 COUNCILMAN DiCICCO: Good
19 afternoon and please identify yourself
20 for the record and proceed with your
21 testimony.

22 MR. RESNICK: Good afternoon,
23 Councilman. Michael Resnick. I'm Chief
24 of Staff for Deputy Mayor Everett
25 Gillison.

1 12/8/09 - STREETS - BILL 090746, etc.

2 Councilman, members of the
3 Committee, I'm here to testify regarding
4 Bill 090846, which establishes a police
5 parking regulation on Race Street,
6 between North 7th Street and North 9th
7 Street, on both sides. At this time, I
8 want to apprise you of the efforts being
9 taken to resolve the issue of parking
10 around Police Headquarters at 8th and
11 Race.

12 Deputy Mayor Gillison has
13 convened several meetings to develop
14 solutions to this problem. In attendance
15 at these meetings have been officials
16 from the Police Department, Streets
17 Department, traffic engineers and the
18 Philadelphia Parking Authority. At our
19 last meeting, which took place yesterday
20 afternoon, it appeared that a solution
21 was reached and we'll be able to begin
22 implementation of this solution.

23 We have received a list of
24 potential on-street parking locations
25 surrounding Police Headquarters, and

1 12/8/09 - STREETS - BILL 090746, etc.
2 we've taken into consideration the needs
3 of the community. Traffic Engineer
4 Division has approved many of these
5 locations for re-designation to
6 Authorized Parking Only. Areas further
7 west on Race Street and areas surrounding
8 the Metropolitan Condominium will be left
9 unchanged. This should increase the
10 number of on-street parking spots by
11 approximately 70. Streets Department
12 Traffic Engineers is in the process of
13 posting the authorized parking signs in
14 the new designated areas.

15 In addition to the on-street
16 parking, come January 1st, 2010, the
17 Philadelphia Parking Authority will be
18 taking over operations of the Macy's
19 parking garage at, I believe it's, at 7th
20 and Arch. Police personnel will be able
21 to park in this secured garage at the PPA
22 government fleet rate of \$120 a month for
23 dayshift parking and \$110 a month for
24 evening shift parking. The garage has
25 enough capacity to accommodate over 100

1 12/8/09 - STREETS - BILL 090746, etc.
2 vehicles.

3 With the increase in the
4 on-street parking and the additional
5 secured spots made available in the
6 garage, there should be ample parking for
7 all police personnel working at Police
8 Headquarters during all shifts.

9 This concludes my testimony and
10 I'd be happy to answer any questions.

11 COUNCILMAN DiCICCO: Thank you.

12 Any questions for this witness?

13 Councilman Greenlee.

14 COUNCILMAN GREENLEE: Just on
15 the record, I'm sorry, I think my mind
16 was still half on the other bill we just
17 had. You're saying there is an agreement
18 here? Do all the parties know that? I
19 mean, in your opinion. We'll hear from
20 them.

21 MR. RESNICK: In my opinion, we
22 met with Streets Engineers, the
23 Traffic -- Philadelphia Parking
24 Authority, people from the Police
25 Department. As far as I know, Streets

1 12/8/09 - STREETS - BILL 090746, etc.
2 Department Traffic Engineers is about to
3 hang signs changing the designation to
4 Authorized Parking Only. So as far as
5 I'm concerned from what we heard last
6 night from all the people that were
7 involved, we have over 170 parking spots.
8 Seventy of them on the street will be
9 authorized and about 100 or in excess of
10 100 will be in a secured lot at a reduced
11 fleet rate.

12 COUNCILMAN GREENLEE: All
13 right. Well, I guess we'll hear from the
14 Police. So I'll ask that question of
15 them. Thank you, sir.

16 MR. RESNICK: You're welcome.

17 COUNCILMAN DiCICCO: Thank you.
18 And can you stick around?

19 MR. RESNICK: Certainly.

20 COUNCILMAN DiCICCO: I
21 appreciate it.

22 THE CLERK: Inspector Tom
23 Lippo, Captain Louis Campione, Wilbert
24 Williams, Greg Picano, Chuck Grebloski
25 and Tim Scally.

1 12/8/09 - STREETS - BILL 090746, etc.

2 (Witnesses approached witness
3 table.)

4 COUNCILMAN DiCICCO: Good
5 afternoon, gentlemen. Whatever order,
6 Gene, you'd like to present your
7 testimony, you decide.

8 MR. BLAGMON: Gene Blagmon, FOP
9 Lodge 5.

10 I just wanted to mention that
11 we're not in the loop. I have talked to
12 Deputy Mayor Gillison about this issue,
13 told him we wanted to be in on the loop.
14 Up until now we have not been included.
15 So any agreements have nothing to do with
16 the Fraternal Order of Police. So I just
17 wanted to put that on the record.

18 COUNCILMAN DiCICCO: Thank you.

19 INSPECTOR LIPPO: Good
20 afternoon, everyone. My name is Tom
21 Lippo. I'm the Inspector and Commanding
22 Officer of the Communication Division,
23 which encompasses Police Radio. I'm here
24 representing approximately 300 people
25 that work within Police Radio and

1 12/8/09 - STREETS - BILL 090746, etc.
2 Differential Police Response Unit, which
3 is commanded by Captain Lou Campione, and
4 that's staffed by police officers who are
5 on limited duty and restricted duty,
6 people who have been injured-on-duty
7 status, that type of thing.

8 What I'd like to do, if you
9 don't mind, if I could give a copy. This
10 is a copy of a letter which was written
11 by one of our dispatchers to Police
12 Commissioner Ramsey July 17th of 2009.
13 And what I'll do, I won't be reading this
14 verbatim, but I will be referring to it.
15 And this took place as a result of the
16 article that appeared in the Inquirer,
17 which was written by Monica Yant-Kinney,
18 and I'm just jumping to the second
19 paragraph, and I'll be jumping around.

20 Some of the reasons,
21 historically the parking lot has always
22 been provided for employees of the Police
23 Administration Building. We had two lots
24 in the past, one at 9th Street, Arch and
25 Cherry Street and 9th Street at Cherry

1 12/8/09 - STREETS - BILL 090746, etc.
2 and Race. Unfortunately, they were
3 closed down on account of the property
4 owners that bought the businesses and
5 there were some high rise put up.

6 An arrangement was made, as I'm
7 sure you're aware, that the Convention
8 Center at 7th and Callowhill allowed us
9 to use some of that parking, and,
10 unfortunately, that parking lot for the
11 most part is shut down five of the 12
12 months of the year on account of the
13 activities that are taking place at the
14 Convention Center. And as a result of
15 that, the history behind the article, we
16 parked in the area illegally.

17 There was some parking under
18 I-95. We had 20 spots, which PennDOT
19 allowed us to park under there. We did
20 park there, but as a result of that
21 article, that parking went to the
22 wayside. And, again, we're asking for a
23 notice of additional spots, and at this
24 point, as Gene said, if something was
25 worked out with the Police Commissioner

1 12/8/09 - STREETS - BILL 090746, etc.
2 and the Parking Authority, we weren't
3 aware of it at this time. But I'd like
4 to continue on.

5 Some of the reasons we are
6 asking that you would approve this
7 parking -- and, again, I'm jumping around
8 here -- past practices we did have these
9 lots in the past, and I'm sure you're
10 well aware that every other police
11 facility, there's some type of parking
12 allowed for the police officers and the
13 employees that work there.

14 I noticed the gentleman,
15 Mr. Resnick, if I had his name correct,
16 said it costs -- they worked out a deal
17 with the Parking Authority. Well, it
18 costs \$120 a month. And one of the
19 things that, if I do recall, that stuck
20 out in my mind from that article of the
21 Inquirer, Ms. Kinney said, Well, why
22 don't they just go park in a pay lot. It
23 does cost money, obviously. The average
24 salary of a police communication
25 dispatcher is roughly \$34,000 a year, and

1 12/8/09 - STREETS - BILL 090746, etc.
2 if I did my math right, if you times that
3 by 52, it comes out to about \$653 a week.
4 By the time you take out taxes, maybe
5 we're down to 5, 450 dollars a month.
6 And the parking in the area -- and we did
7 that -- you have a figure there. It says
8 about \$145 a month. Right now it's up to
9 about \$160. So you're talking about \$40
10 a week, which brings us down to the
11 average person working in Police Radio is
12 left with about \$410 a week. Of course,
13 you got to pay bills, you have children,
14 utilities, that type of thing. So it's
15 obviously -- it's definitely a strain.

16 Out of the 264 employees that
17 work in Police Radio, 191 of them are
18 female, and out of that 191, 106 are
19 single parents. So financially there's a
20 drain on them. Whether it's \$120 or \$160
21 a month, that's a lot of money coming out
22 of someone's pocket.

23 If you turn to Page 2, we're
24 talking about the availability. I know
25 everyone in this room is aware that we're

1 12/8/09 - STREETS - BILL 090746, etc.
2 a 24/7 operation. Our shifts are daywork
3 7:00 a.m. to 3:00 p.m., 3:00 p.m. to
4 11:00 p.m., and 11:00 to 7:00. But in
5 between that, we have some what we call
6 steady shifts, and this is the time when
7 the peak phone calls are coming in the
8 area. That's 11:00 a.m. We have 11:00
9 a.m. to 7:00 p.m., a 3:00 p.m. to 11:00
10 p.m. shift, and a 7:00 p.m. to 3:00 a.m.
11 And when people are coming into the area
12 at that point, if they have to try and
13 find a spot, a lot, it's nearly
14 impossible.

15 I don't have to tell you that
16 stress is involved, the dispatcher taking
17 the calls day in and day out, compounding
18 that with the stress of trying to find a
19 parking lot on a daily basis.

20 We also believe that
21 absenteeism and lateness would be
22 reduced. On an average, there's probably
23 about 10 to 15 people that call out sick
24 in Police Radio daily. So hopefully if
25 they have some additional parking, maybe

1 12/8/09 - STREETS - BILL 090746, etc.

2 we could cut that number in half.

3 Unfortunately, again, as
4 everyone in this room is aware, back in
5 November 11th, 1994, the Eddie Pollack
6 incident took place, and one of the
7 recommendations they had was to have
8 sufficient parking for members of Police
9 Administration Building, specifically
10 Police Radio, to come and go.

11 We are essential personnel.
12 You know -- and, again, I'm repeating
13 myself. I don't have to tell you. We
14 work 24/7 regardless of the weather, and
15 often times there may come a point where
16 we may have to do mandatory staffing,
17 especially if it's a snowstorm coming on.
18 People are stuck and they're stuck in the
19 PAB. Then we have to worry about
20 shuffling them back and forth.

21 There's a safety issue. Again,
22 we work 24/7 and we go back and forth.
23 Right now we're traversing from the lot
24 over at 7th and Callowhill.
25 Unfortunately, within the past four

1 12/8/09 - STREETS - BILL 090746, etc.
2 months -- and I'm sure you gentlemen and
3 ladies are aware of that intersection.
4 When you cross from Franklin Street
5 crossing Vine Street over to Callowhill,
6 that's a large intersection. Not only do
7 you have the traffic on 7th Street
8 turning onto Vine Street, you also have
9 the traffic coming off of the Ben
10 Franklin Bridge, and as a result of that,
11 within the past four months, we had two
12 injuries, and I have -- I brought two
13 representatives. Greg Picano was hit
14 back in August and was taken to Rescue to
15 the hospital, as well as Ethel Myers, who
16 works in Police Radio. They sustained
17 injuries. They were taken away by radio.
18 And, again, it's that problem of
19 traversing that area over there.

20 And, again, we're just asking
21 for your help. If you can give us some
22 additional spots, obviously we'd be very
23 appreciative. And that figure of \$120 or
24 \$160, it's tough when you're only
25 bringing home, as I said, maybe \$410 and

1 12/8/09 - STREETS - BILL 090746, etc.

2 you got to pay the bills and everything

3 else. So we're asking for your help.

4 That's why we're here today.

5 Thank you.

6 COUNCILMAN DiCICCO: Thank you.

7 CAPTAIN CAMPIONE: Lou

8 Campione, Captain assigned to

9 Differential Police Response.

10 Differential Police Response

11 was set up to try to relieve some of the

12 stress of police officers responding to a

13 job. There's several dozen assignments

14 that we can take over Police Radio.

15 Differential Police Response is staffed

16 by injured officers, either on-duty

17 injuries or non-job-related injuries,

18 while they're healing. Rather than being

19 at home on IOD time, injured-on-duty

20 time, or sick time, they come into work

21 and they relieve some of the burdens of

22 Police Radio by accepting those jobs over

23 the phone and preparing the paperwork

24 necessary for those jobs to be completed.

25 So it's a win situation for the

1 12/8/09 - STREETS - BILL 090746, etc.
2 Department to take tens of thousands of
3 jobs that would normally require the
4 officer physically respond to a location
5 and accept those jobs over Police Radio.

6 The first question for those
7 officers assigned is, where do I park?
8 And that's an issue. The officer may be
9 on crutches, may have a broken leg. We
10 have officers there that are recovering
11 from cancer, heart ailments. We have
12 officers there who are eight months
13 pregnant, who is, again, to our advantage
14 to have them working rather than sit at
15 home using sick time, which, again, puts
16 a strain on our manpower. So it's to our
17 advantage to have those officers come in
18 on a daily basis and accept those jobs
19 from Police Radio to relieve the officers
20 out on the street from responding to
21 those jobs. And it works extremely well,
22 but, again, the issue is to try to
23 accommodate them and their illnesses,
24 their disabilities, their injuries in
25 order to give them parking and get them

1 12/8/09 - STREETS - BILL 090746, etc.
2 into the Police Administration Building
3 in order to handle those assignments.

4 We also have representatives
5 here from Police Homicide. Their
6 midnight to 8:00 tour, they're permitted
7 to park in the main lot, which is
8 attached to the Police Administration
9 Building, Police Headquarters, but at
10 6:00 a.m., they're required to move their
11 vehicle. Now, if a homicide occurs
12 sometime during that tour, which
13 frequently happens, they may be out
14 taking interviews, doing investigations,
15 working the crime scene trying to gather
16 evidence. They're then required to get
17 back to Police Headquarters by 6:00 a.m.
18 in order to move their vehicle. We're
19 also going to have a confrontation with
20 Headquarters security because the vehicle
21 wasn't moved. And that's happened.

22 We don't need them more
23 stressed than they are. We need them
24 out, focused on what they're doing and
25 attempting to make those arrests and

1 12/8/09 - STREETS - BILL 090746, etc.
2 clear that job rather than coming back
3 into Headquarters by 6:00 a.m. in order
4 to move their vehicle and find another
5 parking spot, which, again, delays the
6 investigation and makes their job much
7 more complicated.

8 We've had a police officer
9 assigned to DPR attempting to cross the
10 street, as the Inspector indicated, in
11 addition to the two dispatchers that was
12 run over trying to find a parking spot.
13 We're in a Center City area. It's a very
14 congested area. It's a very busy area.
15 We're under a lot of stress. We're
16 concerned about those dispatchers.
17 There's two parts to that room. One is
18 the people taking the calls coming in in
19 excess of three million calls a year for
20 service. We don't want them stressed.
21 We want them focused. We want them
22 dealing with the public without dealing
23 with the stress of worrying about whether
24 or not they get a \$76 ticket or their car
25 is being towed because they weren't able

1 12/8/09 - STREETS - BILL 090746, etc.
2 to park.

3 The other side of that room
4 broadcasts the jobs to the police
5 officers, uniformed officers out on the
6 street. We want them focused. We want
7 them directed. We don't want them
8 distracted. It's the equivalent of an
9 air traffic controller trying to direct
10 that traffic and being concerned about
11 whether or not his vehicle is secure or
12 whether or not he's going to have a
13 parking spot or be able to leave there 2
14 or 3 o'clock in the morning and be able
15 to find his vehicle in a safe manner.

16 They're the issues we're
17 concerned about. From an employment
18 standpoint, the less stress we provide to
19 our people, the better they're going to
20 respond to their work and be more focused
21 on it.

22 We also have a representative
23 from District Council 33 who would like
24 to address those issues.

25 MR. WILLIAMS: Good afternoon.

1 12/8/09 - STREETS - BILL 090746, etc.

2 My name is Wilbert Williams. I'm a
3 Police Communications Dispatcher, also a
4 member of District Council 33, Local
5 1637.

6 In reference to the parking
7 situation, 9-1-1 personnel and PAD
8 personnel have the classification as
9 essential personnel, essential personnel
10 which have a direct effect on the public
11 safety. 9-1-1 fits this criteria. When
12 there is trouble, no matter what the
13 condition is outside weather-wise, et
14 cetera, et cetera, 9-1-1 may be the first
15 or second numbers dialed by that person.

16 Essential personnel: Other
17 City units classified as essential
18 personnel - police, police stations, fire
19 departments, laboratories, et cetera, et
20 cetera -- are accorded parking areas.
21 They have parking lots. Street parking
22 spaces are allotted or wherever space may
23 be available.

24 No matter what the conditions,
25 9-1-1 personnel are expected to be at

1 12/8/09 - STREETS - BILL 090746, etc.
2 work no matter -- as a matter of public
3 safety.

4 Public safety: Our current
5 location at 7th and Vine, the parking lot
6 there has a very unsafe history. We've
7 had, as the Inspector and Captain have
8 indicated, we've had personnel hit and
9 we've also had a dispatcher that was
10 killed in that location in a vehicular
11 accident. A car ran the light and
12 T-boned that person, and she was killed
13 on the spot.

14 Paid parking and alternative
15 parking: As the Inspector indicated, at
16 Police Radio and City workers in general,
17 we've had no pay raise within the last
18 two years. There's no type of
19 reimbursement or compensation from the
20 City for parking. This can prove to be
21 very costly to single mothers,
22 single-income families that work in
23 Police Radio. The Inspector indicated
24 the pay scale.

25 Public safety: The north side

1 12/8/09 - STREETS - BILL 090746, etc.
2 of Race Street is a route which is a
3 priority clean-up during times of
4 inclement weather. This clean-up would
5 assure that members of the Police
6 Department and 9-1-1 will always have a
7 safe place to park their vehicles. Once
8 again, when the City is closed, 9-1-1 and
9 Police Headquarters is still open as a
10 matter of public safety.

11 I worked Central Console,
12 Police Radio for the last 12 years and
13 working Central Console, I monitor all
14 the activity that goes on downtown. In
15 that immediate area, we've had parking --
16 we've had parking in those areas in the
17 past, no indications of any increased
18 accidents or anything like that, no
19 hazard to traffic. Allowing parking on
20 the north side of Race Street from the
21 800 block to the 600 block would be a
22 huge asset to the safety of the employees
23 of 750 Race Street.

24 Your consideration of this
25 matter would be deeply appreciated.

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILMAN DiCICCO: I'm sorry.

3 You said the 800 block to the 600 block?

4 MR. WILLIAMS: Yes. That
5 starts at 9th and Race and goes down to
6 6th and Race.

7 COUNCILMAN DiCICCO: Oh, okay.

8 All right. Thank you.

9 Any questions for these
10 witnesses?

11 (No response.)

12 COUNCILMAN DiCICCO: I'm
13 probably going to ask that this bill be
14 held, because I don't know if you
15 gentlemen had an opportunity to see the
16 testimony. You heard the testimony from
17 the City side. Did you get a chance to
18 look at it and review it?

19 CAPTAIN CAMPIONE: No,
20 Councilman.

21 COUNCILMAN DiCICCO: So we'll
22 get you a copy of that. And also I do
23 have some concerns. There are a few
24 small businesses around there that may be
25 impacted if we remove what is currently

1 12/8/09 - STREETS - BILL 090746, etc.
2 public parking, and there's also a
3 concern that I have for the Franklin
4 Square. A lot of tourists go there in
5 the warm weather months when it's
6 operating, with the carousel and the
7 miniature golf, and I'm concerned about
8 that may impact some of their parking
9 needs if we make those two blocks
10 strictly for police personnel.

11 CAPTAIN CAMPIONE: In the past,
12 Councilman, the permits --

13 COUNCILMAN DiCICCO: Captain,
14 would you please identify yourself.

15 CAPTAIN CAMPIONE: Lou
16 Campione.

17 In the past, the Franklin
18 Square issue was permit parking for HYY.
19 They were able to secure other parking.
20 So that is available. It's still posted
21 as permit parking for HYY, but they're no
22 longer using it.

23 COUNCILMAN DiCICCO: On the
24 north side?

25 CAPTAIN CAMPIONE: Yes, sir.

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILMAN DiCICCO: Okay.

3 Thank you.

4 CAPTAIN CAMPIONE: Thank you,
5 Councilman.

6 MR. WILLIAMS: And also in
7 reference to that, on the Franklin Street
8 side of Franklin Square, there are spaces
9 on the west side of Franklin Street that
10 extend from Race up to Vine Street.
11 Mostly Franklin Square parents and other
12 people that attend there usually park
13 along that stretch. Parking Authority
14 has been pretty relaxed, and Channel 12
15 really hasn't had any assignments come on
16 my screen in reference to complaints of
17 parking in reference to that.

18 COUNCILMAN DiCICCO: It's
19 metered parking?

20 MR. WILLIAMS: No. There's
21 non-metered parking there.

22 COUNCILMAN DiCICCO: Thank you.
23 That's helpful.

24 Anyone else? Any questions?

25 (No response.)

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILMAN DiCICCO: Anyone
3 else testifying on this bill?

4 (No response.)

5 COUNCILMAN DiCICCO:
6 Mr. Resnick, would you please come back
7 up.

8 INSPECTOR LIPPO: Councilman,
9 real quick, do you need the dispatchers
10 to testify who were hit by the vehicles?

11 COUNCILMAN DiCICCO: No.

12 INSPECTOR LIPPO: Okay. Thanks
13 for your time, everyone.

14 (Witness approached witness
15 table.)

16 COUNCILMAN DiCICCO:
17 Mr. Resnick, you may have heard that I
18 said I'm going to ask that this bill be
19 held. I need to know that at least your
20 folks will engage with the FOP and the
21 Police to continue to talk about some
22 potential compromises here if we can.

23 MR. RESNICK: Of course. We'll
24 take a look at the --

25 COUNCILMAN DiCICCO: Would you

1 12/8/09 - STREETS - BILL 090746, etc.

2 please state your name for the record.

3 MR. RESNICK: There was a list
4 of parking spots that were submitted, and
5 we had traffic engineers take a look at
6 them, and they did whatever study they do
7 to determine that it's okay to
8 re-designate it. If the officers, the
9 Inspector, the Captain have more lists of
10 streets that we'd look at, we'll take a
11 look at them.

12 COUNCILMAN DiCICCO: That's
13 what I'm asking, that you all get
14 together and see if we can find some
15 other areas.

16 MR. RESNICK: Not a problem.

17 COUNCILMAN DiCICCO: Okay.

18 Thank you. Thank you, all.

19 Mr. Abernathy, the title of the
20 next bill, please.

21 THE CLERK: Bill No. 090827, an
22 ordinance amending Section 9-605 of The
23 Philadelphia Code, entitled "Towing," to
24 provide a private right of action for
25 persons aggrieved by certain violations

1 12/8/09 - STREETS - BILL 090746, etc.
2 of that Section, including, but not
3 limited to, the provisions establishing
4 maximum charges for towing services, all
5 under certain terms and conditions.

6 Otis Haigler is testifying on
7 behalf of the Administration.

8 (Witness approached witness
9 table.)

10 COUNCILMAN DiCICCO: Good
11 afternoon again, Mr. Haigler.

12 MR. HAIGLER: Good afternoon,
13 Chairman DiCicco and members of the
14 Committee. I'll be very brief.

15 COUNCILMAN DiCICCO: Thank you.

16 MR. HAIGLER: I am Otis
17 Haigler, Jr., Director of Legislative
18 Affairs for the Department of Licenses
19 and Inspections. Today, I am here to
20 provide testimony on Bill 090827, which,
21 if enacted, will amend Section 9-605 of
22 The Philadelphia Code related to towing
23 in order to provide that individuals may
24 file a private right of action lawsuit in
25 order to recover damages from towing

1 12/8/09 - STREETS - BILL 090746, etc.
2 operators that overcharge to tow vehicles
3 in violation of this Section.

4 The Department offers no
5 objections to the enactment of this bill.

6 Thank you.

7 COUNCILMAN DiCICCO: Thank you.

8 Any questions for Mr. Haigler?

9 (No response.)

10 MR. HAIGLER: Oh, I'm sorry.

11 COUNCILMAN DiCICCO: Is there
12 an amendment?

13 MR. HAIGLER: There is an
14 amendment that was recommended by the Law
15 Department, and we have a copy of that
16 amendment and we would like to offer it
17 for the record.

18 COUNCILMAN DiCICCO: Thank you.

19 Any questions for Mr. Haigler?

20 Councilman Green.

21 COUNCILMAN GREEN: What court
22 will this be brought in?

23 MR. HAIGLER: That's a good
24 question.

25 COUNCILMAN DiCICCO: What was

1 12/8/09 - STREETS - BILL 090746, etc.

2 the question? What court?

3 COUNCILMAN GREEN: Yeah. I
4 just wanted to make sure it would be
5 brought in Municipal Court.

6 MR. HAIGLER: I really do not
7 know.

8 COUNCILMAN GREEN: I would
9 think it would be in their jurisdiction
10 because it's an amount under \$10,000.

11 MR. HAIGLER: Yes. Yes. Under
12 \$10,000 is Municipal Court, generally.
13 We had an attorney here a few minutes
14 ago. I think he might have left from the
15 Law Department on that other issue.

16 COUNCILMAN GREEN: The only
17 reason I ask is because I'd hate to
18 burden -- to create a private right of
19 action, it would cause 12 jurors to have
20 to appear for that sort of thing. So
21 we'll -- I'm sure it's fine. We'll
22 answer that after we pass it out of
23 committee.

24 MR. HAIGLER: Sure.

25 COUNCILMAN DiCICCO: If you get

1 12/8/09 - STREETS - BILL 090746, etc.
2 any information, just supply it to the
3 Chair, please, related to that question.

4 MR. HAIGLER: Do I have any
5 information?

6 COUNCILMAN DiCICCO: No. If
7 you get --

8 MR. HAIGLER: Oh, sure.

9 COUNCILMAN DiCICCO: If you
10 find out, just let us know. Thank you.

11 Any other questions?

12 (No response.)

13 COUNCILMAN DiCICCO: Any other
14 witnesses on this bill?

15 (No response.)

16 COUNCILMAN DiCICCO: Seeing
17 none, Mr. Abernathy, the title of the
18 next bill.

19 CHIEF CLERK: I'm sorry.
20 Mr. Al Albright is also here to testify.

21 (Witness approached witness
22 table.)

23 COUNCILMAN DiCICCO: I'm sorry.
24 Good afternoon, Mr. Albright.

25 MR. ALBRIGHT: Good afternoon,

1 12/8/09 - STREETS - BILL 090746, etc.

2 Councilmembers.

3 COUNCILMAN DiCICCO: I'm going
4 to ask you to identify yourself for the
5 record. We do have copies of your
6 testimony. It appears to be several
7 pages.

8 MR. ALBRIGHT: Yes. You should
9 have two pages.

10 COUNCILMAN DiCICCO: Not
11 minimizing your concern, if you could
12 possibly summarize it, that would be
13 helpful, since we do have copies.

14 MR. ALBRIGHT: Yes. Basically
15 I just -- if you already have the
16 information, that's my main concern. I
17 think everyone sees what happened here in
18 this situation.

19 I'd also like everyone to know
20 that this -- I am not the only one this
21 has happened to. I found multiple people
22 through the Internet, through
23 information. And not that they have come
24 forward, but it's amazing the numerous
25 amounts of people that have been wronged

1 12/8/09 - STREETS - BILL 090746, etc.

2 by this industry. And it's not only in
3 the City of Philadelphia, it's pretty
4 much throughout the nation, primarily in
5 the larger cities.

6 Something needs to be done
7 about it. I think you guys are covering
8 everything it looks like to me from a
9 city level, and I'm not sure that there's
10 much more you can do, unless someone will
11 cause damages in excess of \$10,000. So I
12 don't know if that would be open. I
13 heard the question about the courts. If
14 someone did get their vehicle damaged by
15 a towing operator or somebody was killed
16 or injured as a result, I would think
17 that would be open to that. And pretty
18 much I think everything here states what
19 it is.

20 I also had sent everything to
21 Alan Butkovitz's office, the Mayor's
22 Office, and it was pretty much a
23 run-around, you can see by my story here.
24 This story has been lightened up. These
25 gentlemen at these towing companies, from

1 12/8/09 - STREETS - BILL 090746, etc.
2 what I gather from everyone's stories,
3 they're all very similar. There's quite
4 a bit of criminal behavior involved as
5 well that has not been dealt with, but I
6 guess that's not something we would speak
7 about here today. But the criminal
8 behavior has got to stop. It's happening
9 in broad daylight, people breaking into
10 cars with Slim Jims without the
11 authorization of the owners. It seems to
12 me that that should be dealt with.

13 COUNCILMAN DiCICCO: Excuse me.
14 Are you saying that people who are
15 breaking into cars are associated with
16 the towing companies?

17 MR. ALBRIGHT: That is correct,
18 sir. Yes. The towing companies are
19 actually opening some cars occasionally
20 with Slim Jims. They're about two feet
21 long, orange in color. And I've seen it
22 with my own eyes, because I've been
23 watching these people when I come to
24 Philadelphia.

25 In addition to that, L&I --

1 12/8/09 - STREETS - BILL 090746, etc.
2 just one thing I wanted to mention -- I
3 finally got a hold of someone who, I
4 guess, can do things about something, but
5 it seems to me this industry -- and I
6 don't know if this bill is going to cover
7 this. Somebody was -- their license was
8 revoked. I do not have their name right
9 here in front of me. This company opened
10 up, I guess, under the Department of
11 State as another entity, totally
12 operated -- and Alan Butkovitz's office
13 put a report out about this -- under a
14 different name, called into the police
15 under a different name, operating --
16 they're the same company, just changing
17 the officers. It seems to me that
18 there's something that can be done about
19 that, because they're able to operate the
20 whole time while they were going through
21 the court system, city level, state
22 level, and from what I understand, that
23 they won, the towing company, on the
24 federal level. It doesn't make sense to
25 me, when someone is totally against the

1 12/8/09 - STREETS - BILL 090746, etc.
2 wall, they have everything against them,
3 and somehow they get free of charges.

4 COUNCILMAN DiCICCO: If you
5 would supply the Chair, my office, with
6 that information.

7 MR. ALBRIGHT: I have quite a
8 bit of information I can supply you.

9 COUNCILMAN DiCICCO: That would
10 be helpful.

11 MR. ALBRIGHT: I can supply to
12 all the agencies or the City offices.

13 COUNCILMAN DiCICCO: That would
14 be helpful.

15 MR. ALBRIGHT: It still didn't
16 get to L&I today. I found that out
17 today. I talked to two people at L&I,
18 and I've been trying to get through to
19 Fran Burns, with no luck. Just like
20 getting to anyone who is on the top level
21 is very difficult to do in the
22 Philadelphia City government. And the
23 assistants are somewhat helpful.

24 However, one of them did tell me today
25 that they can't speak to me anymore for

1 12/8/09 - STREETS - BILL 090746, etc.
2 legal reasons, and they don't work for
3 me, they don't have to answer my
4 questions. And I find that a little bit
5 unbelievable for a City employee, that
6 they don't have to answer my questions,
7 they don't have to answer to me. Well,
8 I'm a citizen of this Commonwealth and I
9 think I deserve answers. But that's what
10 I was told.

11 Also, along the way, my police
12 report from District 12 is MIA, and I'm
13 going to forward that to you, too.
14 District 12, I went there myself because
15 after a two-day shuffle in finding out
16 that my claims that I made against the
17 towing company were unfounded, District
18 12 lost my police report somehow. I find
19 that highly irregular, according to one
20 of the sergeants in the City of
21 Philadelphia Police. Highly irregular is
22 the word he used.

23 And in addition, the L&I
24 reports, basically you get a ticket
25 number from L&I and this is supposed to

1 12/8/09 - STREETS - BILL 090746, etc.
2 be them going out there and you make a
3 claim that this is going on. Everybody
4 knows in the City what's going on that's
5 anybody. It's all in Alan Butkovitz's
6 report, but yet nothing is done about it.
7 These people are still operating today.
8 They're still accepting cash today.
9 There were 36 signs on my way down here
10 to Philadelphia today that when I went
11 down December 2nd are still the same.
12 All 36 signs on Broad Street from
13 Cheltenham to Cecil B. Moore are all not
14 right. Nothing has been done. So the
15 teeth that L&I is supposed to have must
16 be false teeth, because nothing is
17 happening.

18 COUNCILMAN DiCICCO: What signs
19 are you referring to?

20 MR. ALBRIGHT: Alan Butkovitz's
21 report stated about all the signage, the
22 legality of the signage.

23 COUNCILMAN DiCICCO: The tow
24 signage?

25 MR. ALBRIGHT: Yeah. The size

1 12/8/09 - STREETS - BILL 090746, etc.
2 of the signs, the overcharging amounts
3 that are on the signs, improper
4 information. Thirty-six out of 36, from
5 Cheltenham Avenue to Cecil B. Moore, were
6 not corrected yet. And it's been since
7 Alan Butkovitz put together a report
8 2008. It's approximately a year and a
9 half. Let's call it more than a year.
10 And now it's finally coming to the
11 surface November 10th.

12 The company that towed my car,
13 according to L&I -- I'm getting mixed --
14 there's mixed information about this.
15 L&I, one day they have one automobile
16 license. I ask the question about don't
17 they need one for every tow truck,
18 because that's what the law states,
19 according to my judge lawyer friend. Two
20 days later, mysteriously they have a
21 whole bunch of automobile licenses in the
22 City of Philadelphia backdated 2005.
23 Very strange. And I'll supply you with
24 that information.

25 COUNCILMAN DiCICCO: Thank you.

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. ALBRIGHT: In addition, how
3 do you operate in the City without a
4 license? I don't understand how that's
5 done. Because their issue date, the
6 company that towed my daughter's car, was
7 the day after I made a big stink at their
8 facility, because they thought I was an
9 NBC reporter.

10 COUNCILMAN DiCICCO: Their
11 issue date on the reissuance of the
12 license?

13 MR. ALBRIGHT: It's a lifetime
14 license, from what I gather. However,
15 the issue date is 10/28/2009. I'd love
16 to have an answer for that, because no
17 one will answer my questions, but I would
18 love to hear the answers. If I could
19 forward that to you, I would love to get
20 your business card.

21 COUNCILMAN DiCICCO: Forward
22 all your information and questions.
23 We'll do our best to respond.

24 MR. ALBRIGHT: Right. I
25 appreciate your time. Thank you very

1 12/8/09 - STREETS - BILL 090746, etc.

2 much.

3 COUNCILMAN DiCICCO: Thank you.

4 Thank you for coming down.

5 Any questions for this witness?

6 (No response.)

7 COUNCILMAN DiCICCO: Seeing

8 none, anyone else to testify on this

9 bill?

10 (No response.)

11 COUNCILMAN DiCICCO: Mr.

12 Abernathy, the title of the next bill.

13 THE CLERK: Bill No. 090742, an

14 ordinance authorizing the installation of

15 all-way stop signs at the intersection of

16 Eva Street and Summit Avenue; and

17 Bill No. 090745, an ordinance

18 authorizing the installation of all-way

19 stop signs at the intersection of Lare

20 Street and Summit Avenue.

21 (Witness approached witness

22 table.)

23 COUNCILMAN GREENLEE: Please

24 state your name for the record and please

25 proceed.

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. DENNY: My name is Charles
3 Denny and I'm here to testify on Bill 742
4 establishing an all-way stop at the
5 intersection of Summit and Eve.

6 The Streets Department objects
7 to this bill. The Pennsylvania Vehicle
8 Code requires PennDOT to develop
9 regulations governing traffic control
10 devices in accordance with the Federal
11 Highway Administration Manual on Uniform
12 Traffic Control Devices. These
13 regulations apply to all public streets
14 and highways in Pennsylvania, and the
15 City Solicitor has ruled that the Streets
16 Department is legally obligated to comply
17 with the Vehicle Code and related PennDOT
18 regulations.

19 Federal and state criteria
20 require that an all-way control be
21 warranted by an engineering study of
22 traffic conditions - police crash
23 records, traffic volumes, speed, sight
24 distance. Our study concluded that the
25 conditions at this location do not

1 12/8/09 - STREETS - BILL 090746, etc.
2 satisfy the federal and state warrants
3 for an all-way stop control.

4 The warrants for an all-way
5 stop control were analyzed, and the
6 following is a description of the
7 analysis with traffic conditions at the
8 intersection of Summit Avenue and Eva.

9 Warrant I relates to locations
10 where a traffic signal is warranted, but
11 for some reason cannot be immediately
12 installed. An all-way stop control can
13 be established temporarily, pending a
14 traffic signal installation. Conditions
15 do not satisfy the state's warrants for a
16 traffic signal here. Therefore, Warrant
17 I is not satisfied.

18 Warrant II relates to crash
19 experiences. Police crash records of
20 five or more crashes within a 12-month
21 period corrected by an all-way stop sign
22 installation satisfy the warrant.

23 According to police crash records, for
24 the period between 2005 and the present,
25 there's only been one correctable crash

1 12/8/09 - STREETS - BILL 090746, etc.
2 at this intersection. Therefore, Warrant
3 II is not satisfied.

4 Warrant III relates to vehicles
5 and pedestrian volumes. It requires that
6 the total vehicle volume on the major
7 street, Eva, average at least 300
8 vehicles per hour for any eight hours of
9 the average day; the combined vehicle and
10 pedestrian volume on the minor street,
11 Summit, average at least 200 vehicles and
12 pedestrians per hour for the same eight
13 hours. The actual count of vehicles and
14 pedestrians entering the intersection
15 from Summit averages 40 vehicles per
16 hour, while no pedestrians were observed
17 crossing. This is 25 percent of the
18 required minimum 200 vehicles per hour
19 for the minor street. Therefore, Warrant
20 III is not satisfied.

21 At the intersection of Summit
22 and Eva, we are not dealing with a
23 borderline situation, but rather one in
24 which prevailing conditions fall far
25 short of the minimum required by the

1 12/8/09 - STREETS - BILL 090746, etc.
2 Federal Highway Manual and the
3 Pennsylvania Vehicle Code for the
4 installation of an all-way control.
5 Furthermore, less than 200 feet south of
6 this intersection, Eva Street is stopped
7 at Evergreen. Therefore, cars heading
8 south are already de-accelerating at
9 Summit. Additionally, adding too many
10 all-way stops over a short distance
11 lowers the effectiveness of these stops.

12 Based on the results of the
13 study, the Streets Department cannot
14 support the installation of an all-way
15 stop at this intersection and, therefore,
16 cannot support this bill.

17 Thank you for the opportunity
18 to appear before you today. I would be
19 happy to answer any questions at this
20 time.

21 COUNCILMAN GREENLEE: Mr.
22 Denny, before we get to the next one, any
23 questions?

24 (No response.)

25 COUNCILMAN GREENLEE:

1 12/8/09 - STREETS - BILL 090746, etc.

2 Apparently not.

3 In the interest of time, rather
4 than reading your whole statement again,
5 which is basically the same on the next
6 bill, maybe you just want to kind of
7 summarize, because I think I know where
8 you're going with this.

9 MR. DENNY: Yes.

10 COUNCILMAN GREENLEE: You don't
11 have to read all the warrants and all.
12 We have it, and this will be made part of
13 the record.

14 Oh, I'm sorry. Excuse me one
15 second.

16 Councilwoman Miller.

17 COUNCILWOMAN MILLER: Can you
18 tell me where Summit Avenue and -- what
19 is that street?

20 COUNCILMAN GREENLEE: Lare.

21 MR. DENNY: Summit and Lare.
22 Summit Street runs from Eva to Ridge and
23 it's just south of Port Royal. Lare is
24 west of Ridge towards the river.

25 COUNCILWOMAN MILLER: Okay.

1 12/8/09 - STREETS - BILL 090746, etc.

2 Thank you.

3 COUNCILMAN GREEN: What
4 neighborhood?

5 MR. DENNY: Roxborough.

6 COUNCILMAN GREENLEE: Okay.

7 Thank you. You can summarize maybe, Mr.
8 Denny, on the other two.

9 MR. DENNY: Bill 090745, an
10 all-way for -- establishing an all-way
11 control at Summit and Lare Street.

12 Based on police crash records,
13 there were no crashes from 2005 to the
14 present. In terms of volumes, there were
15 ten vehicles per hour on Lare Street and
16 no pedestrians observed crossing.
17 Therefore, warrants were not satisfied.

18 The basic conclusion is that
19 the volumes and crash history do not
20 support installing an all-way stop at
21 this location.

22 COUNCILMAN GREENLEE: Okay.

23 Thank you, sir.

24 Any questions for Mr. Denny?

25 (No response.)

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILMAN GREENLEE: Thank
3 you, Mr. Denny.

4 I understand there's a witness
5 for each of these bills, Mr. Abernathy.

6 THE CLERK: Mr. Michael Novak
7 and Mr. Nick DiPiero.

8 (Witness approached witness
9 table.)

10 COUNCILMAN GREENLEE: Mr.
11 Novak.

12 MR. NOVAK: I do have some
13 handouts here.

14 COUNCILMAN GREENLEE: Okay. If
15 you have a statement, it will be made
16 part of the record and maybe you could
17 just sort of summarize. I don't know if
18 that's a statement you're giving up. You
19 don't have to read the whole thing.

20 MR. NOVAK: My name is Michael
21 Novak. I live at the intersection of
22 Summit Avenue and Eva Street. I will
23 summarize this, because I have handed my
24 statement out.

25 COUNCILMAN GREENLEE: Right.

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. NOVAK: My requests go back
3 to 2007, and we received a similar report
4 from Mr. Denny, as a matter of fact.
5 After that, I petitioned Councilman Jones
6 and Josh Cohen to assist me in the
7 matter. They were gracious enough to
8 install -- to have installed a 25 mile an
9 hour speed limit sign on Summit Avenue,
10 but the conditions still exist.

11 I'll fast forward this just to
12 capture a couple points.

13 Eva Street was never intended
14 nor designed to handle the increased
15 vehicular traffic. Vehicles observed
16 traveling at speeds in excess of 50 miles
17 an hour in this stretch between -- in the
18 upper Roxborough reservoir area. Many
19 traffic tickets have been written by
20 police officers who apprehended drivers
21 for failure to stop at a stop sign on Eva
22 Street and Evergreen. Cars not stopping
23 on Eva Street before turning into Summit
24 are doing so at high speeds. Proof of
25 this is a traffic accident resulting in a

1 12/8/09 - STREETS - BILL 090746, etc.
2 loss -- in damage to my personal vehicle
3 parked in front of my house.

4 I think the most telling
5 evidence here would be the graphics that
6 I provided with this attachment, which
7 indicate a narrowing of Eva Street from
8 Evergreen to beyond the Summit Avenue
9 intersection. After the stop sign, Eva
10 Street narrows from 35 feet down to 25
11 feet, then to 20 feet in less than half a
12 block. This funnels traffic heading
13 northwest into the opposite lanes,
14 creating many near misses. This
15 condition is worsened when vehicles are
16 parked on Eva Street. Because Eva Street
17 narrows by 15 feet at Summit, northwest
18 vehicles have been observed hitting the
19 culvert at Summit and Eva at high speeds,
20 becoming airborne for several feet and
21 blowing out tires on the passenger side.

22 COUNCILMAN GREENLEE: Excuse me
23 one second. Eva Street is one way?

24 MR. NOVAK: No. Eva Street is
25 two way.

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILMAN GREENLEE: Okay.

3 Thank you.

4 MR. NOVAK: I understand the
5 subject intersection did not meet federal
6 and state warrants for a stop sign,
7 according to Traffic Department studies.
8 How then does the intersection of
9 Evergreen and Eva meet the criteria for a
10 stop sign, Eva being only one short block
11 away from Summit? The same vehicular
12 traffic flows on Eva through both
13 intersections. The only difference is
14 between intersections is a once private
15 driveway at Evergreen which provides
16 access to a small number of homes in the
17 Shawmont Woods.

18 In conclusion, I ask this
19 committee to consider this petition not
20 on the quantitative criteria and findings
21 of the Traffic Department studies and on
22 the federal and state warrants referenced
23 above, but on the improved safety of
24 motorists, pedestrians, parents and
25 children of the daycare center and

1 12/8/09 - STREETS - BILL 090746, etc.
2 members of the local religious
3 congregation on Eva Street. A copy of
4 the supportive e-mail from Pastor George
5 Cunard of The Worship Center attached.

6 And for the sake of time -- and
7 I know that's important right now -- I
8 won't discuss the carnage that besets the
9 local toad population during the annual
10 toad migration across Eva Street each
11 fall, which causes the street to be
12 closed to traffic by the Streets
13 Department. And that was a joke.

14 Thank you for the --

15 COUNCILMAN GREENLEE: I was
16 hoping so.

17 MR. NOVAK: Thank you for the
18 opportunity to present this petition.

19 COUNCILMAN GREENLEE: Thank
20 you, Mr. Novak.

21 Any questions for Mr. Novak?

22 (No response.)

23 COUNCILMAN GREENLEE: Seeing
24 none, thank you very much for coming
25 down. Sorry for the long delay there.

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. NOVAK: That's okay. Thank
3 you.

4 COUNCILMAN GREENLEE: Anyone
5 else to testify on these two bills?

6 (No response.)

7 COUNCILMAN GREENLEE: Seeing
8 none, Mr. Abernathy.

9 THE CLERK: Bill No. 090811, an
10 ordinance authorizing the Korean
11 Community Development Services Center to
12 construct, own and maintain three benches
13 near the northeast corner of West Tabor
14 Road and North 5th Street, and near the
15 southwest and northeast corners of West
16 Olney Avenue and North 5th Street, all
17 under certain terms and conditions.

18 (Witness approached witness
19 table.)

20 COUNCILMAN GREENLEE: Good
21 afternoon, Mr. Black. If you could
22 identify yourself for the record. It
23 looks like you have a short testimony.

24 MR. BLACK: On this one.

25 Good afternoon, Chairman and

1 12/8/09 - STREETS - BILL 090746, etc.
2 members of the Committee. My name is
3 Robert Black and I'm a construction
4 engineer with the Streets Department. I
5 am here to offer the following testimony
6 for Bill No. 090811.

7 There are a total of three
8 concrete benches that are six-feet long,
9 19 inches wide and 20 inches high. There
10 would be no advertisements on the
11 benches. The first bench is near the
12 northeast corner of North 5th Street and
13 Tabor Avenue, leaving a clear pedestrian
14 passage of 6 feet, 11 inches. The second
15 bench is near the southwest corner of
16 North 5th Street and Olney Avenue,
17 leaving a clear pedestrian passage of 6
18 feet, 10 inches. The third bench is near
19 the northeast corner of North 5th Street
20 and Olney Avenue, leaving a clear
21 pedestrian passage of 8 feet, 2 inches.

22 The Streets Department has
23 reviewed the plans for this project.
24 This bill is supported by the Department
25 of Streets and is recommended to your

1 12/8/09 - STREETS - BILL 090746, etc.
2 committee for favorable action.

3 COUNCILMAN GREENLEE: Thank
4 you. We're glad we're finally agreeing
5 on something here.

6 MR. BLACK: We'll take that.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 Any questions for Mr. Black?

10 (No response.)

11 COUNCILMAN GREENLEE: I
12 understand there's a witness here,
13 Mr. Abernathy.

14 THE CLERK: Mr. Paul
15 Aylesworth.

16 (Witness approached witness
17 table.)

18 COUNCILMAN GREENLEE: Good
19 afternoon, sir. Please identify yourself
20 for the record and proceed.

21 MR. AYLESWORTH: Paul
22 Aylesworth of the Korean Community
23 Development Services Center. I manage
24 the North 5th Street revitalization
25 project. I'll keep my comments brief.

1 12/8/09 - STREETS - BILL 090746, etc.

2 I'd like to thank Mr. Black and
3 the Streets Department, as well as
4 Councilwoman Tasco's office for their
5 support of this project. In addition to
6 being benches and great places for people
7 to take a rest while they're waiting for
8 the bus, these benches will include
9 mosaics, which are a partnership between
10 our project and a Mural Arts project and
11 a real benefit to the community.

12 So thank you.

13 COUNCILMAN GREENLEE: Thank you
14 very much.

15 Any questions?

16 (No response.)

17 COUNCILMAN GREENLEE: Thank
18 you, sir. Thank you for coming.

19 Anybody else to testify on this
20 bill?

21 (No response.)

22 COUNCILMAN GREENLEE: Seeing
23 none, Mr. Abernathy.

24 THE CLERK: Bill No. 090848, an
25 ordinance authorizing the installation of

1 12/8/09 - STREETS - BILL 090746, etc.
2 all-way stop signs at the intersection of
3 Lawndale Street and Bleigh Avenue.

4 (Witness approached witness
5 table.)

6 MR. DENNY: Good afternoon.
7 Charles Denny.

8 COUNCILMAN GREENLEE: Good
9 afternoon.

10 MR. DENNY: Would you like me
11 to abbreviate this bill, too?

12 COUNCILMAN GREENLEE: Please
13 proceed. Again, if you have testimony,
14 you can just summarize it. Thank you.

15 MR. DENNY: The police crash
16 records of -- all right. According to
17 police crash records from January to
18 November of 2009, there have been no
19 crashes that were remedial at this
20 intersection.

21 The intersection is a mid-block
22 location on the 1100 of Bleigh. Bleigh
23 is a non-stop street here. It has an
24 all-way stop at Bingham 200 feet to the
25 west of Bleigh Avenue, and it also has an

1 12/8/09 - STREETS - BILL 090746, etc.
2 all-way stop control at the intersection
3 of Bleigh and Tabor, which is 200 feet to
4 the east. Adding too many stop signs
5 over a short distance lowers the
6 effectiveness of stops.

7 COUNCILMAN GREENLEE: Okay.

8 MR. DENNY: Therefore, the
9 Department is not willing to --

10 COUNCILMAN GREENLEE: Not
11 supportive. Thank you. Thank you. And
12 obviously that testimony will be made
13 part of the record.

14 Mr. Lopez, when you were here,
15 I thought you were just checking to make
16 sure we're doing our job right. You're
17 actually here to --

18 MR. LOPEZ: You're doing a
19 wonderful job.

20 MR. FINESTONE: I'm going to
21 hand up copies of Mr. Lopez's testimony.

22 COUNCILMAN GREENLEE:
23 Mr. Lopez, that will be made part of the
24 record, so you don't necessarily have to
25 read the whole testimony.

1 12/8/09 - STREETS - BILL 090746, etc.

2 MR. LOPEZ: Okay. I did want
3 to point out that I understand from
4 Traffic Engineering that there are
5 mitigating circumstances. There is an
6 elementary school one half block from
7 this intersection. We are one block
8 north of Cottman Avenue, and frequently
9 this street, Bleigh, the cross street, is
10 used as a throughway for people trying to
11 avoid the intersection of Cottman and
12 Rising Sun. Traffic is dense. It's
13 fast. The fact that there have been no
14 reported accidents, according to police
15 records, is because frequently in the
16 Second Police District it is very
17 difficult to get a police officer to take
18 a traffic accident. They're very, very
19 busy in that district. So folks have
20 been instructed by Police Radio to just
21 exchange information and go on about
22 their business, reporting it to their
23 insurance companies.

24 We understand that too many
25 signs minimize the impact of the signage.

1 12/8/09 - STREETS - BILL 090746, etc.

2 We think because of the proximity to
3 Kennedy Crossan Elementary School, that
4 this intersection warrants intervention
5 on behalf of this most esteemed panel,
6 and we respectfully submit over 50
7 signatures, plus four letters. The
8 letters that I provided to you today are
9 from Debbie Price, resident of 7300 block
10 of Lawndale Street; Jennifer Matthews;
11 Tim and Marie Hartman; Steve and Nicole
12 Orehowsky; myself. I'm also the
13 Democratic Committee Person for the area.
14 Earlier today the Republican Committee
15 Person for the area did check in, but had
16 to go back across the street to work.
17 Mike Cosgrove, for the record.

18 We are in agreement. This is
19 not a partisan issue. It's a public
20 safety issue, and I have spoke to
21 hundreds and hundreds of area residents,
22 all who are in agreement that we could
23 really use some relief at this
24 intersection.

25 COUNCILMAN GREENLEE: Thank

1 12/8/09 - STREETS - BILL 090746, etc.

2 you. And the petition has how many
3 signatures on it?

4 MR. LOPEZ: Over 50, and we've
5 provided four letters of support in
6 response to this ordinance as well.

7 COUNCILMAN GREENLEE: And
8 they'll all be made part of the record,
9 obviously.

10 Just one thing you said that
11 kind of got me. I understand that the
12 police can't come out there on
13 everything. They might have other things
14 they have to do. But they don't provide
15 a way you can provide a report later?
16 They just basically don't take any record
17 of it?

18 MR. LOPEZ: I have called
19 myself from cell phones. I'm about
20 three-quarters of a block from this
21 intersection, and I have called the
22 police on my cell phone to report
23 accidents at the intersection and was
24 told that the folks -- because of the
25 back-up in the Second Police District, as

1 12/8/09 - STREETS - BILL 090746, etc.
2 one of the busier in the City at this
3 point, that it may be advantageous, if
4 there are no injuries -- and this was
5 directed to me personally over the
6 phone -- if there are no injuries, just
7 to exchange information and it can go to
8 their area police district and make a
9 report in that fashion.

10 COUNCILMAN GREENLEE: Go to the
11 area police district, you said?

12 MR. LOPEZ: Yes. Go to the
13 local police district and they can file a
14 report at the police district.

15 COUNCILMAN GREENLEE: So they
16 can still file a report?

17 MR. LOPEZ: They can still file
18 a report.

19 COUNCILMAN GREENLEE: From what
20 you first said, I thought you said just
21 go to the insurance company.

22 MR. LOPEZ: No. What was
23 expressed to us is that it would be
24 several hours for a call such as that
25 where there are no injuries, it could be

1 12/8/09 - STREETS - BILL 090746, etc.
2 several hours before they could get
3 somebody out on the scene.

4 COUNCILMAN GREENLEE: But they
5 can go later, and they should be part of
6 the record eventually.

7 MR. LOPEZ: That's correct.

8 COUNCILMAN GREENLEE: Okay.

9 Mr. Finestone, do you want to
10 say something?

11 MR. FINESTONE: Yes. We'd ask
12 for a suspension --

13 COUNCILMAN GREENLEE: Wait a
14 minute. You know how this works. You
15 have to identify yourself.

16 MR. FINESTONE: Aaron Finestone
17 from Councilman O'Neill's office.

18 We would ask for a suspension
19 of the rules. Thank you.

20 COUNCILMAN GREENLEE: Thank
21 you.

22 MR. LOPEZ: Thanks very much
23 for your time.

24 COUNCILMAN GREENLEE: Any
25 questions, comments?

1 12/8/09 - STREETS - BILL 090746, etc.

2 (No response.)

3 COUNCILMAN GREENLEE: Okay.

4 Thank you very much, both.

5 Mr. Abernathy.

6 THE CLERK: Bill No. 090749, an
7 ordinance amending Section 11-301 of The
8 Philadelphia Code, entitled "Street
9 Improvements," to revise the method by
10 which the Board of Surveyors may approve
11 supplemental plans relocating the
12 curblines and changing the roadway widths
13 of streets.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN GREENLEE: Good
17 afternoon, Mr. Erickson and Mr. Morelli
18 again. Who would like to go first?

19 MR. MORELLI: I'll begin.

20 Good afternoon, Chairman and
21 members of the Committee. My name is
22 Frank Morelli, Survey Bureau Manager for
23 the Department of Streets, and the
24 Department would like to offer the
25 following testimony on Bill No. 090749.

1 12/8/09 - STREETS - BILL 090746, etc.

2 This is an administrative
3 ordinance requested by David J. Perri,
4 Chief Engineer for the Streets
5 Department.

6 The purpose of this ordinance
7 is to amend Section 11-301 of The
8 Philadelphia Code, entitled "Street
9 Improvements," to revise the method by
10 which the Board of Surveyors may approve
11 supplemental plans relocating the
12 curblines and changing the roadway widths
13 of streets. This section of the Code
14 allows such changes, commonly known as
15 bump-outs and lay-bys, to be shown on the
16 City Plan without going through the full
17 City Plan action process to confirm to a
18 revision of lines and grades and provide
19 a means by which the City maintains an
20 official record of the location and
21 extent of such bump-outs and lay-bys.
22 Curblineline changes made under this Section
23 must be for distance of less than an
24 entire block and may not affect the
25 abutting house lines. The new language

1 12/8/09 - STREETS - BILL 090746, etc.
2 to be established by this ordinance will
3 spell out the purposes for which such
4 changes in curblane locations and roadway
5 widths may be made, those purposes being
6 to facilitate traffic or pedestrian
7 movement or to improve storm water
8 management. This Code amendment will
9 also provide that in instances where such
10 requests by private parties, the
11 party-in-interest shall be required to
12 file an agreement, under the terms of
13 which the party-in-interest shall be
14 responsible for maintaining the roadway
15 and sidewalk paving within the affected
16 area at his or her sole cost and expense
17 and shall indemnify the City from and
18 against all damage or claims of damage
19 which may arise as a result of the
20 requested action.

21 This ordinance is supported by
22 the Department of Streets and is
23 recommended to your committee for
24 favorable action.

25 COUNCILMAN GREENLEE: Thank

1 12/8/09 - STREETS - BILL 090746, etc.

2 you.

3 Mr. Erickson.

4 MR. ERICKSON: Good afternoon,
5 Chairman and members of the Streets and
6 Services Committee. I am William
7 Erickson, a City Planner with the
8 Development Planning Division of the
9 Philadelphia Planning Commission. I am
10 here to testify on Bill No. 090749, which
11 Councilman DiCicco introduced into City
12 Council on October 22nd, 2009.

13 This bill will amend Section
14 11-301 of The Philadelphia Code, entitled
15 "Street Improvements," to revise the
16 method by which the Board of Surveyors
17 may approve supplemental plans relocating
18 the curblines and changing the roadway
19 widths of streets.

20 The Philadelphia City Planning
21 Commission reviewed Bill No. 090749 at
22 its meeting on November 17th, 2009.
23 After discussion with the Streets
24 Department, the Board of Surveyors will
25 adopt a regulation which will require a

1 12/8/09 - STREETS - BILL 090746, etc.
2 written affirmation from the Executive
3 Director of the Philadelphia Planning
4 Commission prior to approval of any
5 supplemental plan. Accordingly, we
6 recommend that Bill No. 090749 be
7 approved.

8 This concludes my testimony. I
9 appreciate the opportunity to appear
10 before you.

11 COUNCILMAN GREENLEE: Thank
12 you, sir.

13 Any questions or comments?
14 (No response.)

15 COUNCILMAN GREENLEE: Seeing
16 none, thank you very much.

17 Anybody else here to testify?
18 (No response.)

19 COUNCILMAN GREENLEE: Seeing
20 none, Mr. Abernathy, I think we have
21 three bills to call at one time.

22 THE CLERK: Bill No. 090812, an
23 ordinance amending Section 9-203 of The
24 Philadelphia Code, entitled "Street
25 Vendors," by permitting street vending on

1 12/8/09 - STREETS - BILL 090746, etc.
2 designated streets and making certain
3 technical changes, all under certain
4 terms and conditions; and

5 Bill No. 090832, an ordinance
6 authorizing John Byrne, owner of
7 Pasiano's, 7100 Tulip Street,
8 Philadelphia, to legalize the
9 construction, operation and maintenance
10 of an existing enclosed set of stairs
11 located on the Princeton Avenue side of
12 that property, under certain terms and
13 conditions; and

14 Bill No. 090713, an ordinance
15 granting permission to Bharat Patel,
16 owner of the newsstand at the southwest
17 corner of Broad Street and Arch Street,
18 to construct, use and maintain an
19 electrical conduit with an electrical
20 service line and a telecommunications
21 conduit with a telephone service line in
22 and under the public rights-of-way for
23 the purpose of supplying electrical
24 service and telephone service to the
25 newsstand, under certain terms and

1 12/8/09 - STREETS - BILL 090746, etc.
2 conditions.

3 COUNCILMAN GREENLEE: The first
4 bill, I have Mr. Haigler. I understand
5 we got an amendment on that. We have it
6 here. I don't know if you have it.
7 Would you just like to make a brief
8 comment on the amendment or on the
9 matter.

10 MR. HAIGLER: I can't speak to
11 the -- I'm sorry. I'm Otis Haigler, Jr.,
12 Director of Legislative Affairs for the
13 Department of Licenses and Inspections.

14 I can't speak as to the
15 amendment because I haven't seen it, but
16 as far as the bill itself, the Department
17 offers no objection to the enactment of
18 812.

19 COUNCILMAN GREENLEE: Thank
20 you.

21 Any questions?

22 (No response.)

23 COUNCILMAN GREENLEE: Thank you
24 very much.

25 Mr. Black, on the next two

1 12/8/09 - STREETS - BILL 090746, etc.
2 bills, 832 and 713. Again, I understand
3 there's an amendment. Do you have any
4 addition or comment on either the bill or
5 the amendment?

6 MR. BLACK: Good afternoon,
7 Chairman and members of the Committee.
8 My name is Robert Black. I'm here to
9 provide testimony for 090713.

10 For the record, I am aware of
11 the technical amendment to this bill that
12 was presented to the Committee directly
13 by William Carter. The Streets
14 Department has reviewed the construction
15 plans for this project and has no
16 objections to the passage of the bill.

17 COUNCILMAN GREENLEE: Okay.
18 Thank you very much.

19 Any questions?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, on the other bill, Mr. Black.

23 MR. BLACK: Good afternoon. My
24 name is Robert Black. I'm a construction
25 engineer here to offer the following

1 12/8/09 - STREETS - BILL 090746, etc.

2 testimony for 090832.

3 For the record, at this time I
4 offer up a proposed amendment. The
5 Streets Department has reviewed the
6 existing plans for this project. This
7 amended bill is supported by the
8 Department of Streets and is recommended
9 to your committee for favorable action.

10 COUNCILMAN GREENLEE: Thank you
11 very much.

12 Any questions?

13 (No response.)

14 COUNCILMAN GREENLEE: Seeing
15 none, thank you, Mr. Black.

16 THE CLERK: Bill No. 090741, an
17 ordinance authorizing the revision of
18 lines and grades on a portion of City
19 Plan No. 296, in the area laying
20 northwest of Shawmont Avenue and
21 southwest of Eva Street, by striking from
22 the City Plan and abandoning a portion of
23 a right-of-way for sewers and placing on
24 the City Plan, in an alternate location
25 within the same area, a right-of-way for

1 12/8/09 - STREETS - BILL 090746, etc.
2 drainage purposes and water main purposes
3 and authorizing acceptance of the grant
4 to the City of the said right-of-way
5 being placed, under certain terms and
6 conditions; and

7 Bill No. 090743, an ordinance
8 establishing a no parking regulation on
9 the 5000 block of Nevada Street, on the
10 southern side; and

11 Bill No. 090747, an ordinance
12 amending Section 9-213 of The
13 Philadelphia Code, entitled "Farmers'
14 Markets," by adding as a permissible
15 location the west side of North 12th
16 Street from Cuthbert Street to Arch
17 Street, all under certain terms and
18 conditions; and

19 Bill No. 090748, an ordinance
20 amending Section 9-204 of The
21 Philadelphia Code, entitled "Sidewalk
22 Vendors in Center City," by eliminating
23 previously designated vendor locations on
24 the east side of 5th Street, from Market
25 Street to Ludlow Street and from Ranstead

1 12/8/09 - STREETS - BILL 090746, etc.

2 Street to Chestnut Street; by adding to
3 the list of locations that shall be
4 designated for vending both sides of 5th
5 Street, from Market Street to Ludlow
6 Street, and Market Street, from Fourth
7 Street to Fifth Street; and by

8 designating additional vendor locations
9 on the east side of 5th Street, between
10 Ranstead Street and Chestnut Street; and

11 Bill No. 090775, an ordinance
12 authorizing the Philadelphia Housing
13 Authority to construct, own and maintain
14 a handicap ramp and stairs at 2201 to
15 2207 West Venango Street, Philadelphia,
16 under certain terms and conditions; and

17 Bill No. 090779, an ordinance
18 establishing a no truck parking
19 regulation on Lancaster Avenue, between
20 North 61st Street and North 62nd Street,
21 south side; and

22 Bill No. 090781, an ordinance
23 authorizing New Kensington Community
24 Development Corporation to construct, own
25 and maintain two bus shelters, twelve

1 12/8/09 - STREETS - BILL 090746, etc.
2 decorative signs, eleven four-foot
3 benches, eight six-foot benches, and
4 thirty-four trash receptacles on the east
5 and west footway of Frankford Avenue,
6 from East Columbia Avenue to York Street,
7 all under certain terms and conditions;
8 and

9 Bill No. 090848, an ordinance
10 authorizing the installation of all-way
11 stop signs at the intersection of
12 Lawndale --

13 COUNCILMAN GREENLEE: We did
14 that one.

15 THE CLERK: Oh, I apologize.
16 Thank you, Councilman. I got on a roll.

17 COUNCILMAN GREENLEE: I
18 understand. Thank you, Mr. Abernathy.

19 For the record, on all these
20 bills, there has been testimony submitted
21 by the Administration. Unless any of you
22 gentlemen would like to add anything --

23 MR. MORELLI: No.

24 COUNCILMAN GREENLEE: -- we'll
25 just submit that as part of the record,

1 12/8/09 - STREETS - BILL 090746, etc.
2 unless you just want to make this hearing
3 go even longer.

4 Is there any questions or
5 comments by members of the Committee?

6 (No response.)

7 COUNCILMAN GREENLEE: Seeing
8 none, that concludes our hearing of the
9 Streets and Services Committee, and the
10 meeting will commence in just --

11 COUNCILMAN GREEN: Councilman.

12 COUNCILMAN GREENLEE: Yes.
13 Councilman Green.

14 COUNCILMAN GREEN: I would like
15 to hear testimony on just one bill, and
16 that's 090747.

17 COUNCILMAN GREENLEE: The
18 farmers market, okay.

19 Mr. Haigler.

20 MR. HAIGLER: Good afternoon,
21 Chairman Greenlee and members of the
22 Committee. I'm Otis Haigler, Jr.,
23 Director of Legislative Affairs for the
24 Department of Licenses and Inspections.
25 I'm here to provide testimony on Bill

1 12/8/09 - STREETS - BILL 090746, etc.
2 090747, which, if enacted, will amend
3 Section 9-213, entitled "Farmers'
4 Markets," to add the west side of North
5 12th Street from Cuthbert to Arch Street
6 to the list of permissible locations
7 where such activity may be conducted.

8 The Department of Licenses and
9 Inspections offers no objections to the
10 enactment of this bill.

11 COUNCILMAN GREEN: Thank you.
12 So the west side is, I think -- I guess
13 the west side would be the side
14 Maggiano's is on, which is where a major
15 parking center is for the Convention
16 Center.

17 MR. HAIGLER: I believe so,
18 yes.

19 COUNCILMAN GREEN: I think that
20 sidewalk is about eight feet.

21 MR. HAIGLER: I believe roughly
22 about eight feet.

23 COUNCILMAN GREEN: So how much
24 space do we require to be open to have a
25 farmers market? I mean, how much -- if

1 12/8/09 - STREETS - BILL 090746, etc.
2 we authorize this legislation, how much
3 space will they be able to take of the
4 sidewalk?

5 MR. HAIGLER: Based on other
6 requirements for other activity that's
7 done on the sidewalk; in particular,
8 sidewalk cafes, based on that knowledge I
9 have of that, we generally allow five
10 feet of openable sidewalk space after you
11 place your structures. That's from the
12 market itself to any other structures on
13 the sidewalk.

14 COUNCILMAN GREEN: Are you
15 aware that this is a property that is
16 likely eventually to be developed as a
17 hotel and we are allowing somebody
18 literally across the street to cross the
19 street and in a public street have a
20 farmers market in front of a potentially
21 major development site?

22 MR. HAIGLER: I wasn't aware.
23 I'm not aware of the particulars related
24 to the area.

25 COUNCILMAN GREEN: But, I mean,

1 12/8/09 - STREETS - BILL 090746, etc.
2 if we pass this, are there any
3 restrictions you're aware of on how much
4 of the sidewalk that they would be able
5 to take up?

6 MR. HAIGLER: They would have
7 to allow whatever the minimum allowable
8 clear openable sidewalk --

9 COUNCILMAN GREEN: Is there a
10 law to that effect? That's my question.

11 MR. HAIGLER: Generally, the
12 general principle is that --

13 COUNCILMAN GREEN: But you
14 can't point me to a law that says that?

15 MR. HAIGLER: I can't, because
16 that's not usually in my area. That's in
17 the Streets Department's area to
18 determine the required public
19 right-of-way -- the space that you need
20 for pedestrian right-of-way in the public
21 right-of-way.

22 COUNCILMAN GREEN: Okay. I
23 mean, for the record, I have an objection
24 to this bill that is going to block the
25 sidewalk to the Convention Center from a

1 12/8/09 - STREETS - BILL 090746, etc.
2 major parking thoroughfare without -- I
3 just don't know enough about it. I don't
4 know what the law is with respect to
5 that, and I would respectfully ask my
6 colleagues to just hold this one bill
7 while we get the information on that.
8 I'm not opposed to it, but I'd like to
9 hold it.

10 COUNCILWOMAN SANCHEZ: What
11 bill is that?

12 COUNCILMAN GREENLEE: That's
13 Bill No. 090747.

14 And just for the record -- and
15 I guess we're supposed to say this at the
16 meeting -- that bill will be recessed
17 until Thursday, December 10th at 9:15
18 a.m. or thereabouts whenever we deal with
19 those four hearings we're dealing with.

20 MR. HAIGLER: Fine. I'll see
21 if I could get the information as to the
22 requirements for the allowable sidewalk
23 space by that time.

24 COUNCILMAN GREENLEE: All
25 right. So that bill will be held until

1 12/8/09 - STREETS - BILL 090746, etc.

2 Thursday's Streets and Services Committee

3 meeting. Thank you.

4 Any other questions or

5 comments?

6 (No response.)

7 COUNCILMAN GREENLEE: Seeing

8 none, again, that will conclude the

9 hearing of the Committee on Streets and

10 Services, and we're going to go into the

11 public meeting, and the Vice-Chair,

12 Councilwoman Sanchez, will take over,

13 because I'm tired.

14 COUNCILWOMAN SANCHEZ: Now I

15 got to do all the talking?

16 So we have the public hearing.

17 We do have a quorum established.

18 Brian, we do?

19 THE CLERK: Yes.

20 COUNCILWOMAN SANCHEZ: So we

21 will hold Bill 090746, Bill 090838,

22 090839, 090840, 090846, are all being

23 held. We will amend several bills and

24 then move for the passing of the rest.

25 So I'm going to call on Councilman

1 12/8/09 - STREETS - BILL 090746, etc.
2 Greenlee for an amendment on Bill 090827.

3 COUNCILMAN GREENLEE: Thank
4 you, Madam Chair. I move that Bill No.
5 090827, the amendment thereof, be
6 approved.

7 (Duly seconded.)

8 COUNCILWOMAN SANCHEZ: All in
9 favor?

10 (Aye.)

11 COUNCILWOMAN SANCHEZ: Bill
12 090827 is amended.

13 A motion?

14 COUNCILMAN GREENLEE: Thank
15 you, Madam Chair. I move that Bill No.
16 090827, as amended, be reported out of
17 committee with a favorable recommendation
18 and a rules suspension to allow for first
19 reading at our next session of Council.

20 (Duly seconded.)

21 COUNCILWOMAN SANCHEZ: Thank
22 you. All in favor?

23 (Aye.)

24 COUNCILWOMAN SANCHEZ: A motion
25 on Bill 090742, Councilman Greenlee.

1 12/8/09 - STREETS - BILL 090746, etc.

2 (Off-the-record discussion.)

3 We're going to do 090812,
4 090832, 090713, amend and then we will do
5 a consent agenda for the rest of them.

6 The amendments we'll do
7 separately.

8 COUNCILMAN GREENLEE: Thank
9 you, Madam Chair. I move the approval of
10 the amendment to Bill No. 090812.

11 COUNCILWOMAN SANCHEZ: Do I
12 hear a second?

13 (Duly seconded.)

14 COUNCILWOMAN SANCHEZ: All in
15 favor?

16 (Aye.)

17 COUNCILWOMAN SANCHEZ: A motion
18 for Bill 090832, amendment.

19 (Off-the-record discussion.)

20 COUNCILMAN GREENLEE: Thank
21 you, Madam Chair. I move that Bill
22 090812, as amended, be reported out of
23 committee with a favorable recommendation
24 and a rules suspension to allow for first
25 reading at the next session of Council.

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILWOMAN SANCHEZ: Do I

3 hear a second?

4 (Duly seconded.)

5 COUNCILWOMAN SANCHEZ: All in

6 favor?

7 (Aye.)

8 COUNCILWOMAN SANCHEZ:

9 Amendment for Bill 090832.

10 COUNCILMAN GREENLEE: Madam

11 Chair, I move the approval of the

12 amendment to Bill No. 090832.

13 (Duly seconded.)

14 COUNCILWOMAN SANCHEZ: All in

15 favor?

16 (Aye.)

17 COUNCILWOMAN SANCHEZ: It is

18 amended. Can you give me a motion.

19 COUNCILMAN GREENLEE: I move

20 that Bill 090832, as amended, be reported

21 out of committee with a favorable

22 recommendation and the rules of Council

23 be suspended to allow for first reading

24 at the next session of Council.

25 (Duly seconded.)

1 12/8/09 - STREETS - BILL 090746, etc.

2 COUNCILWOMAN SANCHEZ: All in
3 favor?

4 (Aye.)

5 COUNCILWOMAN SANCHEZ: Any
6 oppositions?

7 (No response.)

8 COUNCILWOMAN SANCHEZ: Motion
9 for amendment on 090713.

10 COUNCILMAN GREENLEE: Madam
11 Chair, I move the approval of the
12 amendment to Bill No. 090713.

13 (Duly seconded.)

14 COUNCILWOMAN SANCHEZ: All in
15 favor?

16 (Aye.)

17 COUNCILWOMAN SANCHEZ: Any
18 oppositions?

19 (No response.)

20 COUNCILWOMAN SANCHEZ: That
21 being said --

22 COUNCILMAN GREENLEE: Madam
23 Chair, I move that Bill No. 090713, as
24 amended, be reported out of committee
25 with a favorable recommendation and the

1 12/8/09 - STREETS - BILL 090746, etc.
2 rules of Council be suspended to allow
3 for first reading at the next session of
4 Council.

5 (Duly seconded.)

6 COUNCILWOMAN SANCHEZ: All in
7 favor?

8 (Aye.)

9 COUNCILWOMAN SANCHEZ: Any
10 oppositions?

11 (No response.)

12 COUNCILWOMAN SANCHEZ: The bill
13 is moved and amended.

14 Therefore, I'm going to ask
15 Councilman Bill Greenlee for a motion on
16 a consent agenda for Bill 090742, 090745,
17 090811, 090749, 090741, 090743, 090748,
18 090775, 090779, 090781 and 090848. All
19 in favor that we have a consent agenda on
20 all these items?

21 (Aye.)

22 COUNCILWOMAN SANCHEZ: Any
23 oppositions?

24 (No response.)

25 COUNCILWOMAN SANCHEZ: Okay. A

1 12/8/09 - STREETS - BILL 090746, etc.

2 motion from Councilman Greenlee.

3 COUNCILMAN GREENLEE: Thank
4 you, Madam Chair. I move the approval of
5 the following bills as you just read once
6 again -- the bills that were just read I
7 move be reported out of this committee
8 with a favorable recommendation and that
9 the rules of Council be suspended to
10 allow for first reading at our next
11 session of Council.

12 (Duly seconded.)

13 COUNCILWOMAN SANCHEZ: All in
14 favor?

15 (Aye.)

16 COUNCILWOMAN SANCHEZ: Any
17 oppositions?

18 (No response.)

19 COUNCILWOMAN SANCHEZ: This
20 concludes the agenda for the meeting of
21 the Streets and Services Committee.

22 Thank you.

23 (Committee on Streets and
24 Services concluded at 4:35 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on December 8, 2009, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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