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COUNCIL OF THE CITY OF PHILADELPHIA

4

COMMITTEE ON LICENSES & INSPECTIONS

5

Monday, December 5, 2005

6

10:20 a.m.

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8

Room 400, City Hall
Philadelphia, Pennsylvania

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BILL NO.

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040604 - Ordinance amending Section 19-2602 of
The Philadelphia Code refraining L&I from
issuing Business Privilege licence of anyone
who operates any business without the
requisite license.

13

050749 - Ordinance amending Title 10 of the
Philadelphia Code entitled "Regulation of
Individual Conduct and Activity."

14

15

050955 - Ordinance amending Section 9-616 of
the Philadelphia Code, entitled "Retail Sale
of Motor Fuels."

16

051025 - Ordinance Amending Section 2 of Bill
No. 050204.

17

051027 - Ordinance amending Section 2 of Bill
No. 050203.

18

- - -

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PRESENT:

20

RICHARD T. MARIANO, Chair
JOAN KRAJEWSKI, Vide-Chair

21

FRANK RIZZO
FRANK DiCICCO

22

MARIAN TASCO
JAMES KENNEY

23

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COUNCILMAN MARIANO: Committee on

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Licenses & Inspections will now come to order.

4

Will the clerk please read the bills.

5

THE CLERK: Yes, sir. Bill No.

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040604, an Ordinance amending Section 19-2602

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of the Philadelphia Code, relating to

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licenses, to provide that the Department of

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Licenses & Inspections shall refrain from

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issuing or shall revoke the business privilege

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license of any person who operates any

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business without the requisite license, all

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under certain terms and conditions.

14

And Bill No. 050749, an Ordinance

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amending Title 10 of the Philadelphia Code,

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entitled, "Regulation of Individual Conduct

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And Activity," including by amending Chapter

18

10-400 of the Philadelphia Code, entitled

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"Noise and Excessive Vibration," by amending

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definitions, establishing new rules regarding

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prohibited conduct, providing enforcement

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authority to the city departments, making

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technical changes and changes to related

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provisions, and superseding certain Health

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Department regulations, all under certain

1
2 terms and conditions.

3 And Bill No. 050955, an Ordinance
4 amending Section 19-616 of the Philadelphia
5 Code, entitled, "Retail Sale of Motor Fuels,"
6 by prohibiting persons from soliciting money
7 or food at service stations, requiring service
8 station owners or operators to prevent such
9 solicitation or to contact the police, and
10 requiring the police to take action, all under
11 certain terms and conditions.

12 And Bill No. 051025, an Ordinance
13 amending Section 2 of an Ordinance, Bill No.
14 050204, approved June 2, 2005, entitled, "An
15 Ordinance amending Title 4 of the Philadelphia
16 Code," entitled "The Philadelphia Building
17 Construction and Occupancy Code," by amending
18 subcode A, Section A-202, entitled, "Duties
19 and Powers of the Code Official," by providing
20 that no license or permit required by Title 4
21 shall be issued or renewed if the applicant is
22 delinquent in payment of any city or school
23 district taxes, charges, fees, rents, or
24 claims, or is delinquent in the payment of
25 certain penalties or fines, all under certain

1
2 terms and conditions, by providing a different
3 effective date than stated therein.

4 And Bill No. 051027, an Ordinance
5 amending Section 2 of an Ordinance, Bill No.
6 050203, approved June 2, 2005, entitled, "An
7 Ordinance Amending Title 9 of the Philadelphia
8 Code," entitled, "Regulation of Businesses,
9 Trades, and Professions," by amending Section
10 9-102, entitled "Licenses and Permits," by
11 providing that no license or permit shall be
12 issued or renewed if the applicant is
13 delinquent in the payment of any city or
14 school district taxes, charges, fees, rents,
15 or claims, or is delinquent in the payment of
16 certain penalties or fines, and by increasing
17 the fee for dishonored checks, by providing a
18 different effective date than stated therein.

19 COUNCILMAN MARIANO: Thank you.

20 And I want to note for the record we
21 have a quorum. Councilwoman Krajewski,
22 myself, Councilman Mariano, Councilman Rizzo,
23 and Councilman DiCicco has been added on for
24 today. And Councilwoman Tasco is in the
25 audience, actually at her desk, looking very

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2 nice.

3 I understand by the sponsor we are
4 going to hold 050955. That's Councilman
5 Clarke and Councilwoman Miller.

6 You can read the first one that you
7 want to do. I know we have a lineup here.

8 THE CLERK: Bill No. 050749,
9 Councilman, will be the first one.

10 COUNCILMAN MARIANO: Bill No.
11 050749. Who is here for this bill? Anybody?

12 Come on up. State your name, for
13 the record.

14 MR. MORRIS FINE: Good morning. My
15 name is Morris fine.

16 MR. ROGER FAY: And Roger Fay.

17 COUNCILMAN MARIANO: You guys are
18 from where?

19 MR. FINE: I am the Director for Air
20 Management Services, Department of Public
21 Health.

22 COUNCILMAN MARIANO: I read about
23 you, but I never met you in person. How are
24 you doing?

25 MR. FINE: Good to see you.

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2 MR. FRAY: And engineering
3 supervisor.

4 COUNCILMAN MARIANO: Thank you.

5 All right. If you have anything for
6 the record. Do you have a statement you want
7 to hand in, or do you want to talk, do you
8 want to read in your statement? Whatever you
9 want to do.

10 MR. FINE: I will just read my
11 statement.

12 COUNCILMAN MARIANO: All right, Mr.
13 Fine. Thank you.

14 MR. FINE: Good morning, Chairman
15 Mariano and members of the Committee on
16 Licenses & Inspections. I am Morris Fine,
17 Director of Air Management Services of the
18 Philadelphia Department of Public Health.

19 Thank you for the opportunity to
20 present testimony on a proposed Ordinance
21 amending Title 10 of the Philadelphia Code,
22 Chapter 10-400, entitled "Noise and Excessive
23 Vibration."

24 Under this title, the Department of
25 Public Health, the Department of Licenses &

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2 Inspections, and the police department share
3 responsibility for effecting compliance with
4 this Chapter.

5 The Department of Public Health
6 especially wishes to acknowledge Councilman
7 DiCicco for affording the air management
8 services and the law department the
9 opportunity to work together to provide
10 technical and analytical assistance on this
11 proposed amendment.

12 The result of this collaboration is
13 the formulation of legislation that achieves
14 the desired outcomes originally proposed last
15 year in Council Bill 040432, without placing
16 an unnecessary regulatory burden on local
17 businesses.

18 The Department of Public Health is
19 pleased to support this legislation and the
20 goals it aims to achieve.

21 Our support is centered on several
22 specific legislative provisions that together
23 would enable the city to more effectively and
24 efficiently control prohibited levels of sound
25 and vibration.

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2 These include the following: The
3 new Section 10-404, entitled "Enforcement,"
4 would expand the ability of the city
5 departments to participate collectively in
6 effecting compliance with this chapter.

7 Inspectors from the Department of
8 Licenses & Inspections and Philadelphia police
9 officers would join Department of Public
10 Health inspectors in responding to complaints
11 of excessive noise and vibration and issuing
12 code violation notices, where applicable.

13 The new Section 10-403, entitled
14 "Prohibited Conduct," would achieve an
15 appropriate sound limit above the background
16 sound level for most residential nuisance
17 sources, while making reasonable allowances
18 for other more conventional sources, like air
19 conditioning and refrigeration units.

20 Under the existing provisions, these
21 sources are governed by the 3 decibel above
22 background limit, a level that would be
23 difficult, if not impossible, to meet.

24 And in addition to establishing a
25 new sound limit for threshold of 5 decibels

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2 above background from a residential property
3 measured at the property boundaries of the
4 nearest occupied residence, the new Chapter
5 10-403 would also include an independent
6 restriction of noise from special assembly
7 occupancies, such as, bars and places of
8 entertainment, by stating that noise from such
9 facilities may not be audible at a distance
10 greater than 100 feet from the property
11 boundary.

12 Authorized representatives of the
13 Department of Public Health, Police
14 Department, and the Department of Licenses &
15 Inspections will have the ability to issue
16 code violation notices, where warranted,
17 without the use of sound level equipment,
18 simplifying enforcement of this important
19 provision.

20 Also, the new Section 10-406,
21 entitled "Penalties," provide for more
22 appropriate penalties to be levied against
23 repeat offenders of this ordinance.

24 In total, the revisions proposed for
25 Chapter 10-400 will allow the city to reduce

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2 noise and vibration nuisances through more
3 efficient use of resources and streamline
4 regulation and enforcement, which, in turn,
5 will offer improvements in the quality of life
6 for the citizens of Philadelphia.

7 Thank you for this opportunity. And
8 I will answer your questions at this time.

9 COUNCILMAN MARIANO: Thank you, Mr.
10 Fine.

11 Do you have to say something? Are
12 we going to ask you together? Do you want to
13 read a statement, or are you just here to back
14 up --

15 MR. FINE: Roger spent time in
16 preparing the legislation with Councilman
17 DiCicco's office, so he will probably be more
18 knowledgeable on some of the more technical
19 questions.

20 COUNCILMAN MARIANO: I was going to
21 leave a lot of that up to Councilman DiCicco
22 and Councilwoman Krajewski. And Councilman
23 Kenney is probably listening to this.

24 I'm not quite sure what you are
25 doing, but I think -- I think I know what you

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2 are doing. And it sounds, you know, really
3 good.

4 The enforcement part for me -- and
5 maybe someone else can explain it -- this will
6 make it simpler to enforce, is basically what
7 you are saying after what you just told us?

8 Right now, in a situation where
9 someone is called out -- and correct me when I
10 start going wrong -- someone from Air
11 Management goes out with some kind of machine
12 that looks like -- it sits on legs and it goes
13 up and it measures; right?

14 MR. FINE: Right.

15 COUNCILMAN MARIANO: There is no
16 handheld measuring machine yet, is there one,
17 that we have heard about?

18 MR. FINE: No, there are handheld
19 measuring devices. And they are expensive and
20 they require training.

21 Many of the noise complaints that we
22 get occur at all hours of the day and night.
23 And in order for Air Management to respond,
24 since we don't have people ready to go out at
25 all times --

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2 COUNCILMAN MARIANO: 24 hours a day.

3 MR. FINE: -- that, you know, having
4 a handheld measuring device limits other units
5 of the City of Philadelphia from enforcing
6 this regulation.

7 COUNCILMAN MARIANO: Mr. Fine, let
8 me stop you right there. You are just giving
9 us too much information now. I appreciate
10 that.

11 When there is a problem 2 o'clock in
12 the morning, and Councilman DiCicco calls, now
13 I guess a police officer will come out.

14 And how will he or someone from
15 Licenses & Inspections, since someone from Air
16 Management is coming out, how will that person
17 read the decibel levels on whatever, you know,
18 decibel-reading machine that is available or
19 you will be using at that time?

20 I'm not a lawyer. So explain it to
21 me like a sixth grader.

22 MR. FINE: Well, the provisions have
23 changed somewhat, that there is a limitation
24 now at 100 feet from the property boundaries.
25 So there is no need for there to be a meter.

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2 The police officer can pace off 100 feet and
3 write the violation.

4 COUNCILMAN MARIANO: It is his call.
5 And it is obvious, if it is an
6 air-conditioning unit going, that's
7 acceptable.

8 But if someone has a book box out on
9 the front lawn, and it is 2 o'clock in the
10 morning, it is common sense. That's what I am
11 getting to.

12 Am I right in assuming all that?

13 MR. FINE: That's correct.

14 COUNCILMAN MARIANO: Any other
15 questions from anyone on the panel?

16 Seeing none. That was pretty good.
17 Anyone else want to testify for or against
18 this?

19 Thank you. Come up. State your
20 name and your occupation, or whatever you want
21 to tell us for the record, first.

22 MR. STEVE SCHATZ: I am Steve
23 Schatz. I am Chair of the Nuisance Noise
24 Committee of the Queen Village Neighbor's
25 Association.

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2 And I have come here to testify in
3 support of this new ordinance that, hopefully,
4 will further limit nuisance noise in our
5 neighborhood.

6 COUNCILMAN MARIANO: Mr. Schatz, can
7 I make it simple? My questions to Mr. Fine,
8 is that what we're trying to do here?

9 Just make it easier to enforce the
10 people that you have to complain about to
11 Councilman DiCicco?

12 MR. SCHATZ: I have a statement
13 here, but just to answer your question --

14 COUNCILMAN MARIANO: That was just
15 my question. You can read that.

16 MR. SCHATZ: Right now, the South
17 Street detail, which enforces the noise
18 ordinances as they exist now along the South
19 Street corridor, they are very responsive.
20 But, I mean, there are only so many of them
21 that are trained in using the noise meters.

22 And, as the previous gentleman
23 testified, they are expensive and the training
24 takes time and the setup is all very time and
25 labor intensive.

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2 So the enforcement provisions of
3 Councilman DiCicco's bill here are going to
4 make enforcement of the code much easier and,
5 hopefully, will reduce the many sources of
6 nuisance noise that we particularly have to
7 deal with along the South Street corridor.

8 COUNCILMAN MARIANO: And you can
9 just read your thing, or you can give it to us
10 and we can put it in the record, whatever is
11 better for you.

12 MR. SCHATZ: I think I pretty much
13 said it.

14 COUNCILMAN MARIANO: So, basically,
15 Councilman DiCicco and the other sponsors are
16 doing a good job, and they understand what you
17 need.

18 MR. SCHATZ: We wholeheartedly
19 support this bill. And we discussed this bill
20 at our last Board meeting of the Queen's
21 Village Neighborhood Association and are
22 enthusiastic supporters.

23 COUNCILMAN MARIANO: Thank you.
24 Most of the questions I have are going to be
25 for -- Councilman Rizzo has one, but it is

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2 going to be for Mr. Haigler or Mr. Healy. You
3 hang on, Councilman Rizzo has one for you.
4 COUNCILMAN RIZZO: I have one, I
5 guess, to the Chair.
6 Could you explain how the loud
7 vehicles, the terrible bases that are in cars,
8 how that's going to be enforced?
9 COUNCILMAN MARIANO: I think that
10 will be pretty much to -- I was going to ask
11 Mr. Haigler and Sergeant Healy the same
12 question. They look like they are on the next
13 panel, Councilman. So maybe they can tell us
14 exactly.
15 Sergeant and Mr. Haigler, why don't
16 you two guys come up.
17 You hang around, if you want.
18 Haigler doesn't support the bill. Okay.
19 Well, then, this is interesting. See what
20 happens, you go away for a week and things
21 change.
22 So since Haigler doesn't support the
23 bill, let Officer Healy go first.
24 And it is correct, do I call you
25 Officer, Sergeant?

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2 LIEUTENANT FRANCIS T. HEALY: I am a
3 Lieutenant now.

4 COUNCILMAN MARIANO: Lieutenant. I
5 will call you "Lieutenant." That means, any
6 higher than that, you don't get any over time.
7 So keep it with that.

8 LIEUTENANT HEALY: I am aware of
9 that. I don't get enough as it is.

10 COUNCILMAN MARIANO: Lieutenant
11 Healy, please.

12 LIEUTENANT HEALY: Good morning
13 Councilman Mariano, other members of the
14 Committee on Licenses & Inspections.

15 My name is Francis Healy. I am
16 special advisor to Police Commissioner
17 Johnson.

18 On behalf of the Commissioner, I
19 thank you for allowing the police department
20 to voice its opinion on this piece of
21 legislation.

22 First let me state that the police
23 department has long identified that chronic
24 and excessive noise depresses the quality of
25 life throughout the city.

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2 In the past, regrettably, the only
3 agency charged with enforcing the noise
4 enforcement was the Health Department.

5 Due to fiscal and manpower
6 constraints, most of their resources were
7 directed towards commercial violators rather
8 than residential. This left a tremendous void
9 in noise enforcement throughout the city.

10 As everyone knows, the police
11 department regularly receives residential
12 complaints with little, if anything, to do to
13 correct the problem. Stern warnings without
14 threat or with idle threats were real no
15 enforcement at all.

16 The complainants often, and
17 understandably, became frustrated with the
18 police. And the police, in turn, became
19 frustrated because we really had nothing to
20 help.

21 To solve this problem under Police
22 Commissioner Timoney, and also continued under
23 Commissioner Johnson, the police department
24 undertook the task of residential noise
25 enforcement, but it wasn't an easy process.

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2 As we just heard, the current noise
3 ordinance requires sound meters and specially
4 trained officers for proper enforcement.

5 While we did all this, it is still
6 not perfect. Actually, our enforcement
7 currently is limited, based on the number of
8 sound meters we have and the number of trained
9 officers we have.

10 While the department claimed that we
11 do in fact do noise enforcement, our impact is
12 imperfect, and we know that.

13 The average police officer on the
14 street still cannot, due to the current
15 ordinance, just stop the violator and issue a
16 citation and go on with life.

17 The bill before this committee will
18 dramatically change everything. Specifically,
19 Section 10-403(2) provides that no person
20 shall create, cause or permit the creation of
21 sound originating from a residential property
22 audible at a distance greater than 100 feet
23 from the property boundary. This is a radical
24 change for policing.

25 If passed, any police officer would

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2 be able to cite a violation based on
3 commonsense. There is no need for special
4 equipment or training. This provision alone
5 is worth the passage of this amendment.

6 But it also clearly addresses
7 barking dogs, boom boxes on corners with the
8 same commonsense simplicity

9 And, finally, the ability to
10 classify a chronic location as a, per se,
11 nuisance allows collaboratively the police, L
12 & I, and the health department to work
13 together. That's a nice change that we would
14 like to see, as well.

15 Like I said, this is a simple,
16 well-drafted piece of legislation that will
17 dramatically alter noise enforcement in the
18 city, we believe.

19 Accordingly, the police department
20 fully supports the passage of the bill.

21 COUNCILMAN MARIANO: Lieutenant, you
22 answered one of my questions. But let me ask
23 you, then Councilwoman Krajewski and Rizzo had
24 something to ask.

25 You or any other sworn police

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2 officer of the City of Philadelphia, it's a
3 judgment call now; right? And then myself as
4 the person that may be getting the complaint
5 gets a chance to go to court?

6 LIEUTENANT HEALY: It is not
7 judgment. If I hear noise coming 100 feet, I
8 mean, that's -- it is not a judgment call; it
9 is just a matter of fact. Which gives me the
10 probable cause to cite.

11 COUNCILMAN MARIANO: I am not
12 against this, I am for this. But I am trying
13 to look where there may be some people that
14 will be against it. And when we get to Mr.
15 Haigler, he will probably give an excuse.

16 I don't want to kill this by asking
17 this question but I have to. The call is --
18 or, what's the word I want to use?

19 As a police officer, and you are
20 within 100 feet, because you are a sworn
21 police officer, you could attest to what's
22 going on. And it is within 100 feet, and it
23 is too noisy, it is 2 o'clock in the morning.
24 It is commonsense to everybody.

25 LIEUTENANT HEALY: That is true.

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2 But I just want to be clear --

3 COUNCILMAN MARIANO: But the first
4 court case, there is going to be a defense
5 attorney. Is the court involved with this?

6 LIEUTENANT HEALY: Councilman, what
7 you need to be clear on, that 100-foot radius
8 happens to be noncommercial property, so
9 that's in a residence.

10 So if I happen upon a business with
11 a noise, my hands are still a little tied
12 under this statute.

13 COUNCILMAN MARIANO: Well, for this
14 residential thing here, can you appeal that
15 citation to Municipal Court?

16 LIEUTENANT HEALY: Well, the way it
17 is written, the citation that we have written
18 is a code violation notice, which gets to the
19 Bureau of Administrative Adjudication.

20 COUNCILMAN MARIANO: But there is a
21 process?

22 LIEUTENANT HEALY: Absolutely, yes.
23 They have that hearing there. And if they
24 want to appeal that, I believe from there it
25 goes to Municipal Court.

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2 COUNCILMAN MARIANO: There are
3 people that believe in conspiracies. I am not
4 one of them, But I am just trying to think of
5 what questions they would ask.

6 LIEUTENANT HEALY: They have their
7 due process right.

8 COUNCILMAN MARIANO: Due process.
9 See, that's what you learned in law school
10 that I didn't learn not going to law school,
11 due process. Thank you.

12 Any questions?

13 Councilwoman Krajewski.

14 COUNCILWOMAN KRAJEWSKI: I would
15 like to ask, how many tickets have been
16 written out on noise control by the police
17 department?

18 LIEUTENANT HEALY: That's a hard
19 thing. I tried to track that down Friday.

20 The problem is, we don't code them
21 noise violations; they would be classified as
22 Miscellaneous in our computer system.

23 So for me to pick off them, I really
24 can't do it with a computer run. I need to
25 actually go to each captain and get an

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2 anecdotal number.

3 COUNCILMAN MARIANO: Will that be
4 changed?

5 LIEUTENANT HEALY: I will try to
6 change it, yes. I mean, what we need to do
7 is, we just need to get a specific code for
8 noise violations.

9 Since in the past we didn't
10 routinely issue them, we don't have a code for
11 them, that's the reason why.

12 We only started doing the meter
13 noise enforcement a year and a half, two years
14 ago, I believe it was. So we have been doing
15 those, actually.

16 But there is also motor code. A lot
17 of the South Street violations are Motor
18 Vehicle Code violations. If you can hear the
19 noise outside the vehicle, I believe it is 25
20 feet or 50 feet, the officers are giving
21 those. They are actually like parking tickets
22 they are giving those people.

23 COUNCILMAN MARIANO: I thought they
24 only gave them out in Wildwood, New Jersey.

25 LIEUTENANT HEALY: South Street

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2 gives out a lot of them, I believe. But they
3 are classified as tickets. I don't have a
4 capacity to tick off my tickets, per se, if
5 they are parking tickets.

6 COUNCILMAN MARIANO: Can we do them
7 citywide?

8 LIEUTENANT HEALY: I would like to
9 find out, because I would like to know the
10 exact numbers.

11 COUNCILMAN MARIANO: South Street is
12 great. And Councilwoman Krajewski and I, this
13 is all good stuff, but she needs this done in
14 Mayfair, and I need this done in Frankford and
15 Juniata. And I know that you are busy and the
16 police are busy.

17 LIEUTENANT HEALY: It is important
18 for me to track what we do. So I would like
19 to know what we do. Because this is going to
20 impact the Bureau of Administrative
21 Adjudication if we flood them with a number of
22 noise complaints overnight.

23 So I need to be able to figure out a
24 rough estimate of how this is going to impact
25 that agency, as well.

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2 COUNCILWOMAN KRAJEWSKI: Well, I
3 feel that the problem is with the enforcement,
4 it is with the police department making it a
5 low priority. Is that true?

6 LIEUTENANT HEALY: Loud music does
7 probably come out lower on the radio call,
8 especially on the weekend. It is one of the
9 lower priority calls, versus a domestic or an
10 assault in progress.

11 COUNCILWOMAN KRAJEWSKI: Is there
12 going to be a policy change within the police
13 department?

14 LIEUTENANT HEALY: To upgrade it?

15 COUNCILWOMAN KRAJEWSKI: If not, I
16 don't even understand why we are even
17 introducing these bills, if it is not.

18 LIEUTENANT HEALY: I don't think we
19 need to upgrade. There is enough times the
20 police officers, from my own experience, go
21 out there, that they would love to have
22 something to do.

23 They would love to be able to help
24 the neighbor, say, listen, here is the
25 problem, I gave them a ticket.

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2 Right now we give them a tongue
3 lashing and we tell them to turn it down; but,
4 when we turn around, they are back.

5 COUNCILMAN MARIANO: If it comes
6 between -- I think this is where she is
7 going -- writing a ticket for this and someone
8 getting shot or raped, that will be more
9 important. But this goes under that
10 somewhere.

11 LIEUTENANT HEALY: Yes. I mean,
12 yes, loud music, quite frankly, is lower on
13 the scale.

14 COUNCILMAN MARIANO: Will everyone
15 be trained to understand that? Will there be
16 a roll call and the captain will say, starting
17 here --

18 LIEUTENANT HEALY: The tickets that
19 need to be issued on these are, basically,
20 very similar in shape, size as what looks like
21 a parking ticket. They are code violation
22 notices.

23 What I need to do is, to make sure
24 that all the officers on the street have
25 access to these notices, that they issue these

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2 notices. But as it stands right now, not
3 every police officer on the street carries
4 code violation notices.

5 COUNCILMAN MARIANO: The frustrating
6 part for all of us up here, Council people,
7 and the ones that aren't here, are, we live in
8 the communities, And we get it. And we know
9 which communities have more calls for
10 whatever.

11 But if you are sitting there, and
12 you hear this noise, and you are 80 years old,
13 and you see a police car drive down the
14 street, you know how it is.

15 LIEUTENANT HEALY: I understand the
16 frustration.

17 This will help a lot. Because I
18 think a lot of times in the past the officers,
19 they get to the point there is nothing they
20 really can do. I mean, so this will give them
21 some type of resource so they can go up to the
22 door.

23 Because what happens, ultimately,
24 you go up to the door two and three times,
25 nothing to do, things get out of control.

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2 Officers are frustrated, the neighbors are
3 frustrated, they are yelling at the police
4 officers to do something. The people in the
5 house are yelling, "Don't bother me no more."
6 Doors get slammed and things escalate out of
7 control.

8 So from a back-end point of view,
9 this ordinance will help the police because we
10 have a resource now to help address this
11 problem. So we don't have to go back and
12 forth.

13 COUNCILMAN MARIANO: As a person
14 that owns a motorcycle, let me ask you this
15 question --

16 LIEUTENANT HEALY: I have been
17 looking for the guy that goes down Frankford
18 Avenue.

19 COUNCILWOMAN KRAJEWSKI: You know, I
20 reported this how long ago?

21 LIEUTENANT HEALY: And, again, I
22 reported it to Captain Everett at the time.

23 COUNCILWOMAN KRAJEWSKI: And it
24 still continues. The neighbors are still
25 complaining.

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2 We have a few motorcycle that go up
3 exactly where I live, and you can't even
4 speak. And if you are in the house, it's
5 absolutely awful.

6 LIEUTENANT HEALY: Again, what I
7 will do --

8 COUNCILWOMAN KRAJEWSKI: Are you
9 trying to tell me, with the manpower, that you
10 will be able to do something about it?

11 LIEUTENANT HEALY: Well, that's a
12 different noise violation. That's not a noise
13 violation under this; that's a noise violation
14 under the vehicle code.

15 That has an illegal muffler, I would
16 be happy to have -- I will have people there.
17 You give me the main time and location.

18 COUNCILWOMAN KRAJEWSKI: Are you
19 giving us more police, or what?

20 LIEUTENANT HEALY: Not to enforce
21 that.

22 But if you have a specific problem
23 with an individual who has an illegal muffler
24 on his motorcycle, that is a motor code
25 violation and can be addressed in that manner.

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2 And that's fine, we will cite him.

3 You give me the time, location, I
4 will have a police officer there to cite him.
5 That's not a problem.

6 COUNCILWOMAN KRAJEWSKI: I don't
7 now, since the winter is here. But in the
8 summer, when you are sitting out, you can't
9 even speak.

10 LIEUTENANT HEALY: I understand the
11 problem. I have several that go through my
12 neighborhood in the morning, as well, that
13 causes much problems.

14 They are vehicle code violations,
15 per se, when they alter the mufflers to make
16 them louder. Highway patrol is more trained
17 to handle this.

18 COUNCILMAN MARIANO: Not to
19 interrupt you, these are all good answers, but
20 Councilman DiCicco, one of the sponsors of the
21 bill, is saying, this isn't under that thing,
22 so we don't need to go down there.

23 But to make her feel better,
24 Councilwoman Krajewski, who is certainly
25 entitled, we don't need anything for that.

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2 LIEUTENANT HEALY: No; we need to
3 catch them doing.

4 COUNCILMAN MARIANO: But her
5 frustration is getting the response. Not to
6 pick on you or someone from the 15th or the
7 25th or the 18th or whatever.

8 You see them out there. I mean, I
9 see them. And you just look the other way
10 because -- not you or a policeman -- because
11 if they are riding doing 120 miles an hour
12 going up her street without a helmet, there's
13 no sense anyhow.

14 But the noise bothers her and many
15 and everyone else.

16 LIEUTENANT HEALY: I will make a
17 specific point of meeting with the captain to
18 discuss that specific incident. I had
19 addressed that with the previous captain, as
20 well.

21 COUNCILMAN MARIANO: Councilman
22 Rizzo.

23 COUNCILWOMAN KRAJEWSKI: Thank you.

24 COUNCILMAN MARIANO: Councilman
25 DiCicco.

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2 COUNCILMAN RIZZO: I am fine.

3 COUNCILMAN MARIANO: I think we
4 answered all the questions.

5 Anyone else for Lieutenant Healy?

6 Mr. Haigler, tell us why you are
7 against this, now.

8 MR. OTIS HAIGLER: Well, it is not
9 like I am really against it, per se. My name
10 is Otis Haigler, Jr. I am the Director of
11 Legislative Affairs for the Department of
12 Licenses & Inspections.

13 COUNCILMAN MARIANO: You know that I
14 love you; right? And I know you are the guy
15 that comes over here.

16 A week ago I had a different word
17 for this, but I will just say, you are the
18 poor unfortunate soul that comes over here and
19 to brunt the ire and anger of us 17 -- 16,
20 right now.

21 But it is probably going to come
22 down to enforcement; right? You are not going
23 to have enough people on the street to do
24 that?

25 MR. HAIGLER: That's part of it,

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2 Councilman.

3 Part of it is, again, we are not a
4 24-hour-a-day operation in L & I. Excuse my
5 raspy voice; I will starting to lose it. But
6 we are not a 24-hour-a-day operation at L & I.

7 We respond to, primarily, property
8 maintenance, building code issues, issues
9 related to business regulatory enforcement.

10 Some of the concerns we may with
11 this bill is, it somewhat enforces against
12 people's conduct, and that's not something
13 that L & I generally is involved in.

14 We have concerns for the safety of
15 our inspectors to confront folks who primarily
16 may not be so agreeable as if the police
17 officer were to walk up with the uniform and
18 the badge and the gun.

19 They could probably get more respect
20 and somebody to listen to them, as opposed to
21 somebody walking up to them with a clipboard
22 in their hand, telling them, "You have noise,
23 and we are going to give you a ticket for
24 that."

25 COUNCILMAN MARIANO: Not to say that

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2 there is not some very frightening looking L &
3 I inspectors, too. Don't think that it is all
4 police personnel. Just kidding.

5 MR. HAIGLER: But our main problem
6 is, we are not a 24-hour-a-day operation, and
7 we generally don't regulate individual
8 conduct.

9 Individual conduct could be somebody
10 beyond just a business relationship, where we
11 have something to hold over that person's
12 head; like a license, we could take their
13 license away from them.

14 Under the provisions of this
15 ordinance, there is one specific provision
16 that relates to something that we could
17 possibly do, and that's in the area of the
18 special assembly occupancy. That is
19 specifically called out in the ordinance.

20 We do issue a special license just
21 for that. And if we find that somebody has
22 violated the provisions of the code to cause a
23 public or private nuisance, we can violate and
24 we can issue that ticket on that perspective.

25 The business privilege license,

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2 there are provisions under Title 19, 19-2602
3 related to the business privilege license,
4 that says that persons shall refrain from a
5 conducting a private or public nuisance.

6 Generally how that works is, we rely
7 on the police department, other agencies, to
8 help us build a case against that business so
9 that, once we shut them down, we want to make
10 sure that they stay shut down.

11 If we go before a judge, we want to
12 make sure that we present the case in front of
13 the judge, that we have enough documentation
14 already available to try to keep that business
15 shut down based on that provision of the
16 business privilege license section of the
17 code.

18 So it is not like we're against any
19 issue related to quality of life or quality of
20 life issues. The Department of Licenses &
21 Inspections is a public service, public safety
22 agency, and we respect that.

23 But we do have certain limitations
24 as to how far we can enforce particular bills,
25 especially bills that may not be totally under

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2 our purview.

3 This came up back in 2003, I recall
4 it was Councilwoman Krajewski's bill at that
5 time. And we pretty much gave similar
6 testimony at that time that this would be a
7 difficult bill for us to enforce.

8 The Health Department has
9 traditionally enforced the bill. And the
10 police department has more resources than the
11 Department of Licenses & Inspections out there
12 on a 24-hour-a-day basis to determine when
13 certain things would happen.

14 COUNCILMAN DiCICCO: Madam Chair.

15 Thank you.

16 COUNCILWOMAN KRAJEWSKI: Councilman
17 DiCicco.

18 COUNCILMAN DiCICCO: I wasn't going
19 to ask questions, but I can't help myself
20 sometimes.

21 The latter part of your statement or
22 comments about the enforcement, wouldn't it
23 help on the enforcement on closure and/or
24 suspension of businesses that, if the police
25 were also part of the issuing authority now,

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2 as opposed to just the Health Department?

3 Example, a complaint comes in about
4 a bar, loud noise emanating from the bar, from
5 a jukebox. L & I inspector is not available.
6 It is 2 o'clock, 1 o'clock in the morning on a
7 Saturday. Police are out there.

8 The police officer goes, writes the
9 violation, citation, and L & I inspector for
10 whatever reason was not able to be there.

11 Doesn't that help in that process to
12 build a case about closing down that
13 establishment because of what is in the
14 statute that exists today that says, when you
15 take a business privilege license or you get a
16 business license, you swear and attest,
17 whatever, to conduct your business in a proper
18 manner, not to have any negative implications
19 on the surrounding community? Isn't that
20 somewhat helpful?

21 LIEUTENANT HEALY: Councilman, if I
22 could answer that quickly.

23 When I first responded to this bill,
24 I actually had one caveat to my support. And
25 that was the fact that there are a lot of

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2 neighborhood bars that create a lot of noise.
3 Now, there's a state -- I am sorry, a
4 Pennsylvania regulation, liquor code
5 regulation, that prohibits a liquor license
6 establishment from having amplified noise.
7 Now, we can't enforce that because that's an
8 administrative reg.

9 But, nonetheless, my first complaint
10 on this bill was that, I wish we could enforce
11 against the local bars the same we have with
12 the residents, 100 feet. If I could hear
13 something 100 feet out from the bar, I can
14 cite it.

15 I was told by the law department
16 that the provision is included in the special
17 occupancy that was drafted. So if the bar can
18 hold 50 or more people, and it is a special
19 assembly occupancy, that the police department
20 will be able to use this statute to cite, the
21 same as we would for a residential. So that
22 was my only caveat.

23 And Louis Rossman, who actually
24 helped draft this bill, assured me that the
25 police department will be able to enforce it.

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2 So I think, with that collaborative
3 effort, so at 2 o'clock in the morning now,
4 the sergeant, police officer, whoever responds
5 to the bar, can issue a citation to the bar
6 owner, manager, or whoever is running the bar
7 at the time, which basically gets L & I
8 involved.

9 So now L & I has a good solid record
10 to go after it as a, per se, nuisance or
11 whatever the case may be. We can join our
12 efforts, both the police department and L & I,
13 and I think it would help a lot.

14 MR. HAIGLER: And, if I might add,
15 we have a nuisance task force that works closely
16 with the police department, they work with the
17 Liquor Control Board on occasion to go out to
18 nuisance establishments, the D.A.'s Office.
19 They are all part of this Nuisance Task Force.

20 The provisions, as Lieutenant Healy
21 mentioned, about special assembly
22 occupancies -- as I stated before, provisions
23 of Title 19 related to public and private
24 nuisances -- that entire section was
25 transferred over to the section of the code

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2 that deals with special -- it is already
3 there.

4 There is a section already there
5 that says that persons who operate this type
6 of business, they have to refrain from having
7 a public or private nuisance or conducting a
8 public or private nuisance

9 And we can build our case based on
10 joint efforts of the police, L & I, liquor
11 control, State Police, other agencies, to make
12 whatever we do stick.

13 LIEUTENANT HEALY: I am on a
14 committee. I work with Dominic Verde.

15 COUNCILMAN DiCICCO: I am familiar
16 with the committee, and it does some really
17 great work.

18 And in my district, we have been the
19 beneficiaries of many successes that came out
20 of that task force.

21 For me, this whole issue is just one
22 of many issues that in an urban environment we
23 are confronted with. It is a quality of life
24 issue.

25 And that word gets used a lot. But

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2 it does have significant meaning to all of us,
3 especially in City Council.

4 When you allow people just to be
5 able to do things without any regard for the
6 folks who live and work and have businesses in
7 the community, I think the whole civil -- the
8 structure of civility begins to break down.

9 And noise, to someone causing the
10 noise, may not seem that significant. But, it
11 is just one of many other things that go on
12 and occur in a community that drive people
13 out.

14 SERGEANT HEALY: What you are
15 speaking of is called the broken window
16 theory.

17 We subscribe to that theory; that
18 the minor things, if they are not addressed,
19 grow into bigger and uglier things.

20 COUNCILMAN DiCICCO: Because,
21 generally, where there is that kind of noise,
22 that is, early morning hours, without any
23 regard for the community and the nearby
24 neighbors, I would think that, generally,
25 other problems evolve from that.

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2 Because it means that -- and bars as
3 an example, and I hung in bars most of my
4 life. I am from that era when bars were the
5 social gathering places in my neighborhood.

6 But when you are standing outside
7 and creating problems for the neighborhood,
8 for the neighbors, other things seem to kind
9 of spin off from that. Arguments ensue.

10 It is just part of getting some
11 control and having some, as Jim Kenney would
12 say, civility in the neighborhood.

13 It is not Mayberry. We live in the
14 city. There is a certain amount of noise that
15 goes with living here, but there are noises
16 that we should not have to tolerate.

17 And the motorcycle is a whole
18 different issue, which I tried to do a few
19 years ago.

20 LIEUTENANT HEALY: Like I said, this
21 bill has a commonsense simplicity to it for
22 the police officer. It has a 100-foot radius,
23 and that helps us tremendously.

24 COUNCILMAN DiCICCO: That's what it
25 is intended to do.

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2 Thank you.

3 COUNCILMAN MARIANO: Councilman
4 Rizzo.

5 COUNCILMAN RIZZO: Yes. Mr.
6 Haigler, could you, for the record, explain to
7 me what the constraints, what contractors
8 rules are?

9 You have a residential construction.
10 What time can a contractor start?

11 I received a call recently where a
12 contractor was starting at sunrise, I mean,
13 heavy construction, hammering, in a
14 residential community. What's the rules?

15 MR. HAIGLER: I believe that's
16 really under the Health Department
17 regulations. And I believe it is 8:00 to
18 8:00, as I recall.

19 COUNCILMAN DiCICCO: 7:00.

20 COUNCILMAN MARIANO: 7:00?

21 MR. HAIGLER: 7:00 to 8:00.

22 COUNCILMAN MARIANO: So even if it
23 is a residential or if it is downtown, if it
24 is 102 degrees in the summer, and the job is
25 no air-condition, and they want to start at 6

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2 o'clock in the morning because everybody on
3 the job doesn't have a problem with it, they
4 legally can't start until 7:00?

5 Is that a good assumption, Mr. Fine?
6 Mr. Fine is sitting behind the lieutenant
7 shaking his head.

8 MR. FINE: I though it was 7:00.

9 COUNCILMAN MARIANO: I thought it
10 was 7:00.

11 MR. HAIGLER: 7:00 to 8:00.

12 LIEUTENANT HEALY: Regular
13 construction.

14 COUNCILMAN RIZZO: So if someone
15 starts a project on a Sunday morning at 7:00
16 a.m., they call the police, you are telling me
17 that the police can't enforce that?

18 LIEUTENANT HEALY: Whether or not
19 they can do the construction and whether or
20 not the noise emanating it from are two
21 different issues.

22 If they are exceeding the noise
23 levels under the new statute for allowable
24 construction noise, I think you need certain
25 measuring devices to figure that out. The

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2 police department wouldn't be able to do that.

3 COUNCILMAN MARIANO: That's
4 different than what we are talking about in
5 this bill, Mr. Haigler; right? It is the
6 same?

7 I mean, noise is noise. But the
8 noise from a construction site at 7 o'clock in
9 the morning --

10 MR. HAIGLER: It is 7:00 to 8:00
11 Monday through Friday. But on weekends, it is
12 8 o'clock to 8 o'clock.

13 COUNCILMAN RIZZO: So my question to
14 the police department. Someone wants to put a
15 new deck on the back of their house. So the
16 guys come over on Saturday morning at sunrise,
17 the neighbors call the police, there is
18 hammering, there is all kinds of noise, there
19 is people talking, speaking loudly, the police
20 get the job, they come.

21 Do they have any authority other
22 than to say, knock it off?

23 LIEUTENANT HEALY: To be honest with
24 you, it would be a little vague. But I would
25 argue that, under the residential provision,

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2 if they could hear noise more than 100 feet,
3 then they would be able to cite the homeowner
4 or the owner or the occupant of the residence,
5 not necessarily the construction crew.

6 I think the noise statute delineates
7 construction noise, emergency construction
8 noise, like what's allowable. And they have
9 decibel readings to -- you know, with
10 background noise.

11 The police officer coming up on the
12 scene is not going to be able to measure that.

13 But I believe under the residential
14 statute, if you have somebody working on a
15 residential home, and the noise exceeds the
16 permissible levels, the officer would be
17 allowed to give a citation.

18 MR. HAIGLER: And, also, I believe
19 if the police were to refer the -- if they
20 have information on the contractor that's
21 doing the work at the time, they would make
22 that referral to L & I, that we could possibly
23 deal with the contractor under the
24 contractor's licenses.

25 COUNCILMAN MARIANO: A lot of this

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2 stuff is -- correct me if I am wrong --
3 commonsense calls. I mean, Councilman Rizzo
4 has got a great scenario. Shouldn't be
5 working on Sunday, anyhow, I suppose.

6 But if they start before 8 o'clock,
7 they start at 7:00 or 6:00, it might take that
8 long to get the coffee order straight and to
9 get the breakfasts before they start working.

10 So really, Councilman -- Lieutenant
11 Healy says, what he said -- and that makes
12 sense -- there is a commonsense thing here.

13 Now, Mr. Haigler is not going to be
14 there on Sunday. No one from L & I is going
15 to be here on Sunday.

16 So Officer Healy comes out and says,
17 "Look, guys, you know, you can't start before
18 8:00 because it is Sunday."

19 "We didn't know that. Okay. Cool.
20 We will stand here, we will wait."

21 And the homeowner might get mad.
22 But he realizes he is going to get the
23 citation, guess what, it is probably better to
24 have the guys standing out there than
25 starting.

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2 But that's going to be a rare
3 exception.

4 LIEUTENANT HEALY: The only problem
5 would come after 8 o'clock, when they start
6 doing the noise, and they are making a lot of
7 noise --

8 COUNCILMAN MARIANO: Over the level
9 decibel because it is a construction site.

10 COUNCILMAN RIZZO: I think most
11 people can tolerate construction noise after a
12 certain hour.

13 I think Councilman Mariano made a
14 good point. I have had an issue in the past
15 where I approached a contractor and said, you
16 know sunrise is just too early to start this
17 heavy construction.

18 He altered the job. He had his
19 people laying out the job, bringing the
20 material, in other words, doing quiet work
21 until the appropriate hour, and then started
22 to do the noise.

23 Rarely do you hear anybody complain
24 about actual construction noise.

25 LIEUTENANT HEALY: It is the time

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2 they start.

3 COUNCILMAN MARIANO: If I can --

4 this is not a shot at you or anyone else -- I

5 live in a row home, always have, always

6 probably will, unless I get something smaller.

7 But we are in row home.

8 Your neighbors decide at 11 o'clock

9 at night, 1 o'clock in the morning to start

10 fixing things.

11 Now, you know them for a long time.

12 Councilwoman Krajewski is my neighbor. I know

13 she is not hammering nothing over there,

14 something is wrong. I mean, that's not like

15 Councilwoman Krajewski to be hammering 1

16 o'clock in the morning.

17 But there is another somebody that

18 may not be as, you know, set in their life as

19 she is, that might not think 1 o'clock in the

20 morning -- believe me I have been through it.

21 And you don't want to start anything with your

22 neighbors, especially when you are an elected

23 official.

24 But when you are a regular citizen,

25 you say, commonsense. A lot of this

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2 commonsense stuff is not just commonsense on
3 the city part.

4 There is a sort of a responsibility
5 of commonsense on not us as elected
6 officials -- that definitely goes -- but there
7 is a commonsense approach to the people that
8 live in the city.

9 Everybody's angry. Everybody is
10 mad. I mean, people are mad. I road down
11 today, five people were mad because somebody
12 stopped in front of the school to let a little
13 kid out in the schoolyard.

14 If you are going to let all that
15 stuff make you mad and bitter, life is going
16 to be very bitter, which is commonsense.

17 And we can come up with different
18 scenarios between all of us, and they are
19 legitimate scenarios. Commonsense; right?

20 LIEUTENANT HEALY: That is our
21 biggest problem.

22 We go to different scenes. And the
23 argument for the person who is doing the work
24 would be, "I work 9:00 to 5:00. I get done
25 work, I get home at 6:00, I start doing a

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2 little work."

3 But, nonetheless, we try to inform
4 them that, what you are doing is creating
5 havoc for your neighbors.

6 COUNCILMAN MARIANO: I wish
7 Councilman Kenney was here. Because he has a
8 scenario where he talks about someone that he
9 personally knew that worried about this stuff
10 and actually worried themselves to death.

11 And it was very important to that
12 person. And it was so important that that
13 individual thought about it a lot and probably
14 deteriorated their mental health and then
15 their physical health, may have caused them to
16 die a little faster than they actually should
17 have.

18 So it is commonsense approach. It
19 is going to kill you eventually, if you worry
20 about it. So, I mean, I learned.

21 Let the police deal with it. And
22 that doesn't always work, and especially to
23 the people that we represent, because they
24 don't see it work, what happens on Monday
25 morning and what happens three weeks later in

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2 court.

3 LIEUTENANT HEALY: I think it is
4 important for the police, when they respond,
5 to be able to do something.

6 I think for the people that call,
7 and they see the police powerless to do
8 anything, it makes them feel powerless. So
9 when they call the police, they want action
10 taken.

11 So when we go up there and we can
12 issued them a code violation notice, they may
13 turn the music right back up when they leave;
14 but, nonetheless, they know they have done
15 something. This guy has to address that.

16 We come back again, we will give
17 them another ticket. The tickets go up in
18 value each time. Eventually either the person
19 who owns the property, somebody is going to
20 get wind, this is not worth it. And, so, at
21 least now we can make an impact.

22 And those neighbors, I have dealt
23 with those neighbors, they are shaking when
24 you get there because they are just so
25 frustrated and miserable and they just can't

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2 deal with it anymore.

3 This is something you can say,
4 "Listen, thanks to you, I am giving them a
5 citation. Call me back, I will give him them
6 another one. Call me back again, I will give
7 them another one. I don't care if he gets
8 thousands of dollars worth of citations, I
9 will be here, if you call."

10 I would have loved to have been able
11 to say that to some people on the street.

12 COUNCILMAN MARIANO: So this will
13 definitely help. Because what happens -- my
14 phone number is in the phone book -- people
15 will call us 1 o'clock in the morning. And
16 anybody with commonsense can get you through
17 City Hall switchboard. And who do you call?

18 I don't want to call Lieutenant
19 Healy 1 o'clock in the morning. I will call
20 you the next work day and tell you the
21 address.

22 I think it is all commonsense. And
23 if we all just -- maybe if the papers write
24 something nice to think about what the Council
25 people here are trying to do, Krajewski,

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2 Kenney, and DiCicco, trying to make this a
3 commonsense thing, instead of maybe writing
4 about other things that is just speculation.
5 Okay?

6 LIEUTENANT HEALY: This should have
7 an impact, the positive impact that we are all
8 looking for.

9 COUNCILMAN MARIANO: It is not going
10 to be the answer to everything. But if you
11 believe in the broken window theory -- and I
12 do, and obviously other Council people do --
13 this is one of those broken windows that we
14 don't necessarily have to cut our wrist on the
15 glass.

16 And I understand L & I's
17 frustration, I understand your frustration,
18 and I think you understand all of that.

19 Any other west for this witness or
20 any other ones?

21 Seeing none. We will go to the next
22 one.

23 THE CLERK: Bill No. 040604.
24 Witnesses here to testify on Bill No. 040604.
25 City Commissioner Edgar Howard.

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2 COUNCILMAN MARIANO: Councilwoman
3 Tasco wants to make a statement. Please do.

4 COUNCILWOMAN TASCO: Thank you. I
5 kind of want to set the record, in terms of
6 why we introduced this legislation. Thank
7 you.

8 Good morning, Chairman Mariano and
9 other Council Members, members of the L & I
10 committee.

11 Payday lenders and stop-and-go's,
12 what do these two types of businesses have in
13 common? They are both nuisance industries
14 that tear down the fabric of our communities.

15 Payday lenders take advantage,
16 through excessive fees, of those who are the
17 most vulnerable and stop-and-go's attract
18 crime and violence to our neighborhoods. The
19 goal of this legislation is to address both of
20 these issues.

21 Payday lenders, as well as tax
22 refund lenders, partner with out-of-state
23 banks to charge annual interest rates of
24 approximately 400 percent.

25 In this regard, payday lenders are

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2 not considered banks because the loans they
3 provide come from another financial
4 institution.

5 However, they are loan brokers
6 because they bring customers and in and
7 out-of-state banks together, yet many of these
8 institutions are not registered as loan
9 brokers with the state department of banking.

10 Through this legislation, the city
11 can take the business privilege license of
12 payday lenders and tax refund lenders because
13 they are loan brokers that are not registered
14 with the Commonwealth of Pennsylvania.

15 I would like to thank ACORN and
16 Community Legal Services for their support of
17 this legislation.

18 Unfortunately, they are not able to
19 testify today because many of their members
20 are in Harrisburg lobbying for Senator Fumo's
21 Senate Bill 101, which would outlaw payday
22 lending in Pennsylvania.

23 And we are very happy that he
24 introduced that legislation and hope it is
25 successful.

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2 Like payday lenders, stop-and-go's
3 are also a negative influence in our
4 communities.

5 To address this problem, the general
6 assembly passed Act 39, which granted City
7 Council the power to approve or disapprove
8 bars, stop-and-go's, or restaurants from
9 selling take-out beer.

10 Even with this new enforcement tool,
11 various disapproved stop-and-go's are still
12 selling take out beer.

13 Considering Pennsylvania law and the
14 small number of state liquor control
15 enforcement officers in Philadelphia,
16 additional enforcement tools are needed to
17 regulate disapproved stop-and-go's from
18 selling take-out beer.

19 Accordingly, if a community
20 organization reports that a disapproved
21 stop-and-go is selling take-out beer, and this
22 report results in a violation from the state
23 bureau of liquor control enforcement, this
24 legislation today gives the city to take the
25 power to take the stop-and-go's business

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2 privilege license.

3 Through this hearing, we will have
4 an opportunity to hear from a city official
5 and constituents from across the city
6 regarding the need for this legislation.

7 They have worked hard to prohibit
8 stop-and-go's from selling take-out beers in
9 their communities.

10 Although disapproved, various
11 stop-and-go's are still selling take-out beer.
12 Through the passage of this legislation, we
13 will provide our constituents with an
14 additional enforcement tool to stop these
15 detrimental and negative businesses that are
16 disturbing our communities and our city.

17 Thank you very much, Mr. Chairman.

18 COUNCILMAN MARIANO: Thank you,
19 Councilwoman. Mr. Howard.

20 MR. EDGAR HOWARD: Thank you. Good
21 morning, Mr. Chairman, and to the
22 distinguished members of Council. I am here
23 today in support of Bill 040604.

24 This legislation is designed to
25 suspend the license of an establishment that

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2 violates either city or state laws.

3 We must find an effective way to
4 deal with establishments that create quality
5 of life concerns.

6 Council is correct in this approach
7 by conducting these proceedings. To be
8 effective, there must be steps that we can
9 take at the license-renewal process. To be
10 effective, we can install steps to this
11 process.

12 Number one, I recommend everyone who
13 is opposed to a renewal license should receive
14 a copy of all police reports and all LCB
15 reports; all information from L & I,
16 especially those where an establishment has
17 open violations, must be a part of the record;
18 contacting community and political
19 organizations, which are aware of the problems
20 or the concerns in such community; and
21 ensuring that there are no paper transfers of
22 licenses, which are deemed to be a very, very
23 serious problem; and the collection of
24 petitions from neighbors who live within the
25 prescribed radius of a nuisance establishment.

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2 If we can accomplish just some of
3 these proposals, our city would be far better
4 off.

5 Thank you, sir.

6 COUNCILMAN MARIANO: Thank you,
7 Commissioner.

8 Any questions for Commissioner
9 Howard? Anyone?

10 Okay. You might want to stay
11 around, but it is up to you.

12 MR. HOWARD: I will watch you on
13 television downstairs.

14 COUNCILMAN MARIANO: Anybody else?
15 There is another part of this panel.

16 We can do this all pretty much
17 together. Ms. Philo is an attorney. I know
18 she is waiting until the end, so we will
19 remember what she says.

20 Nothing against attorneys. Very
21 lovely attorney, I must say.

22 Ma'am, all you state your names one
23 at a time, what you do, and why you are here,
24 for the record.

25 MS. TRACEY L. GORDON: Thank you,

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2 Councilman Mariano.

3 My name is Tracey Gordon I am from
4 the Concerned Citizens for the Preservation of
5 Southwest Philly, and I am here with other
6 colleagues.

7 We are also hear representing the
8 African-American Heritage Coalition. And they
9 will introduce themselves, and I have a
10 statement to read.

11 COUNCILMAN MARIANO: Go ahead.

12 MS. BONITA CUMMINGS: I am Bonita
13 Cummings, Director of Strawberry Mansion
14 Community Concern, and elected committeewoman.

15 COUNCILMAN MARIANO: I do love that
16 hat. Really timely for today, isn't it?

17 MS. VIVIAN CRAWFORD: My name is
18 Vivian Crawford. I am an attorney in the City
19 of Philadelphia, and I am also a member and
20 counsel for the African-American Heritage
21 Coalition. And some of you might know I am
22 also a member of Neighborhood Networks.

23 But I am here on behalf of the
24 African-American Heritage Coalition today.

25 COUNCILMAN MARIANO: Any statements

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2 you want to read? You are all for this;
3 right?

4 MS. GORDON: I gave you all copies
5 of my statement. And I guess I started off
6 with a definition.

7 COUNCILMAN MARIANO: Do you want us
8 to put it into the record, and you can
9 summarize it? It is easier.

10 MS. GORDON: Yes. It is just
11 entitled what I consider the social
12 responsibility of the City of Philadelphia to
13 ensure our quality of life is preserved and by
14 monitoring the business community activities
15 in our communities, and the role of Licenses &
16 Inspections' enforcement, which you can just
17 see it is kind of a mess in our city.

18 I looked for the definition, I
19 thought it was important because it helped me
20 to be able to define some things and,
21 hopefully, for you all to encourage you all to
22 bring bills like this as such.

23 And, so, I also wanted to
24 acknowledge Councilwoman Tasco. I appreciate
25 the work you have done. I appreciate you

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2 bringing this, you and the committee bringing
3 this, to give us extra, I guess you would
4 call, something extra, because they are not
5 respecting Act 39 at all.

6 COUNCILMAN MARIANO: Tools to help
7 us.

8 MS. GORDON: I have had licenses
9 that have got revoked, and I sit there and
10 they still selling beer.

11 COUNCILMAN MARIANO: It gets a
12 little disheartening after a while.

13 MS. GORDON: Yes. There is no
14 respect for the City of Philadelphia.

15 So I want to say quickly, I got
16 these definitions: Awareness, knowledge, and
17 based on commitment to equity, access, and
18 justice; a dedication to civic involvement and
19 environmental sustainability; and respect for
20 diversity, pluralism, and freedom especially.

21 We the citizens of Philadelphia
22 support Councilwoman Tasco and her colleagues
23 in this bill that would attempt to protect our
24 local community from businesses that engage
25 and continue to engage in a manner that

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2 degrades and acts as nuisances directly or
3 indirectly in our communities.

4 We also challenge you all in the
5 City of Philadelphia to utilize and monitor
6 the departments responsible for enforcing the
7 rules that already exist to ensure that we are
8 protected. This I ask for all of the citizens
9 of Philadelphia.

10 My testimony today will focus
11 primarily, but not without exception, on the
12 African-American communities and neighborhoods
13 that I feel are exploited by our overabundance
14 of nuisance establishments.

15 These businesses, typically the
16 stop-and-go's, Chinese and food take-out
17 establishments, and corner deli, beer and
18 take-out stores.

19 We have testified before you all
20 earlier this year, and for the past three
21 years have protested the conditions that the
22 City of Philadelphia, most importantly L & I,
23 allows them to continue to operate in a manner
24 that we have reported, testified, witnessed,
25 and are subjected to.

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2 Some of the blatant violations are
3 continuing to sell loose cigarettes. And you
4 know who that goes to is our youth.
5 Continuing to sell take-out beer, even though
6 we suspended their licenses.

7 Continuing -- they have cut down on
8 the straight-shooters. L & I and enforcement
9 are allowing.

10 COUNCILMAN MARIANO: I know what a
11 straight-shooter is, but explain that.

12 MS. GORDON: Straight-shooter, what
13 they were selling were, in these little tubes
14 with roses. And they were glass tubes. And
15 they were used for crack, people to smoke
16 crack out of it.

17 Then they got the straws. And then
18 they have -- now they got ink pens, you know,
19 looks like an ink pen. They take it out and
20 they use that.

21 Any of the stop-and-go's you go to,
22 99 percent are filthy dirty. You can --
23 basically, it is filthy dirty on the outside.
24 They have the plexiglas with all the
25 degrading, advertisements. It is just a mess.

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2 They allow -- they still don't have
3 bathrooms, still are not looking like a deli
4 that we know a deli of.

5 They have fold-up chairs that are
6 stacked, with no intention of it being a deli.
7 You know what a deli is. Latimers is a deli,
8 you go sit down.

9 COUNCILMAN MARIANO: I actually saw
10 one when we went on that tour -- and I don't
11 know if anyone else went -- and I never saw
12 anything like this in my life.

13 They had a plexiglas window, which
14 you couldn't shoot a bazooka through. But
15 they opened the hinge, Councilwoman, and you
16 could get a shot of Vodka or whiskey.

17 You know, the human imagination
18 doesn't go as far as what goes on when you
19 don't pay attention. And you are absolutely
20 right.

21 MS. GORDON: With the Neighborhood
22 Transformation and the new phases going into
23 commercial corridors, it is not fair for us as
24 African-Americans to have to be subjected to
25 businesses that come in our communities, rake

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2 up the money, don't live, leave, and continue.

3 I mean, at 11 o'clock you all had a
4 big hearing on it. Where, if these businesses
5 are on the corner of a residential block of 80
6 percent or more, they are supposed to close at
7 11. Still they do not close.

8 And, also, it is just the lack of
9 communication in between departments here. In
10 other words, you could see the mix-up with --
11 you had somebody just from L & I. He was,
12 like, 7:00, 8:00, I don't know. And then the
13 police department don't know.

14 Now, police patrol cars out in my
15 area in Southwest Philly, on the corner of
16 60th and Upland, where there is a stop-and-go,
17 a Chinese store, they have to sit out there 24
18 hours because of all the violence that happens
19 there. Why? Because that store stays open
20 past 11:00.

21 With taxpayer's dollars, this cop
22 could probably be used to patrol the other
23 dangers that is going to go on, but they have
24 to sit 24/7.

25 This is a waste of money. There is

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2 a lack of communication in the departments.

3 And I also want to say we are
4 thankful that the city has provide yet another
5 tool we can use to protect our families. But
6 I still see a problem, a big problem.

7 The City of Philadelphia, on the
8 first constructed cities of modern days, have
9 laws, rules, and ordinances that are already
10 on the books that are supposed to protect us.

11 The problem is, these laws only
12 apply to communities other than
13 African-American community. Or that it seems.

14 Yes, I will admit that other
15 communities are much more involved and they
16 make sure that nuisances are not operating in
17 their communities.

18 But this still should not be a
19 reason why these nuisances, such as
20 stop-and-go's, are allowed to exist.

21 We can continue to come up with
22 ordinance after ordinance, and law after law,
23 and demonstration after demonstration. But if
24 the city does not enforce these laws to
25 protect us, this means Licenses & Inspections

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2 should be reorganized, and all of this is a
3 waste of time and a shame on our city.

4 What I hope this committee will
5 establish are real goals for our communities,
6 and hope you all will come up with a system
7 that will micromanage these city departments,
8 L & I, enforcement, police, and other
9 department heads that are paid to perform, and
10 either set goals for them or replace the
11 leadership.

12 Stop allowing this to be an activist
13 problem and task, and place the responsibility
14 back on the people our taxes are paying.

15 Stop allowing these department heads
16 to prosper and remain in positions without
17 performance appraisals.

18 It is quite obvious to us that the
19 departments that involve the enforcement and
20 monitoring of these nuisance establishments
21 are not either able or willing to effectively
22 enforce the laws that are already protected --
23 that already protect us as a community. And
24 this is where are our city is not behaving
25 socially responsible.

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2 Government is always telling us to
3 become responsible for our children, families,
4 and community. Now we are asking you, the
5 leaders or heads of our districts, or the
6 parents of our local government, to act
7 socially responsible and go a step further to
8 review, evaluate, and make sure your children,
9 the citizens of this great city, are protected
10 from these business nuisances.

11 I believe this hearing is a first
12 step in this direction. And I am telling you
13 all, you all are going to keep coming back
14 here unless we make it a priority to deal with
15 the enforcement here, the people that are
16 paying, the enforcement.

17 You all are going to continue to
18 look at me. Because I am learning, now that I
19 am visiting City Hall, that you all are coming
20 up with things, you are trying to, but it is
21 not twinkling down to us.

22 And, just like Councilwoman
23 Krajewski just said, why should an 80-year-old
24 woman have to listen to roaring music --

25 COUNCILMAN MARIANO: Not that she is

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2 an old woman, mind you.

3 MS. GORDON: Have to live in a
4 neighborhood where she is scared to walk by a
5 stop-and-go because they allow drug deals.

6 And I will close with this. I had
7 heard -- of course I am in the community all
8 the time. And I had heard some resistance
9 from some of our activists and businesspeople
10 in our community, that they was really against
11 Councilwoman Tasco's prohibition of vendors on
12 the major corridors.

13 I know my Councilwoman, Anna Verna,
14 I know she had posed it, and I know -- thank
15 you. Because if you go up 52nd Street and see
16 how horrible them vendors and that business
17 community is, like garbage everywhere.

18 And I know this is off the topic.
19 But I am trying to say is, where is the
20 enforcement, sanitation, to demand that them
21 people that come into our neighborhoods and
22 anger our communities, that are allowed to
23 vend or operate, and then it is a filthy mess,
24 it is like the worst thing you have ever seen,
25 in this great -- we have a good city, we have

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2 a beautiful city. With the transformation
3 going on, my property value goes up.

4 But if I walk around the corner, you
5 would think I was in a third-world country.

6 Enforcement is what's lacking in
7 this city. Thank you.

8 COUNCILMAN MARIANO: Thank you,
9 ma'am.

10 Anyone else?

11 MS. BONITA CUMMINGS: Yes. I am
12 Bonita Cummings, and I am just going to read
13 my testimony for today.

14 I have been diligently working
15 surrounding the issue of nuisance business
16 establishments in the City of Philadelphia.

17 My research has led me to the
18 conclusion that, connected to the business
19 privilege license, is a predatory process.

20 The intent for the license was for
21 the privilege of owning or having a business
22 establishment. You pay taxes, provide a
23 quality and use for service to a community,
24 taking into account and consideration the
25 health, welfare, and safety of the city, its

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2 neighborhoods and its residents.

3 I am also a senior tax advisor; and,
4 therefore, I am very familiar with the
5 business privilege license and its purpose.

6 In Philadelphia, business
7 establishments use the business privilege
8 license as a predatory mechanism. And since
9 there is no annual compliance component to the
10 license, nuisance businesses continue to
11 operate year after year.

12 Why do I use the term "predatory"?
13 Because the proliferation and oversaturation
14 of same-type businesses in community,
15 especially corner store, retail variety,
16 hot/cold food, and stop-and-go's, in community
17 neighborhoods, with the business privilege
18 license in hand, are established, showing a
19 disposition to injure or exploit others for
20 one's own gain.

21 The injury to neighborhoods is so
22 great that these same-type businesses all over
23 the city, with permission from the business
24 privilege license process, has and is creating
25 a permanent underclass.

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2 Residents of the City of
3 Philadelphia are being trained to eat slop,
4 accept trash dumpsters and trash in front of
5 business establishments, accept dirty
6 vermin-infested food establishments, illicit
7 alcohol advertisements, illegal business
8 activity, alcohol sold to and in front of our
9 young children; children eating rancid cooking
10 oil at midnight and later which causes
11 juvenile diabetes, asthma, fatigue, violent
12 tendencies, et cetera. Further, these
13 businesses offer no employment.

14 Neighborhood businesses of today are
15 not businesses of yesteryear. And unless Bill
16 No. 040604 is meant to put a compliance
17 component to businesses that are nuisances, we
18 are spinning our wheels, and tomorrow's
19 businesses will be worst than today, and we
20 will go for 20 more years asking and begging
21 for relief from predatory businesses in
22 community neighborhoods.

23 I have learned that the Department
24 of Licenses & Inspections uses a verification
25 of compliance of existing laws form for

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2 boarding homes, old-age homes, and residential
3 custodial-care facilities.

4 If we are to make a correction and
5 right a wrong, we must add business
6 establishments on this form.

7 Presently they are inspected just
8 for the fire alarm, particularly the
9 stop-and-go establishments. Licenses &
10 Inspections already inspects these
11 establishments, so no additional employees
12 would be required.

13 While they are already in the
14 business establishment, instead of just fire
15 alarm, they would inspect for food preparation
16 and serving; zoning, is the facility properly
17 zoned; illegal phone booths; illegal
18 billboards and other illegal advertising;
19 health certification, does business have a
20 health certification; managers, are they
21 licensed; private trash collection contract;
22 grease removal contract, as well as other
23 quality of life issues.

24 This way compliance will have to be
25 met annually, before the businesses were

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2 granted a renewal for city and before they
3 could even send their renewal to the state.

4 The compliance form will have to
5 come directly from the city to the state,
6 which is how the city presently does daycare
7 facilities. That's how daycare facilities'
8 licenses are renewed.

9 We have spoken with the
10 Administration regarding this compliance
11 process and form, and we are waiting for a
12 return call from Connie Little regarding
13 setting up a meeting with L & I.

14 And maybe someone from this
15 committee directly -- someone from this
16 committee can further follow up.

17 And, for your review, the forms were
18 placed in my packet, and we can take a look at
19 those forms.

20 And I believe if we put that in
21 place, even before licenses are renewed, we
22 have thoroughly inspected those businesses,
23 which presently is not a part of the process.

24 Thank you.

25 COUNCILMAN MARIANO: Thank you. Ms.

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2 Cummings, Anthony over here, this handsome
3 man, speak with him after this, and we will
4 see about parlaying a meeting with the L & I
5 Commissioner, whoever you want. Because we
6 certainly are concerned.

7 Because, let me tell you, on
8 Allegheny Avenue -- and I can't tell you the
9 racial makeup of the area, it is probably
10 everything -- there is one of those
11 restaurants on every corner for ten corners
12 straight. And they are take-outs, they are
13 not restaurants.

14 Now, I don't know how good the food
15 is. It might be good, one might be better
16 than the other; one might be a different
17 style. But ten on ten corners, if I didn't
18 see it with my own eyes...

19 I understand it. And I understand
20 why they are there and what's going on. So,
21 we appreciate it. Let us know, and we will
22 see what we can do.

23 MS. VIVIAN CRAWFORD: My name is
24 Vivian Crawford, as I told you before.

25 I thank you so much, Councilwoman

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2 Tasco. And it is a pleasure to see you, as
3 always. You always get to the real task. I
4 think you have an appropriate name.

5 What I want to say to this committee
6 today is, when we start talking about
7 stop-and-go's, I have been involved in the
8 hearings for stop-and-go's with my colleagues,
9 and I would just show up just for purposes of
10 making certain that the community was heard
11 and that the community presented its issues
12 before the committee, before the hearing
13 officer in a cogent manner.

14 Now, Councilman DiCicco mentioned
15 something earlier when he talked about bars.
16 And for those of us -- and I can look around
17 and see a few people that I would say we are
18 probably from the same era -- we remember that
19 taprooms, bars -- first of all, they used to
20 have a separate entrance for ladies, which
21 really dates me.

22 But the other thing that used to
23 happen is, when you went into a bar, the
24 bartender pretty much knew everybody that came
25 into that place. He was from the community,

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2 and he knew the community people that came in
3 to solicit there. What we have going on in
4 these stop-and-go's is something entirely
5 different.

6 When you talk about the plexiglas
7 structure and the little window where you put
8 your money in, and they give you your food or
9 they give you your beer, that takes away the
10 human contact that used to happen in taprooms.

11 Now, how many of us remember corner
12 taprooms, where we -- and I should also
13 confess to you, when I was in law school, I
14 tended bar. So I knew my customers, they knew
15 me. And there was a different sort of
16 communal atmosphere. This is not what happens
17 in stop-and-go's.

18 In stop-and-go's, people come in,
19 they make their purchases, and they go outside
20 and loiter on the outside to drink the beer.

21 Now, I don't have to tell you what
22 happens when you drink a lot of beer. And
23 these places do not have rest-rooms.

24 So what you have is that the area
25 around the stop-and-go's becomes a public

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2 toilet. I mean, there is no other way to say
3 that. It is a public toilet. And then people
4 are standing around, they are eating their
5 foods.

6 And often a lot of these
7 stop-and-go's are near schools. So you have
8 got school children that have to pass this
9 stop-and-go in the afternoon, where people
10 have been sitting out there drinking.

11 We presented pictures for the
12 hearings of stop-and-go's with signs all over
13 the place. The owners of the stop-and-go's
14 don't even see what goes on in their
15 facilities.

16 We had pictures of stop-and-go's
17 with -- they are supposed to have 30 chairs,
18 seating for 30 people; they have 30 chairs
19 chained together against the wall so that
20 if -- in case somebody comes, then they can
21 see they have seating for 30 people.

22 Now, when you look at this, and you
23 look at the quality of life and what that
24 does, these people are using liquor licenses.

25 They have to -- and I have another

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2 point altogether. Because I don't understand
3 why, if these people are not in conformance
4 with city laws, that people are not going
5 after those liquor licenses.

6 I -- having been doing what I do for
7 a number of years, a liquor license is an
8 expensive item. And anybody that had a liquor
9 license could pretty much go into the
10 marketplace and sell it.

11 These places have taken liquor
12 licenses from former taprooms and set up these
13 stop-and-go's, selling rancid food, selling
14 loosies. I didn't even know what a loosie
15 was.

16 I mean, I am from the era where,
17 when you say, "loosie," to me, I thought Dezi
18 Arnez. Seriously. And these kids come in and
19 they buy loosies.

20 They buy these loose cigarettes
21 because they can't afford to buy a pack of
22 cigarettes.

23 Now, we have got problems with our
24 system and our health system being torn down
25 for people smoking and the effects of drinking

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2 and eating this kind of food. We are, the
3 taxpayers are, actually ultimately paying for
4 that.

5 So that if you look at it from a
6 long-range perspective, you see that any
7 business that sells loosies should be put out
8 of business.

9 And I think that we need to have the
10 Pennsylvania Liquor Control Board in here and
11 ask them some tough and hard questions about
12 why are these places allowed to stay in
13 business.

14 Now, all of you in here that know me
15 know that I speak my mind. And I am saying to
16 you right now that your hands are going to be
17 tied until Pennsylvania Liquor Control Board
18 is brought in here and made to answer these
19 tough questions.

20 Thank you very much.

21 MS. GORDON: And I would like to
22 also add how we bring the Pennsylvania --

23 COUNCILMAN MARIANO: Hold on a
24 minute. Councilman Kenney has something. But
25 I have one statement.

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2 I am Ricky, so I get the "loosie"
3 thing. But, you are absolutely right.

4 They have been in here. And I
5 remember, maybe Councilman Kenney and other
6 people were here, we had them here for the
7 stop-and-go.

8 And when them gentlemen came and sat
9 right where you were, I made a statement to
10 them that everybody thought was different.
11 But if you look in the archives of what
12 happened in Council, I said, "Where are you
13 goes from?" I mean, "You look like Opie and
14 you look like you should be" -- I think you
15 get it. They had no idea.

16 And they meant well. They do mean
17 well. But they are undermanned. And that's
18 something we need to discuss here, but at the
19 state level and whatever level it is right.
20 Because everything she talked about is true,
21 and the same thing with you.

22 Councilman Kenney.

23 COUNCILMAN KENNEY: Thank you, Mr.
24 Chairman.

25 I just wanted to alert the panel --

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2 and I think that they do know -- that Council
3 recently passed a resolution to ask the liquor
4 control board and also the Philadelphia police
5 and state police to come in.

6 And we are going to have a hearing
7 after the first of the year. We don't have a
8 date yet, but we are making arrangements now
9 to bring those parties in.

10 One of the things that's interesting
11 about the testimony relative to this bill is,
12 in order to get a liquor license renewed, you
13 need to get a clearance certificate from the
14 state revenue department and also, I think,
15 from the city revenue department now.

16 If we could get a state House
17 person, Senator, to introduce a bill to review
18 an L & I clearance certificate for cities of
19 the first-class, Philadelphia only, or they
20 won't renew the liquor license, if they don't
21 get a clean bill of health from the
22 Departments of Licenses & Inspections, this
23 may go along way in giving the liquor board
24 another tool not to renew a license.

25 Because it is just as important that

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2 the building is in compliance with L & I, as
3 it is with their taxes. Just because a
4 business pays taxes doesn't mean that they are
5 a good business.

6 And if we can add to the list of the
7 liquor code requirements that an L & I
8 clearance certificate for cities of the
9 first-class are required, that may go a way in
10 slowing down the renewals, which is the
11 biggest problem.

12 I mean, as we talked about earlier
13 on this Act 39, it is important that we try to
14 limit the take-out beer for establishments
15 that aren't complying with the law. But that
16 doesn't take their liquor license away; it
17 just stops from taking the beer out. They can
18 still sell alcohol.

19 And I think the way to really nip
20 this problem in the bud is to get the liquor
21 license not renewed.

22 And if we could put another hurdle
23 or obstacle in their way with an L & I
24 clearance certificate, I suggest maybe
25 Councilwoman Tasco could talk to

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2 Representative Parker or someone there who
3 could maybe make an effort to get that
4 included in the code, it will give us another
5 tool.

6 COUNCILMAN MARIANO: Councilman, and
7 the liquor license is the proverbial carrot
8 that's worth money. That's the only way we
9 can hold people accountable.

10 COUNCILMAN KENNEY: So we will have
11 a date, and we will inform you of the date
12 right after the first of the year. But thank
13 you for all your hard work.

14 MS. CUMMINGS: I wanted to add one
15 last thing. Maybe a moratorium process.

16 The Zoning Board of Adjustment every
17 week is continuing to approve retail variety
18 hot/cold food establishment that bring
19 absolutely totally nothing to communities.

20 In Strawberry Mansion, we have one
21 on every corner. I am fighting now to keep
22 one from going on another corner. And we seem
23 to be having a losing battle in zoning where,
24 every week -- how much food do we need to eat,
25 and of the same type, with no grease removal,

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2 rancid grease. Our children are eating grease
3 that causes them to be ill.
4 So we just need some help. Maybe
5 that's a way to look at slowing down some of
6 the approvals.
7 COUNCILMAN MARIANO: We hear you. I
8 mean, it is something we talked about.
9 Councilwoman Tasco.
10 COUNCILWOMAN TASCO: Thank you,
11 ladies, for coming in. I appreciate it.
12 MS. GORDON: I have one other
13 comment.
14 And we had spoke with Councilman
15 Kenney. I see how some of these hearings are
16 conducted. And this particular hearing, we do
17 not want them to waltz in, read their reports,
18 and then they waltz out before we -- we want
19 to sit in a circle, look them in the eye and
20 say, "Why is this? Why is this? Why is
21 this?" And you answer. You don't waltz in.
22 And, also, I think that the City of
23 Philadelphia -- and you know they are saying
24 we are the next suburbs of New York, with
25 everything coming and booming and property

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2 value -- that there should be a model, that
3 they -- because they always pretend they don't
4 understand English when it comes down to these
5 sorts of things.

6 If you don't understand English, you
7 can see -- and there should be models that
8 say -- this is how we want our stores and our
9 communities constructed, minus the bulletproof
10 glass.

11 Because I contend that the reason
12 why you have to have the bulletproof plexiglas
13 is because, one, you are staying open past 11
14 o'clock; two, you are selling all kinds of
15 things that are attracting the nuisances.

16 So why, if you can go on one corner
17 and there is no bulletproof glass, or you can
18 go to a bank and there is no bulletproof
19 glass; but, yet, the stop-and-go's are the
20 only ones that seem to have this bulletproof
21 glass.

22 Now, why -- and we should review and
23 decide whether or not we want stores that
24 operate as beer and deli to have bulletproof
25 glass, when you go into other stores and they

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2 don't have bulletproof glass.

3 So I know a lot of people say, well,
4 you need bulletproof glass. But I guess if
5 you are selling crack pipes, you do need
6 bulletproof glass.

7 I guess if you are staying open to 3
8 o'clock in the morning -- who is up to 3
9 o'clock in the morning looking for chicken
10 wings -- you do need bulletproof glass.

11 I am saying that enough is enough.
12 We need to bring them in here, and we need to
13 look them eye to eye. We need to know who are
14 the head of these departments.

15 These stores need to be able to put
16 placards in their windows where you can walk
17 by and say, "Who do we call? In L & I -- I
18 want to get this guy's business card. Who in
19 L & I is in charge of this? Who do you call?

20 COUNCILMAN MARIANO: He is sitting
21 behind you. Mr. Haigler stand up so everybody
22 can see you.

23 MS. GORDON: Is he in charge?

24 COUNCILMAN MARIANO: He is in charge
25 here today. He is the guy they sent over.

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2 He is not in charge of everything, but he is
3 the guy they sent over.

4 MS. GORDON: No. I am talking about
5 1-800 nuisance bar hotline.

6 COUNCILMAN MARIANO: I hear you. We
7 could go on all day, because I agree with you.
8 But I think time limits here constrain us.

9 Listen, we hear you. And he has
10 boss, and his boss has a boss, and there is
11 someone downstairs that's their boss.

12 Councilwoman Tasco.

13 COUNCILWOMAN TASCO: Yes. I just
14 want to again thank the ladies for coming in,
15 for their testimony.

16 And their testimony goes to the
17 heart of what we have to deal with in all of
18 our areas, is the quality of life issues that
19 basically center around L & I and the code
20 enforcement.

21 And I appreciate Councilman Kenney's
22 charge to my State Rep. And I will let her
23 know that she is charged with the whole issue
24 of dealing with this.

25 Because we have had -- we have

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2 stopped liquor licenses up in the Mt. Airy
3 area from coming in. But it took a lot of
4 work; took us fighting to testify, because the
5 liquor control board did not want me, as a
6 Council person, because I didn't live within
7 500 feet of the establishment, to testify.

8 But we forced ourselves and said we
9 were elected to represent the people in the
10 district, and we're allowed to testify.

11 I must say, the liquor control
12 board's attitude is changing somewhat, and we
13 might have a better window in Harrisburg.

14 I think because of the leadership of
15 the Governor and the appointments to the
16 liquor control board -- because in some other
17 parts of the state, they don't have the same
18 problems that we have in Philadelphia.

19 They don't come down here. They
20 don't understand the difficulty we have with
21 some of the decisions they make and the impact
22 those decisions have on our community.

23 To the ladies what I would like to
24 say -- and I know it is very difficult -- when
25 they wouldn't let Rosa Parks sit in the front

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2 of the bus, they stopped the bus company.

3 So one of the things you can always
4 do is try and stop your neighbors from buying
5 from these establishments. I mean, that is a
6 form of control. I don't know if I am
7 supposed to say that or not.

8 But I think that, in the effort in
9 West Philadelphia, where Councilwoman
10 Blackwell had the stop-and-go that wanted to
11 open, I think the people in the neighborhood
12 kept it down.

13 So it is going to take not only
14 action of government, but it will take a
15 collective action from the people who live in
16 the neighborhood.

17 And if the stores are so filthy,
18 like you said -- if they are selling decent
19 food, maybe you could see people going there.
20 But the food is crappy, maybe they are going
21 there for something else.

22 So that requires some maybe
23 undercover work by the police department, find
24 out what they are really selling, that they
25 are not selling food. Because I can't imagine

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2 anybody going in there and buying food.

3 But, again, that takes some effort
4 on your part with your neighbors and your
5 people in Southwest Philly, wherever, to
6 organize selective purchasing.

7 COUNCILMAN MARIANO: Thank you,
8 Councilwoman. Cynthia.

9 Thank you ladies. Very good.

10 COUNCILMAN MARIANO: State your
11 name.

12 MS. CYNTHIA M. PHILO: Good morning.
13 I am Cynthia Philo. I am the Executive
14 Director of the Oldcity District, but I am
15 also an Act 39 hearing examiner. And I am
16 here to testify on behalf of Councilwoman
17 Tasco's bill.

18 And I am pleased to see that there
19 are a large number of other Council people
20 that are in support of this bill. And I am
21 coming at it from a different angle.

22 I didn't prepare any testimony, so I
23 will keep it short and sweet, so you don't
24 have to remember all of it.

25 COUNCILMAN MARIANO: That's how we

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2 like it.

3 MS. PHILO: Good.

4 I just think that this is important
5 because, if you have someone who has violated
6 a rule that has been put on them, such as a
7 rule by a hearing examiner which has been
8 recommended to the City Council and City
9 Council has basically said, no, you will not
10 have a particular license, and they continue
11 to violate that, this is really the only way
12 that we as a city are able to go after them
13 for violating something.

14 Now, it doesn't just have to be a
15 stop-and-go situation. As Councilwoman Tasco
16 indicated, it is also predatory lending. But,
17 it is also other businesses.

18 In Oldcity, there are a lot of
19 people sometimes that like to come in and they
20 open up a shop. Maybe it happens to be a taro
21 card reader, who might not have a business
22 privilege license, and/or they are violating
23 something. They have their business privilege
24 license, but they are not supposed to be doing
25 X, and they continue to do so. This is a way

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2 that we can really hit them where it hurts.

3 They can't do business because they
4 are not following the rules.

5 The people that are following the
6 rules, they need to know that Council is out
7 there, making sure that the businesses that
8 aren't following the rules are not going to be
9 in business anymore.

10 It's something I think that can help
11 us as a community as a whole. And I would
12 like to say that the Oldcity District would be
13 in support of this particular bill.

14 Thank you very much.

15 COUNCILMAN MARIANO: Thank you.

16 Any other witnesses to this? Any
17 questions for this witness?

18 Welcome ladies. Start over here,
19 state your name and your organization.

20 MS. JIMENEZ: I am Farah Jimenez,
21 and I am the Executive Director of Mt. Airy
22 USA.

23 MS. SIENNA: I am Laura Sienna, I am
24 the Executive Director of West Mt. Airy
25 Neighbors.

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2 MS. BALL: I am Sherang Ball,
3 Community Organizer with East Mt. Airy
4 Neighbors and West Mt. Airy Neighbors.

5 MS. FARAH JIMENEZ: Again, my name
6 is Farah Jimenez. I am the Executive Director
7 of Mt. Airy USA.

8 And Mt. Airy USA is a local
9 nonprofit community development corporation
10 that is focused on revitalizing Germantown
11 Avenue.

12 I would say that, as a main street
13 developer, our organization is staunchly pro
14 business. We have recruited an average of one
15 new business to Germantown Avenue each month
16 for the last three years.

17 We have partnered with the business
18 association. We actually serve on its Board.
19 We partnered for the last five years with the
20 business center, which is an incubator program
21 that launches a business plan competition.

22 And we certainly want our business
23 community to grow. But even though we are
24 staunchly pro business, the reason that we're
25 here is that we feel it is very important to

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2 come and support this particular bill.

3 We're a community development
4 corporation. So while we support our business
5 community, our neighborhood and our residents
6 and their concerns trump those of the
7 businesses.

8 And we have witnessed firsthand over
9 the last several years where businesses
10 seemingly created to serve our community have
11 worked quite magnificently at destroying it,
12 at worst, or undermining its potential for
13 revitalization, at best.

14 And, in addition, we have witnessed
15 how existing enforcement tools have fallen far
16 short of controlling these that are posing as
17 tax contributors.

18 Some examples include, along the
19 avenue we have dozens of illegal billboards
20 that are thumbing their noses at our city's
21 ordinances; that, while these ordinances
22 simultaneously preclude the erection of these
23 billboards and require their removal, it has
24 been to no avail because the ordinance, while
25 strong, is weak in enforcement.

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2 And as we sit here right now, SEPTA
3 is paving our historic Belgium block and
4 trolley tracks along Germantown Avenue. And
5 this is despite a city ordinance that protects
6 our city's historic street-paving materials,
7 particularly along a nationally registered
8 historic district, which Germantown Avenue is.
9 Again, a strong, clear ordinance, but weak
10 enforcement.

11 And after nearly 20 years of blight,
12 generated by one solitary business on the 6600
13 block of Germantown Avenue, The Corner Deli,
14 our neighbors have used every tool within
15 their limited arsenal to get this business to
16 adopt our community standards, some simple
17 community standards which include not
18 loitering on the corners and adhering to
19 liquor control board's regulations and to
20 zoning ordinances.

21 But it has been to no avail. And
22 thank God for Act 39. And thank God for us
23 that Cynthia Philo was our hearing examiner.
24 And she allowed us to spend six hours of
25 testifying in front of her.

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2 We had compelling testimony from our
3 residents. We have had statistics and logs
4 maintained by the local Town Watch. We had
5 eyewitness testimony.

6 We had petitions from dozens of
7 neighbors and businesses, and we had the
8 police also there documenting their number of
9 calls they have had to the area and to the
10 business in particular.

11 And you should know that this six
12 hours of testimony followed several years of
13 our attempts to reach the business owners,
14 which have flipped.

15 And the current business owner, we
16 spent nearly a year trying to contact.
17 Because we attended the liquor control board
18 hearing, where the liquor license was
19 transferred to him, and he made all kinds of
20 gestures about wanting to work with us.

21 COUNCILMAN MARIANO: Can I ask you a
22 question? Not to interrupt while you are
23 going. 6600 Germantown Avenue, what's the
24 cross street there? That's behind Temple
25 Hospital?

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2 MS. JIMENEZ: No; it is Germantown
3 and Philomena.

4 COUNCILMAN MARIANO: There is one
5 near there, too. I thought you were talking
6 about that. Same scenario.

7 I am sorry. Continue.

8 MS. JIMENEZ: So we also, as a
9 community development corporation, have a
10 series of tools in our arsenal to help
11 businesses get into compliance and improve.

12 So we had offered to this particular
13 owner facade grant assistance, free design
14 assistance, matching grants, willing to
15 facilitate meetings with him and neighbors.

16 And never as much, despite his
17 overtures of wanting to work with us, got so
18 much as a return phone call.

19 So we were delighted when Act 39
20 happened. Now we finally had a new tool in
21 our arsenal. And we are delighted, of course,
22 and we won and the owner was denied their stop
23 and go permit.

24 So, in the interim, what's happened?
25 The business owner, through their attorney,

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2 has attempted to contact us a number of times.
3 You should know, because it is
4 important to address what Councilman Kenney
5 was talking about in terms of looking at the
6 liquor control board or licensing system as a
7 way of kind of controlling these businesses,
8 that, while we were sitting there in front of
9 the hearing -- in the hearing, the person who
10 came to testify was Adam Chu, who was the man
11 who had said that he would be owning the
12 business.

13 The building itself never actually
14 transferred to him. It transferred to two
15 members with the last name Lim, who currently
16 own the building. They were also the
17 applicants for the stop-and-go -- the take-out
18 permit, I should say.

19 COUNCILMAN MARIANO: Was this
20 gentleman like a straw buyer?

21 MS. JIMENEZ: We believed him to be
22 a straw buyer, for the following reasons:
23 One, he showed up, but he was not the
24 applicant for the take-out permit; he doesn't
25 own the actual real estate, even though he

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2 made overtures or representations that he was
3 going to buy the building itself at the liquor
4 hearing.

5 And while he and his wife are
6 president and treasurer of the company that
7 owns the liquor license, they actually were in
8 the process at that very moment of
9 transferring that liquor license to the new
10 owners, the Lims.

11 And when we tried to use the liquor
12 control licensing process as a way of stopping
13 the transfer of the license, of course what
14 ends up always happening is, you can only
15 transfer -- you can only argue against a
16 transfer of a license based on the reputation
17 of the new owner; that is, under the
18 presumption by the liquor control board that
19 the new owner may be an improvement over the
20 prior owner.

21 So without having any, as was true
22 when Adam Chu represented that he was going to
23 take over the license, we don't have any
24 information on a new owner, so we can only
25 really react to what has happened in the past.

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2 And, so, the challenge with working
3 through the liquor control board is that, they
4 have got a system in place where they can just
5 continue being straw buyers and transferring
6 licenses.

7 So what is happening now, after we
8 have succeeded, is that the business is
9 continuing to sell malt liquor.

10 We understand that they are doing so
11 by advising their clients and customers to
12 remove the -- to open the actual liquor so, in
13 effect, they have bought it and are consuming
14 it on the premises, but they actually are
15 taking it out of the premises.

16 So we have --

17 COUNCILMAN MARIANO: Only in
18 America.

19 MS. JIMENEZ: So we have been
20 calling the liquor control board. The
21 neighbors have a newsletter that they have put
22 together, where they are alerting the police.
23 And they are doing everything within their
24 arsenal again, but that's clearly just not
25 enough.

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2 So we would love this to be
3 approved, this particular bill. Because
4 beyond being an enforcement tool, we believe
5 it would also be a deterrence. And that gives
6 it more weight than what we currently have.

7 Until Act 39, we couldn't get this
8 stop-and-go owner to listen to us and to
9 consider our efforts.

10 And now that he has lost his
11 take-out permit, we are beginning to see some
12 level of cooperation, but still only a
13 hairline of compliance.

14 And, so, they are thumbing their
15 nose at us, and we need to be more active. By
16 removing a business privilege license, I
17 really believe it is the only way that we can
18 finally see full compliance.

19 COUNCILMAN MARIANO: Excellent. And
20 Councilman Rizzo, Councilman Kenney. But I
21 just want to say to Councilwoman Tasco, these
22 three ladies and these four, and Ms. Philo, I
23 don't know if you were responsible for getting
24 all this group, them all here, this is a
25 learning experience. I am really impressed.

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2 And I haven't even heard you two speak.

3 Maybe we can all get together and
4 figure something out before it gets
5 bureaucratically destroyed. And I think you
6 have some smart Council people here, and there
7 was mention of a smart State representative
8 who we know.

9 And Councilman Rizzo, also. I think
10 this is a job for a Councilman at-large. Not
11 Councilman Kenney, because he already does
12 this. But I think you are going to be in
13 charge of the Belgium block and the SEPTA
14 removal.

15 Is that what you are going to ask?
16 Go ahead, you can ask. He wants to ask you a
17 question.

18 COUNCILWOMAN TASC0: Let me just
19 say, I have a great staff.

20 COUNCILMAN RIZZO: As a matter of
21 fact, I appreciate all of your good work. And
22 I am glad that you noticed what I noticed
23 about Germantown Avenue.

24 And the Councilman talked about a
25 row house. I was born and raised 6200 block

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2 of Wharton, so I know that area well. Walked
3 up and down there.

4 But, as you know, there was a major
5 effort to reconstruct and put the Belgium
6 blocks back on Germantown Avenue many years
7 ago.

8 And as SEPTA and various utilities,
9 plumbers, came in, unfortunately they took the
10 shortcut, threw the Belgium blocks in the back
11 of the dump truck, and somebody got a patio.

12 COUNCILMAN MARIANO: I think
13 somebody was stealing it a couple of years
14 ago, actually reselling it somewhere?

15 COUNCILMAN RIZZO: And, as you know,
16 the 23 trolley tracks are still there, and it
17 is just a very dangerous situation.

18 So many years ago, when I started to
19 notice the Belgium blocks missing and being
20 replaced with blacktop, I went to at the time
21 the managing director Estelle Richman, who
22 hired a consultant to go and evaluate the
23 situation.

24 And I understand next year at this
25 time there should be a major effort to replace

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2 all of the areas that have been black-topped
3 and the Belgium blocks replaced.

4 And I don't know if you remember the
5 terrible storm we had, at, actually, Cresham
6 Drive at Germantown Avenue. The blocks, the
7 small little square smaller ones, they
8 actually got washed away, thousands of them.

9 And they were piled up. And
10 somebody was about to take those, and I made
11 sure that they were recovered and put back in
12 storage until the project.

13 But the good thing is that, what you
14 see, the temporary repairs, are, I think, just
15 to keep it safe so people aren't injured or
16 vehicles damaged.

17 And then when the project commences
18 to start the actual reconstruction -- which we
19 have to thank the Managing Director's Office
20 for kind of shepherding that project -- that
21 it will look good, hopefully, again, like it
22 should.

23 COUNCILMAN MARIANO: Thank you,
24 Councilman. See what happens, this will go on
25 all day, because we are all learning this

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2 stuff. But we have to cut this short because
3 a lot of us are older and need to use the
4 bathroom every 15 minutes. I speak for
5 myself.

6 So while I go do that, you can go
7 and Councilwoman Krajewski will take over.

8 MS. JIMENEZ: If I could, at the
9 conclusion, have a sidebar with Councilman
10 Rizzo, because there is some additional
11 information that I think would be important
12 for you to hear.

13 MS. LAURA SIENNA: I am Laura
14 Sienna. I am the Executive Director of West
15 Mt. Airy Neighbors.

16 And Farah has pretty much filled you
17 in on what for us was a once-in-a-lifetime
18 opportunity through Act 39 to try to get a
19 handle on the really bad nuisance take-out.

20 And one of the things I wanted to
21 mention is that, there were allegations made
22 subsequent to our winning this appeal that
23 there was a race component, because the owner,
24 or Mr. Chu, is Asian. And that was, you know,
25 thrown out. But I just wanted to mention that

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2 that really wasn't true at all.

3 In fact -- and there were several
4 businesses in Mt. Airy that applied under Act
5 39, and this was the only one we protested.

6 So there are many businesses that
7 have take-out licenses that act responsibly
8 and are not a problem to the neighborhood.
9 And I like to, once in a while, get a six-pack
10 myself, so I am not against take-out
11 businesses.

12 Right after we won, there was a
13 temporary restraining order put in. And then
14 that was lifted because that appeal was
15 denied.

16 Throughout that time, the loitering
17 and public drinking continued. But, you know,
18 the very next day, after that was lifted,
19 behavior as usual.

20 And, as Farah mentioned, customers
21 were told this kind of very unique thing;
22 which is, if they pop the top before they
23 left, it was perfectly fine.

24 So now you can still drive down
25 Germantown Avenue at 8 o'clock in the morning

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2 or at 8 o'clock at night, and there are
3 several gentlemen sitting out.

4 A couple of days ago I drove down,
5 and they didn't even have a paper bag over
6 their beer. It was just the beer in hand
7 sitting out front.

8 There has been a lot of drug dealing
9 and all kinds of -- obviously, public
10 urination, all kinds of nuisances.

11 When the restraining order was
12 lifted, and I noticed the continued behavior,
13 I called both -- well, I called three people.

14 I called the liquor control board in
15 Harrisburg and the LCB enforcement here, both
16 of whom were very ready and happy to talk to
17 me.

18 I also called L & I. And L & I said
19 that, "We have no jurisdiction over this
20 matter." And that's why we're excited to be
21 here today, because it would give L & I a way
22 to enforce the kinds of things that we need
23 enforced in order to get corner deli and all
24 its like to change their behavior.

25 So we really appreciate Councilwoman

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2 Tasco's bringing this bill. We also
3 appreciate the support that we have had from
4 Councilwoman Miller, she was one of the
5 original protestants. And we look forward to
6 have this passed.

7 Thank you very much.

8 COUNCILMAN MARIANO: We are
9 listening. We are trying to figure out --
10 this is running over what we want to do, and
11 the Councilman has a great idea. Go ahead.

12 And we might have to go into the
13 public meeting, vote this stuff, and then come
14 back to the hearing. If we could do that, if
15 everybody is all right. But, please go.

16 MS. SHERANG BALL: I am just going
17 to read a brief statement. Good morning
18 distinguished members of Council and the
19 committee. I thank you for the opportunity to
20 voice the perspectives of the community.

21 My name is Sherang Ball, and I am
22 the Community Organizer with both East Mt.
23 Airy Neighbors and West Mt. Airy Neighbors.

24 My position entails acting as a
25 liaison between city government, both

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2 neighborhood organizations as well as the
3 community.

4 Through my role, I am in constant
5 contact with members of the community for
6 which I am also a member of, and have been
7 made privy to issues impacting the quality of
8 life of many of our residents.

9 As to be expected drugs, youth
10 violence, vandalism, and other crimes are at
11 the top of the agenda.

12 Over the years we have seen a
13 considerable increase in these activities and
14 find ourselves becoming increasingly
15 frustrated with what to do and how to handle
16 them.

17 Because of it, a number of residents
18 have united to form Town Watches and other
19 organizations in the hopes of deterring these
20 negative influences.

21 But while these efforts have been
22 somewhat successful and should be applauded,
23 many of these committed residents are becoming
24 disillusioned by the number of business
25 establishments who conduct business in the

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2 community, make a profit off the people, but
3 negate to establish themselves as a viable
4 partner within the community.

5 Some of these establishments are, at
6 the very least, attractive nuisances,
7 providing safe havens for loitering by wayward
8 youths, public intoxication, and other
9 negative behavior not desired in a developing
10 community, while other much more sinister
11 establishments are more direct, as they serve
12 as willing partners in crime by allowing drug
13 dealing and other criminal activity to go
14 undisturbed both inside in front of its doors.

15 On Germantown Avenue we have
16 identified several of these nuisance
17 establishments. One of these establishments,
18 The Corner Deli, located at Germantown and
19 Horter Street, should be duly noted.

20 Last month a collaborative effort,
21 with a number of community stakeholders,
22 including EMAN, WMAN, Mt. Airy USA, St.
23 Michael's Lutheran Church, Project Learn
24 School, and the town watch group resulted in a
25 successful pulling of its take-out beer

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2 license, as directed under Act 39.

3 Neighbors to this establishment have
4 long complained about unruly patrons who
5 openly smoke marijuana, harass passerbys,
6 consume alcohol outside of its premises.

7 In preparation of the hearing, we
8 had collected nearly 200 signatures in support
9 of the opposition. And many of those who
10 opposed the license made themselves available
11 to testify during the hearing.

12 Many of them testified about the
13 current store owner's ineffectiveness at
14 either addressing the longstanding problems
15 nor willingness to work with the community for
16 such a solution.

17 However, since the pulling of the
18 license, neighbors still report that this
19 particular establishment has not fully cleaned
20 up its act.

21 We urge Council to pass this bill,
22 as it will greatly increase the capacity the
23 community has in permanently addressing
24 nuisance establishments.

25 In addition, it should be noted that

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2 this bill could serve as a catalyst, perhaps
3 even encourage those business owners to come
4 from behind the counters and bulletproof glass
5 and begin open dialogue with the community.

6 Or maybe, perhaps, we can convince
7 more of these establishments to become
8 invested in a community from which they
9 profit.

10 Thank you very much for your time.

11 COUNCILMAN MARIANO: Thank you.

12 Now, how are we going to do this? That will
13 be it. Nobody else to testify.

14 Do you want to go right into the
15 public meeting or do these other two bills?

16 Are there anymore witnesses for
17 this?

18 COUNCILMAN MARIANO: Yes. We want
19 to let him testify.

20 You testify, and then we are going
21 to have to get out of here and go back in and
22 come back in.

23 MR. GREG SPEARMAN: I don't mean to
24 hold you up, and I apologize if I do. I am a
25 member, as most of you know, of the boycott on

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2 55 and Larchwood that's been out there over
3 three years.

4 COUNCILMAN MARIANO: You have to
5 identify yourself.

6 MR. SPEARMAN: Greg Spearman.

7 I just want to re-emphasize at least
8 the part about the young lady said that this
9 is definitely not an attack on the Asian
10 community at all.

11 Because it is not our fault that
12 they own 99.9 percent of these here
13 stop-and-go's that causes problems inside of
14 our community.

15 We took, under the leadership of
16 Councilman Mariano, last time we had hearings
17 out to the corner. I am definitely against
18 anymore hearings, personally.

19 I think what we need to do is take
20 these here state officials or state
21 representatives, take them out to the street
22 so that they can see what's going on.

23 On that tour that we went on with
24 Councilman Mariano, I think we went to about
25 five stop-and-go's. And then none of the --

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2 and four of the stop-and-go's, they had no
3 seating, none, zero.

4 One of the stop-and-go's, they had
5 about eight seats, which is illegal under the
6 LCB rules. LCB says that you are supposed to
7 have seating for 30 people.

8 Under the city ordinances, any
9 establishment that has an occupancy over 25
10 people, you are supposed to have two
11 rest-rooms. None of the establishments had
12 any rest-rooms.

13 Not only that, there were obvious
14 infractions to the city ordinances in
15 consideration to health and safety as far as
16 cleanliness, the seating, as I said, and fire
17 hazards.

18 Most of them were not handicapped
19 accessible. In fact, all of them were not
20 handicapped accessible, except for two, two
21 out of the five.

22 I think there is enough for us, if
23 we so have the will. Because the state LCB,
24 which has a department that they call
25 enforcement, LCB enforcement, if we have the

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2 will, they have the tools.

3 But if we have the will, we can
4 enforce the laws that we already have on
5 books. Go after them. And I am talking about
6 these establishments that defy our community
7 concerns. They just outright defy.

8 This here business at 55th and
9 Larchwood, they haven't had over three
10 customers inside of that store in a single
11 month in over two years. And that's just
12 pure, blatant disrespect not only to use, I
13 think to the city in whole.

14 So I think if we at least pull
15 together this here next hearing or next
16 interaction with the state to at least get
17 them out. Because when we ask for them at
18 that hearing to come out on the tour with us,
19 not one state official came out on this tour.

20 And I hope everybody recognize, and
21 all that was here, I hope everybody
22 recognized, when the Asian business owners
23 left -- they were sitting over here to my
24 left, your right -- when they left this here
25 chambers, Council chambers, all of them went

1 BILL NO. 040604 - 12/5/05

2 over to the state officials, who were sitting
3 over here, and shook hands.

4 I want to repeat that again. The
5 Asian business owners, if you remember
6 Councilman, were sitting over here. And when
7 they -- before they left, they left before the
8 hearings, state officials were sitting over
9 here. They walked over here and shook their
10 hands. So that tells me that they have a
11 relationship with them.

12 And I am asking you -- because it is
13 obvious to me that state enforcement do not
14 have the will. I am asking you, enforce laws
15 that we can. Identify one, at least one.

16 As you seen, Councilman Mariano,
17 when you went, you seen where there was
18 obvious dirty stores. You see no seatings in
19 none of them except for that one where they
20 reconfigured a bar.

21 They reconfigured the bar. They put
22 the deli on the front, and they got seats in
23 the back. And in the back they only had about
24 eight seats with plexiglas up to the bar,
25 where they served the drinks through the

1 BILLS NO. 051025 and 051027 - 12/5/05

2 plexiglas.

3 So I am asking you to look within
4 yourselves so that we can get some relief in
5 our communities.

6 And no other community should have
7 to go through what my community went through.
8 What my community went through was a very
9 trying time.

10 And I am going to talk about me
11 personally. Because it cost me a significant
12 amount of dollars, it cost me relationships,
13 it cost me things that was truly dear to my
14 heart.

15 And I will do it again in a
16 heartbeat. Because this is something that has
17 to be done. And you are the last front that
18 we have -- and I am talking about Council --
19 to bring us some relief.

20 And I thank you for your time.

21 COUNCILMAN MARIANO: Thank you very
22 much. And we hear you.

23 That would be it for this bill.

24 Mr. Haigler, do you want to come up
25 here and do those two technical bills.

1 BILLS NO. 051025 and 051027 - 12/5/05

2 THE CLERK: 051025 and 051027.

3 MR. HAIGLER: Good day, Councilman
4 Mariano, members of the committee. I am Otis
5 Haigler, Junior, Director of Legislative
6 Affairs for the Department of Licenses &
7 Inspections.

8 Today I am here to provide testimony
9 on Bill No. 051025, which, if enacted, will
10 extend the effective date as mentioned in bill
11 050204 to June 30, 2006. Bill 050204 was
12 enacted into law on June 15, 2005.

13 This bill will prohibit the issuance
14 of licenses and permits pursuant to Title 4 of
15 the Philadelphia Code to persons who are
16 delinquent in fees and/or taxes owed to the
17 city.

18 At the time Bill 050204 was under
19 consideration by Council, the department
20 offered no objection to the enactment of the
21 bill as a matter of public policy.

22 There is still no objection to the
23 enactment of Bill No. 050204; however, in
24 order to effectuate enforcement of the bill,
25 more time had been requested to allow for the

1 BILLS NO. 051025 and 051027 - 12/5/05
2 integration of computer and intradepartmental
3 operations of the Revenue Department and
4 Licenses & Inspections.

5 Bill 051025 under consideration
6 today is a technical amendment to Bill 050204
7 to change the effective date of the enacted
8 bill from December 31 of this year, to June
9 30, 2006.

10 We believe this additional time will
11 allow for a smoother transition to enforce the
12 provisions of Bill 050204.

13 The department thanks Councilman
14 DiCicco for his consideration of our request
15 and sponsorship of Bill 051025.

16 Thank you. I will be happy to
17 answer any questions.

18 COUNCILMAN MARIANO: Thank you.

19 Do you want to testify on this one?
20 Stay up there. I am sorry, sir.

21 MR. DARRYL ZASLOW: Councilman and
22 members of the Committee, my name is Darryl
23 Zaslow. I am legal counsel to HAPCO, the
24 Homeowners Association of Philadelphia.

25 When this bill was first proposed,

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2 we also didn't object. We understand the
3 public policy; you don't pay the taxes, why
4 should the city give you anything.

5 Now the bill is back before you
6 again, and we have a concern. Our concern is
7 that, the way the bill now reads, if someone
8 is one day delinquent in a tax bill, and they
9 come into the city for some important license
10 or permit, they are not going to be able to
11 issue those permits.

12 This identical law has been
13 considered in Harrisburg every year for the
14 past four years. And every year out in
15 Harrisburg, the law has not passed.

16 And it hasn't passed because the
17 enforcement of it is going to be punitive, and
18 not necessarily just to my client. My client,
19 we are landlords. We are the ones who own
20 real estate, over 100,000 units in the City of
21 Philadelphia.

22 Our people are concerned, you have a
23 judgment against you from ten years ago, it is
24 now going to show up on some docket somewhere,
25 and you can't get a permit.

1 BILLS NO. 051025 and 051027 - 12/5/05

2 At the state level we had proposed
3 that a delinquency have to be in excess of a
4 year; that you can't have a delinquency of one
5 day, and you are going to be denied some kind
6 of a permit.

7 We also feel that the enforcement is
8 going to be a bureaucratic nightmare. It is
9 going to -- the reason that you need the
10 extension today is our objection to the bill.

11 There is no way that L & I is going
12 to be in a position to really make this a
13 properly working, smooth-functioning
14 procedure.

15 When someone comes in and says, "I
16 made an agreement to pay my taxes," but the
17 city says, "Well, you didn't keep your
18 agreement," but the person says, "Well, I did
19 keep my agreement," it is going to hang up the
20 process of Inspections, it is going to hang up
21 the process of receiving licenses. And we are
22 very concerned about the procedure of it.

23 So I am here today to support the
24 bill which is before you today, obviously --
25 because we feel there should be a delay -- but

1 BILLS NO. 051025 and 051027 - 12/5/05
2 to plant a seed in your mind and to request
3 that you reconsider functioning of the bill
4 and that it be rewritten to provide for a more
5 constitutionally based appeal right; to
6 provide that there is going to be a faster
7 procedure for the city to be required to
8 respond to a citizen who says, "I paid the
9 fine," "I paid the bill."

10 I heard this morning driving into
11 the Council chamber that you are considering a
12 bill regarding parking tickets. And KYW said,
13 if you have a lot of parking tickets, you are
14 going to consider suspending a license.

15 COUNCILMAN MARIANO: Don't believe
16 what you hear on the radio or read in the
17 paper. Just take it at half.

18 MR. ZASLOW: But the point is, I
19 didn't hear them say, if you didn't have one
20 parking ticket that you didn't pay, and you
21 are one hour or one day late in paying it,
22 that you are going to be suspended in some
23 fashion.

24 And this bill should be amended to,
25 likewise, provide a longer period than one

1 BILLS NO. 051025 and 051027 - 12/5/05

2 day's delinquency.

3 COUNCILMAN MARIANO: Stay there.

4 Otis, you can go to the next one.

5 Would you have the same -- is the
6 next one a technical bill, too?

7 MR. ZASLOW: The next one, another
8 concern is, the way the bill is written -- and
9 I think it can be corrected -- but it says
10 that the code official may, with a written
11 determination, issue a license, if the code
12 official feels that there is a serious
13 violation.

14 Well, "may" is not a good word.
15 Code official doesn't like you or doesn't like
16 your property, or whatever it may be, that
17 needs to be a "shall."

18 That if there is a code violation
19 that needs to be repaired, the code official
20 shall issue the license.

21 The second bill is even more
22 onerous. You are talking about licenses for
23 people --

24 COUNCILMAN MARIANO: The second bill
25 is 27; right?

1 BILLS NO. 051025 and 051027 - 12/5/05

2 MR. ZASLOW: Yes.

3 You are talking about a license for
4 people to perform their livelihood. And if
5 they didn't pay some tax, that they are not
6 going to be able to practice their profession
7 or their livelihood, we feel that is really
8 too much.

9 And, again, I want to stress from my
10 client, the landlord, the property owner's,
11 perspective, it is not that much of a
12 detriment to us because we want to pay our
13 bills in a timely fashion.

14 But you have some poorer older
15 person, who inherits some house, can't pay --

16 COUNCILMAN MARIANO: Mr. Zaslow, I
17 think we get that part. Not to cut you short,
18 but people have to get out of there because
19 they have other commitments. But, stay here.

20 Mr. Haigler, on 27, what's the L & I
21 on that? What's your feel?

22 MR. HAIGLER: Good day, Councilman
23 Mariano, members of the committee. I am Otis
24 Haigler, Junior, Director of Legislative
25 Affairs for the Department of Licenses &

1 BILLS NO. 051025 and 051027 - 12/5/05

2 Inspections.

3 Today I am here to provide testimony
4 on Bill 051027, which, if enacted, will extend
5 the effective date as mentioned in Bill 050203
6 to June 30, 2006. Bill 050203 was enacted
7 into law on June 15, 2005.

8 This bill will prohibit the issuance
9 of licenses and permits to -- that are issued
10 pursuant to Title 9 of the Philadelphia Code
11 to persons who are delinquent in fees and
12 taxes owed to the city.

13 At the time Bill 050203 was under
14 consideration by Council, the department
15 offered no objections to the enactment of this
16 bill as a matter of public policy.

17 There is still no objection to the
18 enactment of Bill 050203. However, in order
19 to effectuate enforcement of the bill, more
20 time had been requested to allow for the
21 integration of computer and intradepartmental
22 operations of the Department of Revenue and
23 Licenses & Inspections.

24 Bill 051027 under consideration
25 today is a technical amendment to 050203 to

1 BILLS NO. 051025 and 051027 - 12/5/05
2 change the effective date of the enacted bill
3 from December 31 of this year, to June 30 of
4 2006.

5 We believe this additional time will
6 allow for a smoother transition to enforce the
7 provisions of Bill 050203.

8 Thank you for the opportunity to
9 provide this testimony.

10 COUNCILMAN MARIANO: Thank you, Mr.
11 Haigler and Mr. Zaslow.

12 Councilman DiCicco is the sponsor of
13 these bills. I think he has some comments for
14 Mr. Zaslow.

15 COUNCILMAN DiCICCO: Mr. Zaslow, you
16 mentioned in your statement that if a person
17 is one day late, that, obviously, this bill
18 would apply.

19 I mean, people get notices for being
20 tax delinquent, it doesn't happen in a 24-hour
21 period.

22 Generally notices are sent out. The
23 individual or the entity has been made well
24 aware of the fact that a tax, as in one case,
25 a tax is due, you have so many days to pay it.

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2 There is a late fee, if you don't pay it on
3 that certain date.

4 So, I mean, people have enough time
5 to either dispute it and/or pay it or make
6 arrangements to pay.

7 Am I missing something here?

8 Because your testimony says something to the
9 effect that, if you are one day late, you will
10 not be issued a permit or a license.

11 MR. ZASLOW: Well, delinquency is
12 not defined in the law. And we are suggesting
13 that people should have a year before you --
14 on the state level we were looking for two
15 years.

16 And they are considering a two-year
17 period, 24 months, of delinquency before they
18 are going to onerously forbid you from getting
19 a license to fix your overflowing sewage in
20 your house, if that's what you need.

21 We just think that leaving
22 "delinquency" undefined, "delinquent" is an
23 hour. If it is due on that day, and it is not
24 paid -- I don't know how good their systems
25 are -- but certainly their computer may show

1 BILLS NO. 051025 and 051027 - 12/5/05

2 the very day that it is due.

3 And whatever system they are working
4 out may show the tax wasn't paid. Whether a
5 notice goes out or doesn't, it was unpaid.

6 COUNCILMAN DiCICCO: But there was
7 notice prior to that deadline date. There is
8 notice given prior to.

9 I get a bill from PGW. It says your
10 billing date is, the payment must be received
11 by December 15. The late fee is December 25.

12 MR. ZASLOW: So if they don't pay on
13 the 26th, it is delinquent.

14 COUNCILMAN DiCICCO: And I get the
15 notice generally two weeks before the money is
16 due.

17 I don't think that's the way it
18 works with business licenses. I think it is
19 even more time, you get more lead time than
20 10, 15 days. And am I correct in that?

21 MR. ZASLOW: It may be more than a
22 day.

23 MR. HAIGLER: I believe you are
24 correct, Councilman.

25 And I also believe that persons do

1 BILLS NO. 051025 and 051027 - 12/5/05

2 have the ability to enter into an agreement
3 with the law department to pay whatever taxes
4 they have owed to the city.

5 As far as this bill is concerned,
6 again, the department is in the process of
7 completing its implementation of its computer
8 system.

9 And we have worked with the revenue
10 department, talked this through with them.
11 And we are prepared to integrate our processes
12 with their processes to effectuate the
13 enforcement of this bill.

14 MR. ZASLOW: Maybe I am missing
15 something, because the bill has to do with a
16 lot more than taxes. It is charges, fees,
17 rents, claims, penalties, fines.

18 This can be coming from 20 different
19 sources across the City of Philadelphia. You
20 have some fine in Municipal Court, a housing
21 code violation -- which maybe you know about
22 it, maybe you don't, because that's the way
23 things work over here, that you can have a
24 fine against your house that you were never
25 notified about -- the next day you go in for a

1 BILLS NO. 051025 and 051027 - 12/5/05
2 permit of some kind and you hear for the first
3 time you are not going to get that permit.

4 And it doesn't seem fair that
5 instantaneously you are tying in denying a
6 license for something which is not license
7 related, per se, without giving an
8 opportunity, which we are suggesting of a
9 year, to correct such a problem.

10 You don't work with the City of
11 Philadelphia in two weeks to get an agreement.
12 It doesn't happen that way. You want to get
13 an agreement to pay your taxes, assuming you
14 have the money.

15 And, again, I am stressing here that
16 there are people who are not owners of lots of
17 real estate, but small people who say, "I
18 can't make an agreement with the city right
19 now. There is nothing I can do. I lost my
20 parents. I inherited this house. I can't pay
21 the tax. I can't pay the fine."

22 Under those circumstances, it just
23 seems overbearing and unfair to deny a license
24 to fix a front walkway or to add a front porch
25 or something else they may be in the process

1 BILLS NO. 051025 and 051027 - 12/5/05

2 of doing.

3 COUNCILMAN DiCICCO: But I think
4 there are mechanisms in place -- and I am not
5 that educated in this field -- but there are
6 mechanisms in place today and going forward
7 that will give that individual or entity an
8 opportunity to make his or her case at the
9 appropriate department, whether it's at the --
10 in court, because there is an action on a code
11 violation that will then trigger some action
12 on the part of L & I.

13 I mean, if you had pending action
14 that you have not been delinquent on, not just
15 paying the tax, the law provides for relief
16 until such time all arguments have been
17 exhausted.

18 MR. HAIGLER: There is an appeals
19 process for all licenses to the Board of
20 Licenses & Inspections Review.

21 If the person so feel that they are
22 not satisfied at the Board of Licenses &
23 Inspections Review, they can appeal that
24 process to Common Pleas Court.

25 So there is an appeal process of the

1 BILLS NO. 051025 and 051027 - 12/5/05
2 Common Pleas Court for most administrative
3 action that is taken against an individual.

4 MR. ZASLOW: The law does not
5 provide a supersedeas when you file an appeal.

6 The law doesn't say, if you are
7 delinquent but on appeal, that is going to be
8 stopped, you can get your license issued. The
9 law says, you are delinquent, no license.

10 So, yes, you can file an appeal.
11 Until you resolve the delinquency, you don't
12 get your license. So if the law were to be
13 amended -- that's a good way to solve this
14 problem -- to say that a supersedeas, as we
15 call it in the law, that the law of the
16 ordinance you have enacted is not going to
17 take effect, provided there is an appeal which
18 is ongoing, that would be a solution to some
19 of my concerns.

20 MR. HAIGLER: I am not an attorney,
21 but I do believe that there are general
22 provisions in the administrative code under
23 Title 4 that addresses appeals to the
24 Administrative Board.

25 There is a section under Title 4 for

1 BILLS NO. 051025 and 051027 - 12/5/05
2 that portion of the licenses that are being
3 suspended under it. And then there is a
4 general provision under Title 9 for business
5 licenses that are being -- I guess, the
6 general provision under Title 1 of the
7 Philadelphia Code that covers everything for
8 the appeals process.

9 COUNCILMAN DiCICCO: I know from
10 personal experience, a number of cases that
11 come through my office, of businesses who have
12 received various notices either of suspension
13 or license renewal.

14 And I know one case, which was a
15 very big case, involving a wage tax dispute,
16 where Revenue believed that the wage tax from
17 the principal owners was X, and the owners
18 said, well, I don't even live in the city
19 anymore, and I should be only paying a certain
20 amount. That debate, that dispute went on for
21 almost two years.

22 The company remained in business.
23 They are still doing business. It was finally
24 resolved to everyone's satisfaction.

25 I mean, what we are talking about

1 BILLS NO. 051025 and 051027 - 12/5/05

2 here, I think, goes to the heart of this, is
3 people who are in business, who for one reason
4 or another -- and, by the way, I am considered
5 very business friendly. Some people still
6 call me a Republican because of my business
7 positions in this town.

8 COUNCILMAN RIZZO: Nothing wrong
9 with that.

10 COUNCILMAN DiCICCO: We don't think
11 it is fair to businesspeople who abide by the
12 laws, who do their best effort to pay their
13 taxes and keep their licenses up to date and
14 not become delinquent, to allow folks -- and
15 there are some people in the city who have
16 made it a habit of not paying their taxes, not
17 paying their licensing fees, use the shell
18 game, open up another entity, kind of come in
19 the back door. And they are always in
20 business, but they are not paying their fair
21 share.

22 So I think that that's really what
23 we're looking at. Individual cases could be
24 dealt on, I believe, on an individual basis.
25 Most, all these businesses are in someone's

1 BILLS NO. 051025 and 051027 - 12/5/05
2 councilmanic district.

3 If they have a problem, they could
4 go to the district Council person and we will
5 step up to the plate. We know those
6 businesses. We know those businesses probably
7 as well as anyone else.

8 And there is always ways in which we
9 can ask for certain consideration, at least
10 during that process of appeal or
11 reconsideration or setting up some sort of a
12 payment plan.

13 MR. ZASLOW: Councilman, my concern
14 is that the very people you are talking about,
15 the savvy ones, who, number one, they don't
16 care about a license to begin with, they want
17 to build or do, they do whatever they please,
18 they are not going to care about this law.

19 If the law-abiding people, who just
20 don't have the money sometimes to pay their
21 bill, or to reach an agreement that the city
22 is satisfied with -- you go to the city, well,
23 we want 15 percent. The person says, "I don't
24 have 2 person," not even 15 percent. So that
25 person will never be able to get a license,

1 BILLS NO. 051025 and 051027 - 12/5/05

2 and we just think that that is too much.

3 That people who are going to be able
4 to go behind the scenes and form another
5 corporation, they are not going to be
6 concerned about this bill. It is the small
7 people who are going to be injured by this, is
8 our concern.

9 And it can be remedied. The
10 problem, with some language changes, perhaps,
11 Councilman, could be remedied.

12 COUNCILMAN DiCICCO: Thank you.

13 COUNCILMAN MARIANO: Well, that's a
14 good argument either way. Frank is the
15 sponsor, and I think we are going to go on.

16 Anybody else on these two bills?
17 That will take us out of the Public Hearing.

18 (Public Hearing adjourned.)

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COUNCIL OF THE CITY OF PHILADELPHIA

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PUBLIC MEETING

4

of the

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COMMITTEE ON LICENSES & INSPECTION

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Monday, December 5, 2005

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Public Meeting conducted by the

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Committee on Licenses & Inspections, held in

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Room 400, City Hall, Philadelphia,

12

Pennsylvania, on the above date, to consider

13

action on the following:

14

BILLS 040604, 050749, 050955, 051025, 051027

15

- - -

16

PRESENT:

17

RICHARD T. MARIANO, Chair

18

JOAN KRAJEWSKI, Vide-Chair

19

FRANK RIZZO

FRANK DiCICCO

MARIAN TASCO

JAMES KENNEY

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1 PUBLIC MEETING

2 COUNCILMAN MARIANO: We are going to
3 go into the public meeting. Read me some
4 bills here, the things you want to amend or
5 may not want to amend.

6 Councilwoman Tasco.

7 COUNCILWOMAN TASCO: I have an
8 amendment.

9 COUNCILMAN MARIANO: Councilwoman
10 Tasco, that would be on bill?

11 COUNCILWOMAN TASCO: This would be
12 on Bill 040604.

13 And the amendment says that, "the
14 Department of Licenses & Inspections is
15 authorized to deny or revoke a business
16 privilege license for failure to comply with
17 the requirements of this subsection. The
18 Department of Licenses & Inspections shall
19 revoke, upon receipt of a complaint, notice,
20 order, or opinion from a federal or state
21 agency or federal or State Court the business
22 privilege license from a person engaging in or
23 continuing to engage in a business without
24 obtaining and maintaining any license required
25 by federal or state law, if such license is

1 PUBLIC MEETING

2 required to engage in such business under the
3 laws of the United States of America, of the
4 Commonwealth of Pennsylvania."

5 And that's the amendment, and it
6 goes further.

7 COUNCILMAN MARIANO: Thank you,
8 Councilwoman.

9 There has been an amendment. The
10 motion has been made to amend this bill. All
11 those in favor.

12 COUNCILMAN DiCICCO: I make a motion
13 to accept the amendment just read into the
14 record.

15 (Duly seconded.)

16 COUNCILMAN MARIANO: The motion has
17 been made and seconded.

18 All those in favor of the amendment
19 say, aye.

20 Any opposed?

21 Nobody opposed, so the amendment
22 passes.

23 Let's work on this bill as amended.
24 Bill No. 040604, as amended, be reported out
25 of this committee with a favorable

1 PUBLIC MEETING

2 recommendation.

3 And, Councilwoman, do you want the
4 Rules of Council to be suspended to permit
5 first reading at the next Council session?

6 COUNCILWOMAN TASCO: Yes.

7 (Duly seconded.)

8 COUNCILMAN MARIANO: All those in
9 favor?

10 Opposed?

11 Seeing none, Bill No. 040604 is
12 voted out as amended and the Rules of Council
13 suspended. Thank you, Councilwoman Tasco.

14 The next one.

15 COUNCILMAN DiCICCO: Mr. Chairman, I
16 have an amendment to offer Bill No. 050749.

17 All members at this committee have
18 received a copy. And the stenographer will
19 receive a copy, as well. I would ask for
20 approval on this amendment.

21 COUNCILMAN MARIANO: We have an
22 amendment on 050749 Councilman DiCicco has
23 given to everyone.

24 Do I hear for a motion for this
25 amendment?

1 PUBLIC MEETING

2 (Duly seconded.)

3 COUNCILMAN MARIANO: It has been
4 made and seconded.

5 All those in favor of this motion
6 say, aye.

7 Opposed?

8 None.

9 So the amendment passes.

10 Now we want to do Bill No. 050749 as
11 amended and ask for a suspension of Rules so
12 it can be read at the next Council session.

13 COUNCILMAN DiCICCO: Mr. Chairman, I
14 move that Bill No. 050749, as amended, be
15 reported out of this committee with a
16 favorable recommendation, and a further
17 recommendation that the Rules of Council be
18 suspended.

19 (Duly seconded.)

20 COUNCILMAN MARIANO: Thank you,
21 Councilman.

22 All those in favor of that?

23 Opposed?

24 Nobody is opposed. So that's
25 050749, as amended, is voted out with a

1 PUBLIC MEETING

2 suspension of Rules.

3 050955, we are holding that one.

4 051025, any amendments on that?

5 I make a motion that 051025 be
6 reported out of committee with a favorable
7 recommendation and that the Rules of Council
8 be suspended.

9 (Duly seconded.)

10 COUNCILMAN MARIANO: I hear a second
11 from Councilman DiCicco. It has been moved
12 and seconded.

13 All those in favor?

14 All opposed?

15 None. So 051025 is passed out of
16 this committee with a favorable recommendation
17 and the Rules of Council are suspended.

18 050127.

19 COUNCILWOMAN KRAJEWSKI: Mr.
20 Chairman, I move that Bill No. 050127 be
21 reported out of this committee with a
22 favorable recommendation and that the Rules of
23 Council be suspended.

24 (Duly seconded.)

25 COUNCILMAN MARIANO: Motion has been

1 PUBLIC MEETING

2 made and seconded.

3 All those in favor say, aye.

4 Opposed?

5 It passes. 051027 is voted out of
6 committee with a favorable recommendation and
7 Rules of Council suspended.

8 Any other business in this public
9 meeting?

10 Seeing none. This public meeting is
11 adjourned. Thank you. 12:35 p.m.

12 (Public Meeting adjourned at 12:35
13 p.m.)

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

I HEREBY CERTIFY that the
foregoing proceedings of the Council of the
City of Philadelphia of Monday, December 5,
2005, were reported fully and accurately by
me, and that this is a correct transcript of
same.

RE: COMMITTEE ON LICENSES & INSPECTIONS

DEBRA A. WHITEHEAD