

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING - COMMITTEE ON STREETS AND

4

SERVICES

5

- - -

6

Room 400, City Hall

7

Philadelphia, Pennsylvania

8

Tuesday, June 7, 2005, 10:30 a.m.

9

10

11 BILLS 050420, 050511, 050269, 050362, 050457,
12 050468, 050374, 050375, 050376, 050458,
050469, 050512, 050417, 050514, 050516 and
050517

13

PRESENT:

14

COUNCILMAN FRANK DiCICCO

15

COUNCILMAN JUAN F. RAMOS

16

COUNCILMAN DAVID COHEN

17

COUNCILWOMAN DONNA REED MILLER

18

COUNCILMAN FRANK RIZZO

19

COUNCILMAN DARRELL L. CLARKE

20

21

22

V A R A L L O Incorporated

23

Litigation Support Services

24

1835 Market Street, Suite 600

25

Philadelphia, PA 19103

215.561.2220 215.567.2670

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: Good
3 morning, everyone. I sincerely apologize. I
4 turned 59 two weeks ago and I had a lapse in
5 memory from the third floor up that this was
6 my hearing. I apologize for being late. I
7 was in the building, but, again, I apologize.

8 There is a quorum. Councilman Rizzo
9 and Councilman Darrell Clarke and Councilman
10 Juan Ramos, the Vice-Chair of the Streets and
11 Services Committee. We're in a public meeting
12 of the Committee of Streets and Services. The
13 clerk will read the title of the first bill.

14 THE CLERK: Bill No. 050420, an
15 Ordinance amending Chapter 9-200 of The
16 Philadelphia Code, entitled "Commercial
17 Activities on Streets," by amending Section
18 9-211, entitled "Boxes for the Distribution
19 for Printed Material," which created a trial
20 period granting the City of Philadelphia
21 regulatory authority over the maintenance,
22 specifications and placement of newspaper
23 boxes on the public sidewalk, all under
24 certain terms and conditions.

25 COUNCILMAN DiCICCO: Good

1 June 7, 2005 - Streets and Services
2 morning.

3 DEPUTY COMMISSIONER VERDI:
4 Good morning, Councilman DiCicco and members
5 of the committee. I'm Dominic Verdi, Deputy
6 Commissioner for the Department of License and
7 Inspections.

8 Today I am here to provide testimony
9 on Bill 050420, which, if enacted, will amend
10 Title 9-211 of The Philadelphia Code related
11 to the placement of newspaper publishing boxes
12 in the public right-of-way. The proposed
13 amendments result from the cooperative efforts
14 of the Managing Director's offices, License
15 and Inspections, the Law Department, Center
16 City District and the publishers.

17 Many of the proposed amendments are
18 technical in nature. An amendment substance
19 will be to extend the current boundaries of
20 the affected area to Bainbridge Street to the
21 south, Columbus Boulevard to the east, Vine
22 Street to the north and the Schuylkill River
23 to the west. Also included for enforcement
24 under the provisions of this ordinance is the
25 entire length of Benjamin Franklin Parkway.

1 June 7, 2005 - Streets and Services

2 Another feature of the proposed
3 legislation is that it will provide for the
4 equitable assessment of license fees to
5 publishers wishing to place their boxes in the
6 public right. The fee for any box to be
7 located in the right-of-way will be a flat fee
8 of \$10 per publisher box. All other
9 provisions related to maintenance and design
10 remain the same and will continue to be
11 enforced by the Department.

12 Thank you for the opportunity to
13 provide the Department's testimony on Bill
14 050420. I'll be happy to answer any questions
15 at this time.

16 COUNCILMAN DiCICCO: Thank you,
17 Mr. Verdi, for your testimony.

18 Councilman Rizzo.

19 COUNCILMAN RIZZO: Thank you,
20 Mr. Chairman.

21 Deputy Commissioner, I'm interested
22 in the maintenance part. I've been to other
23 cities where I've seen the corrals. First of
24 all, is this amendment expanding an area or is
25 it actually creating what we call, I guess,

1 June 7, 2005 - Streets and Services

2 the corrals? What exactly --

3 DEPUTY COMMISSIONER VERDI: At
4 this time, there's no plan to create any type
5 of physical corral. In Center City what we
6 did, Councilman, is, we laid out the areas
7 through the Street Department where boxes
8 would be able to legally be placed. The
9 reason for the corral issue, that no corrals,
10 no physical barriers, were put up is it
11 basically would stop the expansion, if needed,
12 for publishers to add other boxes or new
13 publishers to come in.

14 This bill also expands the area to
15 Bainbridge Street and also the Ben Franklin
16 Parkway where we're having problems, and
17 through Council's office and through
18 complaints that we did receive, that's the
19 reason why we wanted to expand that area, to
20 further enforce the bill.

21 COUNCILMAN RIZZO: So we'll
22 have X number of boxes but no physical piping
23 or supports to -- so how do they secure them?

24 COUNCILMAN DiCICCO: There
25 are --

1 June 7, 2005 - Streets and Services

2 DEPUTY COMMISSIONER VERDI: At
3 this point, Center City District is working
4 with an engineer to develop more or less of an
5 invisible corral that will be able to expand
6 or contract depending on how many boxes are
7 there. It would be up to the area that the
8 boxes are in to work within that district to
9 see if those types of corrals will work.

10 Just to give you a for instance,
11 when the original test cases were done
12 approximately three years ago and we installed
13 corrals, there was physical corrals on Market
14 Street. The reason the corrals themselves
15 didn't work was, one, is because of the
16 maintenance. There was an overwhelming cost
17 to maintenance where people would put stickers
18 on them or spray paint them or graffiti them.

19 The other secondary issue was, as
20 publishers grew and naturally we have to go
21 with the Constitution of Freedom of Speech and
22 we had to allow other boxes to be placed
23 there. They now had to be placed outside the
24 corral, which made it look worse than it was
25 originally.

1 June 7, 2005 - Streets and Services

2 So at this point, to have anything
3 physically set in the concrete would be a
4 detriment to the aesthetics of the
5 streetscape.

6 COUNCILMAN RIZZO: So how do
7 they secure them?

8 DEPUTY COMMISSIONER VERDI: At
9 this point, like I said, the engineer is
10 working with the Center City District and they
11 have come up with more or less an invisible
12 corral that's able to go around the boxes or
13 through the boxes. It's still being worked
14 on. It's gone back and forth in design.

15 COUNCILMAN DiCICCO: Just a
16 point of information. There are corrals that
17 are out there today that were the original
18 corrals that Mr. Verdi spoke about when we
19 first tried to address this issue of these
20 honor boxes just popping up everywhere. I
21 mean, I used the expression in one of the
22 hearings if you stand still long enough on a
23 street corner in Center City, a box could be
24 attached to your leg. I mean, it's funny, but
25 it's the truth, because they just pop up

1 June 7, 2005 - Streets and Services
2 literally over night.

3 And when we tried to put some
4 restrictions, we ran into the issue of the
5 First Amendment issue. The publishing
6 agencies were upset about the fact that we
7 were trying to restrict their ability to sell
8 their product or advertise their product. So
9 it is a very difficult area because of the
10 First Amendment issue.

11 We came to some agreement on a
12 process by affording as many of these honor
13 boxes to the different entities, an
14 opportunity to be at least on one side of any
15 intersection. But it is a difficult task,
16 because you may be dealing with 12 honor box
17 entities today and tomorrow another two pop
18 up. So what do you do with them, is the
19 question, and it's just one of those things we
20 just keep working at and hopefully we'll get
21 it right. I mean, New York has a system where
22 it's like a kiosk kind of thing.

23 DEPUTY COMMISSIONER VERDI:

24 That's correct.

25 COUNCILMAN DiCICCO: It almost

1 June 7, 2005 - Streets and Services

2 looks like a --

3 COUNCILMAN RIZZO: Mailbox.

4 COUNCILMAN DiCICCO: -- safe
5 deposit box. I knew you would understand, but
6 a mailbox placed in the post office where you
7 have the different windows. You're smiling.

8 COUNCILMAN RIZZO: Very large
9 boxes.

10 COUNCILMAN DiCICCO: Very large
11 boxes, right.

12 So it's just one of those we keep
13 working at it. And for the most part, at
14 least in the core of Center City, I think that
15 we're in much better shape today than we were
16 a few years ago, but that doesn't mean we
17 don't have to go further.

18 I look to expand this. For me, the
19 objective for me is to expand this beyond the
20 boundaries of Center City.

21 COUNCILMAN RIZZO: Councilman,
22 does this also allow for the real estate, you
23 go to the --

24 COUNCILMAN DiCICCO: They're
25 honor boxes. Selling cars, the plastic yellow

1 June 7, 2005 - Streets and Services

2 boxes that pop up.

3 COUNCILMAN RIZZO: Exactly.

4 DEPUTY COMMISSIONER VERDI:

5 There's one "but" to that.

6 COUNCILMAN DiCICCO: They're

7 selling a product.

8 DEPUTY COMMISSIONER VERDI:

9 They're selling a product, we understand that,
10 but the issue with this is, if they come under
11 the Center City Ordinance, they will be
12 confined to dealing with the same type of box
13 that the daily papers deal with. They're no
14 longer allowed to use the plastic boxes that
15 created the mess in Center City to begin with.

16 You could enforce to a point, where
17 we can now enforce the fact that this is the
18 design of the honor box, you'll have to deal
19 with the same -- you're dealing with the same
20 regulation as all the daily papers are. So
21 even if it's a "rent my apartment" or "buy my
22 car" type of publication, they would still
23 have to be under the restriction of the same
24 type of box.

25 COUNCILMAN DiCICCO: It's a

1 June 7, 2005 - Streets and Services

2 uniform box and the type of material that --

3 COUNCILMAN RIZZO: That's the
4 point I wanted to make. Have we ever thought
5 of building a box to our specification and
6 that \$10 would give them the access to use a
7 box that meets our specifications?

8 COUNCILMAN DiCICCO: That's the
9 goal, is to have a more uniform box, not only
10 in terms of size but also materials that are
11 being used, plastic metal as opposed to
12 plastic products that you can remove graffiti
13 and stickers from a lot more easily.

14 Center City Special Services
15 District had taken on the task of removing
16 those honor boxes that were added on to the
17 corrals that didn't fit within the area of the
18 corrals, but that becomes a very costly thing.
19 We had a fine system set up, if I'm correct.
20 If you attached your box to a corral and you
21 were not one that was physically allowed to be
22 within there, you had so many days to reclaim
23 your box and pay a fine. But it is a huge
24 undertaking to pick these boxes up and locate
25 them and store them some place.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN RIZZO: I like that
3 safety deposit box analogy. That works well
4 for me. Thank you.

5 COUNCILMAN DiCICCO: Any other
6 questions from this committee?

7 Let the record reflect that
8 Councilwoman Donna Reed Miller is also
9 present.

10 Thank you, Mr. Verdi.

11 DEPUTY COMMISSIONER VERDI:
12 Thank you.

13 COUNCILMAN DiCICCO: The clerk
14 will read the title of the next bill. Oh,
15 Councilman Clarke.

16 COUNCILMAN CLARKE: Actually, I
17 do have a question about honor boxes.

18 With respect to just generally the
19 placement of honor boxes versus the placement
20 of newsstands, is there any difference in any
21 regs associated with those?

22 DEPUTY COMMISSIONER VERDI:
23 That would be more a question, Councilman, for
24 someone from the Street Department to answer.
25 My understanding is that the ordinance allows

1 June 7, 2005 - Streets and Services
2 for licensing anyway. You're allowed to have
3 two newsstands at each corner and I think --
4 or each intersection, and more or less the
5 Streets Department, from the best of my
6 knowledge, goes out and looked at the
7 newsstand. If the newsstand is allowed to be
8 at that corner and it's away from any street
9 lighting, handicap ramps or any other
10 obstructions and the specifications are
11 correct, then it would be able to be placed
12 there by right. And the same thing happened
13 when we did Center City with the honor boxes,
14 we worked very closely with Commissioner
15 Tolson and her people, that they went out and
16 physically looked at the landscape of that
17 intersection and told us what would be allowed
18 between any obstructions, any utilities, any
19 lighting or any fire hydrants.

20 COUNCILMAN CLARKE: Okay. I
21 guess I'm trying to get at, I know when we
22 talked about newsstands, there are certain
23 Constitutional rights and I guess similarly
24 the honor boxes, but it appears that there are
25 different regs for honor boxes versus

1 June 7, 2005 - Streets and Services
2 newsstands. I'm just trying to understand
3 why.

4 DEPUTY COMMISSIONER VERDI:
5 There's different regulations as far as the
6 licensing is concerned. There's a different
7 ordinance that govern each one.

8 Now, as far as the placement, again,
9 that would be a question we could answer for
10 you from the Street Department.

11 COUNCILMAN CLARKE: Is anyone
12 here from Streets?

13 MR. MAUTZ: Good morning,
14 Chairman, members of the committee. My name
15 is Bill Mautz. I'm a construction engineer
16 with the Streets Department.

17 Regarding newsstand placements,
18 there are specific requirements in the Code.
19 9-212 is the section. I can't give you
20 specifics, but there are specific requirements
21 in there as far as how many newsstands there
22 can be, where it can be placed, how many there
23 would be in a particular block face, things of
24 that nature, size, height. There's a whole
25 bunch of requirements.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN CLARKE: Do we have
3 limitations on honor boxes?

4 MR. MAUTZ: As far as the honor
5 box --

6 COUNCILMAN CLARKE: The number.

7 DEPUTY COMMISSIONER VERDI:
8 There are limitations to the amount that can
9 go within a certain area designed by the
10 Street Department. On some corners in Center
11 City, we have up to 12 boxes, if I'm not
12 mistaken. In other areas of Center City, it
13 may be only allowed six boxes, depending on
14 what's to the right or left or front or back
15 of these boxes and the width of the sidewalk.
16 There's different variations.

17 COUNCILMAN CLARKE: But the
18 City has the ability to determine the number,
19 right, without infringing on Constitutional
20 rights?

21 MR. MAUTZ: Unfortunately --

22 COUNCILMAN CLARKE: I'm saying,
23 if you can do it with newsstands, why can't
24 you do it with honor boxes?

25 MR. MAUTZ: I understand. I'm

1 June 7, 2005 - Streets and Services
2 not familiar with this new ordinance nor the
3 amendments, but with the old ones, there were
4 specifics within that geographic area covered
5 by the ordinance as far as like within a
6 particular block face how many you can have.
7 I think there's something with whether they
8 were frequent or infrequent publishers. I
9 mean, it was pretty much involved, but I
10 believe within the geographic area of the
11 original ordinance, things could be
12 controlled.

13 DEPUTY COMMISSIONER VERDI: I
14 think when we discussed this at our meetings
15 with the Law Department and, again, it came up
16 about that issue about placing a certain
17 number, you could place a certain number on a
18 location, especially if in fact it was a
19 matter of public safety. Naturally, you want
20 to put -- say if you have 15 boxes there and
21 the 16th box is creating a hazard where a
22 handicapped person couldn't come up the
23 handicap ramp for some reason, well, that's a
24 situation where more or less that would
25 override any First Amendment. It would be a

1 June 7, 2005 - Streets and Services
2 matter of public safety.

3 COUNCILMAN CLARKE: I
4 understand that.

5 DEPUTY COMMISSIONER VERDI: And
6 that's the way these were all determined.

7 COUNCILMAN CLARKE: I
8 understand, but I'm saying if we determined
9 that you can have no more than two newsstands
10 on an intersection, right, and clearly having
11 four would not cause a safety hazard because
12 I'm assuming they wouldn't be within the
13 handicap-accessible ramp, so if we can do
14 that, I'm trying to understand why can't we
15 determine the limitations on the number of
16 honor boxes, separate and aside from any
17 safety issues or pedestrian right-of-way?

18 DEPUTY COMMISSIONER VERDI:
19 Other than that, Councilman, I don't know of
20 any obstructions or restrictions that would
21 not allow those boxes to go there if there
22 wasn't a matter of public safety.

23 We're not giving -- again, the
24 number that the Street Department based Center
25 City on was based on how long it could be.

1 June 7, 2005 - Streets and Services

2 And, again, in some cases, we have 12 to 15
3 boxes in one line. They gave us the number
4 based upon the streetscape, not -- and if
5 there is an issue beyond that, we haven't come
6 across an issue that --

7 COUNCILMAN CLARKE: I mean, it
8 sounds like it's an arbitrary number. I
9 understand if you can't answer that question
10 today, but I'd really like to get a sense of
11 legally we can limit the number of honor boxes
12 per intersection, separate and aside from any
13 safety issues or pedestrian footway issues.

14 COUNCILMAN DiCICCO: What was
15 that question?

16 COUNCILMAN CLARKE: Councilman,
17 I'm trying to determine if we have the ability
18 to limit the number of newsstands per
19 intersection, and I'm understanding it's two
20 per intersection, why don't we have the
21 similar ability to limit the number of honor
22 boxes per intersection?

23 COUNCILMAN DiCICCO: Actually,
24 we do to a certain extent. If you look at the
25 bill, you'll see on Page 3, 4 and 5 where the

1 June 7, 2005 - Streets and Services
2 restrictions are that no two publishers' boxes
3 displaying or offering the same publication
4 for sale or distribution may be placed or
5 maintained within 30 feet of another one,
6 unless such publishers' boxes are across the
7 street from one another.

8 COUNCILMAN CLARKE: Well,
9 that's -- okay.

10 COUNCILMAN DiCICCO: I mean,
11 that's just one --

12 COUNCILMAN CLARKE: That's
13 talking about content. I guess I'm talking
14 more about quantity. If we decide you can't
15 be more than --

16 DEPUTY COMMISSIONER VERDI:
17 Councilman, your question is how can we limit
18 the number of newspaper stands and not be able
19 to limit the number of newspaper boxes; am I
20 correct?

21 COUNCILMAN CLARKE: Correct.

22 COUNCILMAN DiCICCO: But there
23 is some restriction, if I'm not mistaken, that
24 if you use the 30-foot requirement between the
25 corrals, that would limit the number of boxes

1 June 7, 2005 - Streets and Services

2 that can be on any given street, because you
3 have to take into consideration utility poles,
4 fire hydrants, handicap ramps.

5 DEPUTY COMMISSIONER VERDI: I
6 think, Councilman, the design to what you're
7 speaking to is, I can't have, let's say, a
8 Daily News box sitting next to a Daily News
9 box. They have to be 30 feet apart or across
10 another intersection. The ordinance really
11 doesn't define how many boxes could be at each
12 intersection.

13 COUNCILMAN CLARKE: Regardless
14 of content.

15 DEPUTY COMMISSIONER VERDI: I
16 understand the Councilman's question. In
17 respect to newspaper stands, we're only
18 allowed two at each intersection. But I can
19 get you that answer from the Law Department.
20 I'll have an answer for you.

21 COUNCILMAN CLARKE: Thank you.

22 COUNCILMAN DiCICCO: Thank you.

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

25 COUNCILMAN DiCICCO: Let the

1 June 7, 2005 - Streets and Services
2 record reflect that Councilman Cohen, who is a
3 member of this committee, is also present.

4 Any other questions for Mr. Verdi?

5 Thank you.

6 COUNCILMAN COHEN: Yes; on the
7 honor boxes. Have these amendments been
8 checked out with the Law Department?

9 DEPUTY COMMISSIONER VERDI:
10 Absolutely, Councilman.

11 COUNCILMAN COHEN: And how
12 about with the Civil Liberties Union?

13 DEPUTY COMMISSIONER VERDI: My
14 understanding is that there was some talk
15 between the Law Department and those
16 gentlemen.

17 COUNCILMAN COHEN: Very good
18 legal answer, which tells us zero. What was
19 the result of those talks? Were they at each
20 other's throat or were they buddy-buddy?

21 DEPUTY COMMISSIONER VERDI: I'm
22 sorry, Councilman. I wasn't present during
23 those conversations.

24 COUNCILMAN COHEN: Well, do you
25 have any report from anybody?

1 June 7, 2005 - Streets and Services

2 DEPUTY COMMISSIONER VERDI: No,
3 but if you'd like, we can get you one.

4 COUNCILMAN COHEN: Well, I
5 think it very important before we tread again.
6 I think the real problem isn't the number of
7 them that are around but the fact that one of
8 the newspapers at least is going out of
9 business since the last hearing on this
10 subject and that what we may be facing is a
11 lack of independent voices rather than too
12 many of them, and I think it important that
13 Philadelphia be out in front on making itself
14 available to advocates who disagree with
15 ordinary points of view.

16 We love to brag about our country.
17 It's a great place because people have
18 dissenting views, and then in all of our
19 actions, we try to caution dissenting views
20 and make them as difficult as possible to be
21 heard. If it's such a great thing as I think
22 it is too, to have the ability to dissent
23 vigorously and actively and continuously,
24 sometimes to everybody's annoyance, then we
25 ought to be encouraging it officially instead

1 June 7, 2005 - Streets and Services
2 of being in a position of being a government
3 agency that's trying to make it more difficult
4 for people to advocate independent views.

5 So I'm suggesting that I think we
6 ought to find out from the Civil Liberties
7 Union what their point of view is. Sometimes
8 a small amendment can save the day and save a
9 lot of embarrassment. And I'm amazed that the
10 City is moving ahead without clearly being
11 able to speak in terms of having worked it
12 out.

13 My memory is that the Civil
14 Liberties Union was a major dissenter last
15 time and brought the matter to our attention.
16 Isn't that accurate?

17 DEPUTY COMMISSIONER VERDI: I'm
18 not quite sure, Councilman.

19 COUNCILMAN DiCICCO: Actually,
20 if my memory serves me right, the publication
21 industry, PNI in particular, was opposed to it
22 because they thought it was going to restrict
23 their ability to have their product or limit
24 their ability to have their product on every
25 intersection that they thought would be

1 June 7, 2005 - Streets and Services
2 important to sell their product, but my
3 understanding is that PNI, the attorneys for
4 PNI, the Law Department and the Civil
5 Liberties folks have met in the past and
6 agreed to this legislation and the previous
7 amendments.

8 COUNCILMAN COHEN: Well, let's
9 have it on the record.

10 COUNCILMAN DiCICCO: Mr. Verdi,
11 if you can get a copy sent to the Chair,
12 meaning me, I'd appreciate that.

13 DEPUTY COMMISSIONER VERDI:
14 Absolutely.

15 COUNCILMAN DiCICCO: Thank you.

16 COUNCILMAN RIZZO: I'm
17 assuming, and the positive side of my
18 assumption is that the Law Department, if you
19 suggested that they did have a conversation,
20 that obviously everything worked out well or
21 you'd know that from the Law Department,
22 wouldn't you?

23 DEPUTY COMMISSIONER VERDI: To
24 the best of my recollection, Councilman, yes.
25 We went through this two years ago and we had

1 June 7, 2005 - Streets and Services
2 meetings with quite a large number of
3 publishers and their attorneys and we worked
4 out every piece of opposition they had to this
5 bill originally and worked with them
6 throughout this entire process.

7 COUNCILMAN RIZZO: Thank you.

8 COUNCILMAN COHEN: Well, it's a
9 question of whom you worked with and whether
10 you had 100 percent agreement or 88 percent or
11 67 or whatever it was, but whatever it was, we
12 ought to have it.

13 PNI would not be a good case for you
14 to cite because PNI obviously feels it has
15 competition in this free dissemination of
16 news, and I can understand that they would
17 fight to limit competition. But I'd like to
18 know whether those who have assumed the
19 responsibility may be on their own but they've
20 assumed it, to everybody's benefit, to raise
21 these issues, has this issue been raised and
22 what the result of that is, and I think we
23 ought to have that before we make a decision.

24 DEPUTY COMMISSIONER VERDI:

25 Okay.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN COHEN: All right.

3 Thank you, Mr. Chairman.

4 COUNCILMAN DiCICCO: Thank you.

5 Any other questions for this witness?

6 (No response.)

7 COUNCILMAN DiCICCO: Seeing

8 none, the clerk will read the title of the

9 next bill.

10 DEPUTY COMMISSIONER VERDI:

11 Thank you.

12 THE CLERK: Bill No. 050511, an

13 Ordinance amending Chapter 9-200 of The

14 Philadelphia Code, entitled "Commercial

15 Activity on Streets," by amending Section

16 9-204, entitled "Sidewalk Vendors in Center

17 City," by providing for additional exemptions

18 on South Street, all under certain terms and

19 conditions.

20 COUNCILMAN DiCICCO: Good

21 morning.

22 MR. HAMMOND: Good morning,

23 Councilman DiCicco and members of the

24 committee. My name is David Hammond. I am

25 the Executive Director of the South Street

1 June 7, 2005 - Streets and Services
2 Head House District and we're proposing to
3 amend Section 9-204 to include sidewalk sales
4 under the conditions of only on Tuesdays from
5 the hours of 2:00 p.m. to 7:00 p.m. through
6 September 15, 2005.

7 In June of 2003, the South Street
8 Head House District commissioned a market
9 analysis, and during that analysis, it was
10 found that the District was underserving the
11 neighborhoods. As the Farmers' Market goes on
12 South Street and Passyunk on Tuesdays, we felt
13 that it would be a natural tie-in to be able
14 to have sidewalk sales that appealed to the
15 residents that would be on the street on those
16 days and also be able to provide some street
17 musicians and entertainment to just make it a
18 little more festive occasion on South Street
19 on Tuesdays.

20 COUNCILMAN DiCICCO: Thank you.

21 Mr. Haigler.

22 MR. HAIGLER: Good day,
23 Councilman DiCicco and members of the
24 committee. I am Otis Haigler, Jr., Director
25 of Legislative Affairs for the Department of

1 June 7, 2005 - Streets and Services
2 Licenses and Inspections. Today I'm here to
3 provide testimony on Bill 050511, which, if
4 enacted, will permit vending on the sidewalk
5 by owners and/or tenants of properties on
6 South Street between Front and 8th Streets.

7 As is customary, the Department
8 offers no objections to the enactment of this
9 bill, as this amendment is within the District
10 Councilperson's prerogative. However, we have
11 been informed that amendments will be offered
12 by the bill's sponsor to specifically indicate
13 the hours of operation for the exempted
14 vending activity which will make it easier for
15 the Department's personnel to enforce.

16 In light of such amendments, the
17 Department is prepared to enforce provisions
18 of this bill should it pass in Council and is
19 signed into law by the Mayor.

20 Thank you and I'll be happy to
21 answer any questions at this time.

22 COUNCILMAN DiCICCO: Thank you,
23 Mr. Haigler.

24 Any questions for these witnesses?

25 COUNCILMAN COHEN: Yes. I have

1 June 7, 2005 - Streets and Services

2 one question.

3 COUNCILMAN DiCICCO: Councilman
4 Cohen.

5 COUNCILMAN COHEN: What did you
6 mean when you referred to District Council's
7 prerogative?

8 COUNCILMAN DiCICCO: I knew
9 you'd pick up on that one.

10 COUNCILMAN COHEN: Sure. I
11 understand we have a Council of 17 people and
12 they all vote and they're all equal,
13 allegedly.

14 MR. HAIGLER: I agree.

15 COUNCILMAN COHEN: But I hear
16 from a number of departments language that
17 distresses me.

18 COUNCILMAN DiCICCO:
19 Councilman --

20 MR. HAIGLER: There was no
21 offense intended, Councilman.

22 COUNCILMAN DiCICCO: I
23 understand that, but --

24 COUNCILMAN COHEN: Well, I now
25 want to know what that discretion is or why --

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: Councilman
3 Cohen, I will make certain that going forward
4 as of today, every community meeting, every
5 business association meeting that occurs in my
6 district, I will inform your staff and you'd
7 be welcome to either attend in person or send
8 a member of your staff so that you would be
9 fully informed of the decisions that I make in
10 the first councilmanic district.

11 COUNCILMAN COHEN: And are you
12 speaking for the other nine districts?

13 COUNCILMAN DiCICCO: All 17.
14 You could all come.

15 COUNCILMAN COHEN: Are you
16 speaking for the other --

17 COUNCILMAN DiCICCO: I'm
18 speaking for my district. I can't speak on
19 behalf of the others.

20 COUNCILMAN COHEN: That's
21 one-tenth of the City.

22 COUNCILMAN DiCICCO: It's
23 one-tenth more than you had three minutes ago,
24 right? We're getting there.

25 COUNCILMAN COHEN: Well, I

1 June 7, 2005 - Streets and Services

2 don't know what I had. Certainly not very
3 much.

4 COUNCILMAN DiCICCO: Your staff
5 will be made aware of all my meetings.

6 Thank you. Any other questions for
7 these witnesses from the committee?

8 (No response.)

9 COUNCILMAN DiCICCO: Seeing
10 none, the clerk will read the title of the
11 next bill.

12 THE CLERK: Bill No. 050269, an
13 Ordinance granting permission to Moore College
14 of Art to operate and maintain a vending stand
15 on sidewalk seating alongside its property
16 located at 1916 to 1934 Race Street, under
17 certain terms and conditions.

18 COUNCILMAN DiCICCO: Good
19 morning, gentlemen. Please identify yourself
20 for the record and proceed with your
21 testimony.

22 MR. HAIGLER: Good day,
23 Councilman -- sorry. I got the wrong bill in
24 front of me.

25 MR. MAUTZ: Do you want me to

1 June 7, 2005 - Streets and Services

2 start?

3 MR. HAIGLER: Go ahead.

4 MR. MAUTZ: Good morning,
5 Chairman and members of the committee. My
6 name is William Mautz and I'm a construction
7 engineer with the Streets Department. I'm
8 here to offer the following testimony for Bill
9 No. 050269.

10 This bill grants permission to the
11 Moore College of Art to operate and maintain
12 14 tables with chairs encroaching partially in
13 the right-of-way bordering its property in the
14 1900 block of Race Street. The tables and
15 chairs will encroach a maximum of 2'6" onto
16 the south sidewalk of Race Street, leaving a
17 minimum of 6'6" clear footway for pedestrians.
18 No rails will be used. The accessory vending
19 stand is located wholly outside of the public
20 right-of-way.

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

24 MR. HAIGLER: Good day,
25 Councilman DiCicco and members of the

1 June 7, 2005 - Streets and Services
2 committee. I'm Otis Haigler, Jr., Director of
3 Legislative Affairs for the Department of
4 Licenses and Inspections. Today I'm here to
5 provide testimony on Bill 050269, which, if
6 enacted, will permit vending with accessory
7 seating on the sidewalk abutting Moore College
8 of Art located at 1916 to 34 Race Street,
9 under certain terms and conditions.

10 The Department offers no objections
11 to enactment of this bill. We have worked
12 cooperatively with representatives of
13 Councilman Clarke's office, the sponsor of the
14 bill, Moore College, the Department of Streets
15 and the Law Department in drafting the
16 proposed legislation in order to address
17 concerns related to public safety and health
18 and are prepared to enforce provisions of this
19 bill should it pass in Council and then signed
20 into law by the Mayor.

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

23 COUNCILMAN DiCICCO: Thank you.
24 Aside from Councilman Clarke, was this
25 discussed with any other members of this body?

1 June 7, 2005 - Streets and Services

2 MR. HAIGLER: No, it wasn't. I
3 don't believe. If anybody wants to, we will
4 make ourselves available.

5 COUNCILMAN DiCICCO: Thank you.

6 Any questions from members of this
7 committee?

8 (No response.)

9 COUNCILMAN DiCICCO: Anyone
10 else here who wishes to testimony for or
11 against this bill?

12 MR. HILL: William Hill,
13 Vice-President for Finance and Administration
14 of Moore College of Art and Design. Good
15 morning, Councilman.

16 I wanted to thank you folks, the
17 folks from Streets, L&I, Health, the Law
18 Department and Councilman Clarke's office in
19 particular for their support in providing a
20 much-needed amenity on Logan Square. This is
21 a place where the neighbors and our neighbors
22 on the Parkway, the Academy, the Franklin
23 Institute, the Free Library and obviously our
24 patrons at Moore College of Art and Design can
25 come and get a good cup of coffee and get a

1 June 7, 2005 - Streets and Services
2 sandwich, not have to kind of vacate this
3 wonderful public square, one of William Penn's
4 original squares.

5 So we appreciate your support and
6 look forward to your continued support.

7 COUNCILMAN DiCICCO: We're
8 starting to have that European flavor in
9 Philadelphia. Sounds good to me.

10 Any other questions for these
11 witnesses from the committee?

12 (No response.)

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

16 (No response.)

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

20 THE CLERK: Bill No. 050326, an
21 Ordinance authorizing Brandywine Realty Trust,
22 401 Plymouth Road, Plymouth Meeting, its
23 successors and assigns, to install, construct,
24 own and maintain underground electrical
25 service conduit, lighting bollards and other

1 June 7, 2005 - Streets and Services
2 facilities on, under and along the north
3 footway of Arch Street, between 29th Street
4 and 30th Street, under certain terms and
5 conditions.

6 MR. MAUTZ: Good morning,
7 Chairman and members of the committee. My
8 name is William Mautz and I'm a construction
9 engineer with the Streets Department. I'm
10 here to offer the following testimony for Bill
11 No. 050362.

12 This bill authorizes Brandywine
13 Realty Trust to install, construct, own and
14 maintain various encroachments on the north
15 footway of Arch Street between 29th and 30th
16 Street. In conjunction with the Cira Centre
17 and the 30th Street Intermodal projects, the
18 encroachments will be installed during the
19 construction modifications to the existing
20 bridge viaduct.

21 The encroachments will consist of
22 four reinforced concrete planters, 23 lighted
23 bollards, eight decorative light fixtures
24 mounted on planters, ornamental fencing
25 mounted on the planters, one "Cira Centre"

1 June 7, 2005 - Streets and Services
2 marker mounted in a planter and electrical
3 service conduit cast within the modified north
4 footway.

5 The Streets Department has reviewed
6 the construction plans for this project and
7 has no objection to the passage of the bill.

8 COUNCILMAN DiCICCO: Thank you.

9 Any questions for this witness from
10 the committee?

11 (No response.)

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

15 (No response.)

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

19 THE CLERK: Bill No. 050457, an
20 Ordinance granting permission to Longacre
21 Holdings, LLC, owner of the property 1509
22 Mifflin Street, Philadelphia, to operate and
23 maintain an open air sidewalk cafe on the
24 northwest corner of Mifflin Street and Hicks
25 Street, under certain terms and conditions.

1 June 7, 2005 - Streets and Services

2 MR. MAUTZ: Good morning,
3 Chairman and members of the committee. My
4 name is William Mautz and I'm a construction
5 engineer with the Streets Department. I'm
6 here to offer the following testimony for Bill
7 No. 050457.

8 This bill grants permission to
9 Longacre Holdings, LLC, owner of the property
10 1509 Mifflin Street, to operate and maintain
11 an open air sidewalk cafe at the northwest
12 corner of Mifflin Street and Hicks Street
13 adjacent to the property.

14 A total of four tables to
15 accommodate 16 occupants are proposed. One
16 table is proposed for the north sidewalk area
17 of Mifflin Street, leaving approximately 5'
18 clear footway for pedestrians. Three tables
19 are proposed for the west sidewalk of south
20 Hicks Street, leaving approximately 5' clear
21 footway for pedestrians. No rails will be
22 used.

23 The Streets Department has reviewed
24 the cafe plan and has no objection to the
25 passage of the bill.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: Thank you.

3 Any questions for this witness from
4 the committee?

5 COUNCILMAN COHEN: Just one
6 question.

7 COUNCILMAN DiCICCO: Councilman
8 Cohen.

9 COUNCILMAN COHEN: And I'm not
10 sure whether it's for the witnesses or for the
11 Law Department. Once permission were to be
12 granted, if it is granted here, does it remain
13 permanently in effect? Suppose there are
14 complaints about how these tables are
15 operated. Would there be any difficulty in
16 disestablishing the procedure or would we be
17 faced with somebody saying he now has a
18 property right?

19 MR. MAUTZ: As far as what
20 we've approved and if there were some sort of
21 problem, one way it could be handled, if a
22 resident were to say that the City was wrong
23 in how it issued the license or approved the
24 placement, they could certainly take that
25 before the Board of Licensing and Inspection

1 June 7, 2005 - Streets and Services
2 Review.

3 If it's something where we've
4 sanctioned a sidewalk cafe and they're not
5 maintaining or keeping a sidewalk cafe in
6 accordance with what we've approved and the
7 agreement that they need to sign once the
8 ordinance passed, then certainly whatever
9 rights they were granted under this ordinance
10 could be revoked at that time.

11 COUNCILMAN COHEN: Well, is
12 there something in the agreement which says
13 that, that they willingly will revoke their
14 license or their permit to operate this in the
15 event a department in City government finds
16 that they're not fully in compliance with an
17 agreement or some language of that sort?

18 MR. MAUTZ: Yeah. I believe
19 the actual ordinance draft is pretty clear
20 about if for some reason we determine that how
21 the sidewalk cafe is not in accordance with
22 our code, it's very clear what our rights are,
23 and I believe that's also reinforced in the
24 agreement.

25 The agreement -- how that would

1 June 7, 2005 - Streets and Services
2 differ a little bit from the rights of the
3 ordinance is that liability is clearly
4 established, that indemnification of the City
5 through insurance and a bond as far as like --
6 say I have a sidewalk cafe and the City tells
7 us I need to move my sidewalk cafe and I say,
8 Well, I'm not doing it, well, they've provided
9 a bond where we could actually tap into that
10 money and hire somebody or pay ourselves for
11 the removal of the cafe.

12 So I guess the answer to your
13 question, Councilman, between the ordinance
14 and the agreement, liability, what the rights
15 are of the grantee are clearly established,
16 and that's for every sidewalk cafe.

17 COUNCILMAN COHEN: But how
18 about the lessor problem where neighbors begin
19 finding that the sidewalk free flow of traffic
20 is impeded? For some reason, the tables
21 stretch over a little too far or patrons get
22 in the habit of using other parts of the
23 sidewalk and so the local residents find their
24 walking-around space has been sharply
25 curtailed? Now, that may not be reason enough

1 June 7, 2005 - Streets and Services

2 to threaten the permanent existence or it
3 might be, but I'm looking for what happens if
4 that occurs. That's the most common
5 complaint.

6 MR. MAUTZ: I believe in the
7 actual code section, which is 9-208, for those
8 sidewalk cafes that are not in conformance
9 with the code or what's been approved, methods
10 of remediation, issuing violations, revoking
11 of license, are clearly established.

12 COUNCILMAN COHEN: I have no
13 reason to believe that there's any particular
14 special problem with this outdoor cafe, but I
15 think that the policy ought to be reviewed to
16 make sure that on small complaints there's a
17 mechanism for working them out so that perhaps
18 the cafe can be maintained and the problem be
19 adjusted rather than have the neighbors at
20 arms with the cafe owner.

21 So I would just urge the committee
22 to consider that in all cases and to -- I'd
23 like them to report to the Chairman whether,
24 in their opinion, the present procedure
25 enables you, for example, to raise with the

1 June 7, 2005 - Streets and Services

2 Chairman of the committee here the question
3 that exists to get it resolved.

4 COUNCILMAN DiCICCO: Thank you.

5 Councilman Rizzo, is your question
6 in line with Councilman Cohen's? Because I
7 see Mr. Malley is up and I don't know if you
8 wanted to respond to that.

9 MR. MALLEY: No.

10 COUNCILMAN DiCICCO: Councilman
11 Rizzo.

12 COUNCILMAN RIZZO: Is there a
13 difference between an open air sidewalk cafe
14 and a restaurant that has outdoor dining?
15 Let's say that they have a patio. Do they
16 need to have a sidewalk cafe license to be
17 able to operate; in other words, if it's not
18 on the sidewalk but it's outside?

19 COUNCILMAN DiCICCO: You mean
20 if there's an attachment to the building, like
21 an encroachment on the sidewalk? That would
22 require, I think, separate legislation,
23 wouldn't it, if a patio --

24 MR. MAUTZ: Yes.

25 COUNCILMAN DiCICCO: --

1 June 7, 2005 - Streets and Services
2 physically was attached to the building and is
3 a permanent structure?

4 MR. MAUTZ: Yes. And if it's
5 out in the public right-of-way.

6 COUNCILMAN DiCICCO: I think
7 that's what the Councilman is saying.

8 COUNCILMAN RIZZO: That's
9 exactly right.

10 COUNCILMAN DiCICCO: That would
11 require separate legislation, because it's now
12 an encroachment.

13 COUNCILMAN RIZZO: So it does
14 need some legislation?

15 COUNCILMAN DiCICCO: You need
16 an outdoor cafe license. You would need a
17 legislation that would legalize the
18 encroachment.

19 COUNCILMAN RIZZO: So if a
20 bar/restaurant puts some tables on a little
21 outdoor area that's attached to the building,
22 they need legislation?

23 COUNCILMAN DiCICCO: If it's
24 not on the sidewalk and it's another
25 structure, then it would need legislation.

1 June 7, 2005 - Streets and Services

2 MR. MAUTZ: Yes. The structure
3 would certainly need legislation.

4 COUNCILMAN RIZZ0: A porch.
5 Let's say the building is built with a porch
6 and for 20 years they never put a table on the
7 porch. Now all the sudden the outdoor cafe
8 thing is starting to catch on. They put a
9 half a dozen tables on the porch. Can they
10 just do it or do they have to come --

11 COUNCILMAN DiCICCO: Assuming
12 the porch is legal, then they just need an
13 outdoor cafe.

14 MR. MAUTZ: Yeah. That's
15 correct.

16 COUNCILMAN DiCICCO: Assuming
17 the porch was legal.

18 COUNCILMAN RIZZ0: Okay.

19 COUNCILMAN DiCICCO: Then they
20 only need a license for the outdoor cafe.

21 COUNCILMAN RIZZ0: That leads
22 to a follow-up on a question that I have about
23 insurance. If someone is injured, let's say
24 Councilman Cohen's point, that there's a
25 chair, somebody is trying to walk down the

1 June 7, 2005 - Streets and Services
2 sidewalk and they trip over a chair, is the
3 City liable or is the owner of the restaurant
4 since it happened on the sidewalk? Are we
5 somehow now involved because we've given
6 permission to set up an outdoor sidewalk cafe?
7 Who is responsible for the injury of the
8 person and does that business, does their
9 insurance cover or do they have to add to
10 their policy insurance to cover the outdoor
11 cafe?

12 If there would be an injury, is it
13 assumed that automatically the insurance
14 extends to that part of the business or does
15 that business have to add a -- forgive me for
16 not -- I can't come up with the word -- a
17 rider or a --

18 COUNCILMAN DiCICCO: Addendum?

19 COUNCILMAN RIZZO: -- addendum
20 to the policy to reach the sidewalk cafe?

21 MR. MAUTZ: Assuming we're
22 talking about a legal operation, in order for
23 them to be licensed, the insurance certificate
24 would had to have been provided. It would
25 need to meet all of the minimum requirements

1 June 7, 2005 - Streets and Services
2 by the Risk Management. And in terms of
3 liability, it's clearly the licensee.

4 Sometimes you get in a situation
5 where the property owner and the person who
6 obtained the sidewalk cafe license aren't one
7 and the same. We require that the property
8 owner in writing sanction the cafe at his
9 property.

10 So the answer to your question, it's
11 clearly the licensee who has the burden or the
12 liability for any injuries that might occur.

13 COUNCILMAN RIZZ0: Very good.
14 Counselor?

15 MR. MALLEY: Nick Malley,
16 counsel for the applicant.

17 In this instance, he has \$3 million
18 of insurance coverage for situations like
19 that.

20 COUNCILMAN RIZZ0: Good. That
21 was a generic question. It wasn't --

22 MR. MALLEY: I understand.

23 COUNCILMAN RIZZ0: -- about
24 your client, but thank you. That's
25 interesting. Because I had an issue just

1 June 7, 2005 - Streets and Services
2 recently where a business added a fence around
3 the perimeter. A car went out of control, hit
4 the fence. The fence wasn't covered because
5 they never told the insurance company that
6 they added the fence. And the car was a
7 stolen vehicle and the person had to repair
8 100 yards of fence because of this vehicle and
9 the insurance company said, It's not covered
10 because we didn't know about it.

11 Thank you, Mr. Chairman.

12 COUNCILMAN DiCICCO: Thank you.

13 Any other questions for these
14 witnesses from the committee?

15 (No response.)

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

19 (No response.)

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

23 THE CLERK: Bill No. 050468, an
24 Ordinance granting permission to Marie
25 Bontigao, owner of Tabula Rasa Cafe, tenant of

1 June 7, 2005 - Streets and Services
2 the property located at 944 North 2nd Street,
3 Philadelphia, to operate and maintain an open
4 air sidewalk cafe on the northwest corner of
5 North 2nd Street and Laurel Street, under
6 certain terms and conditions.

7 MR. MAUTZ: Good morning,
8 Chairman and members of the committee. My
9 name is William Mautz and I'm a construction
10 engineer with the Streets Department. I am
11 here to offer the following testimony for Bill
12 No. 050468.

13 This bill grants permission to Marie
14 Bontigao, owner of Tabula Rasa Cafe, tenant of
15 the property 944 North 2nd Street, to operate
16 and maintain an open air sidewalk cafe at the
17 northwest corner of North 2nd Street and
18 Laurel Street adjacent to the property.

19 Two tables to accommodate eight
20 occupants are proposed at the north 2nd Street
21 face, leaving approximately 7' clear footway
22 for pedestrians. Nine tables to accommodate
23 18 occupants are proposed at the Laurel Street
24 face of the building, leaving approximately 7'
25 clear footway for pedestrians. No rails will

1 June 7, 2005 - Streets and Services

2 be used.

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

6 COUNCILMAN DiCICCO: Thank you.

7 Any questions for this witness from
8 the committee?

9 (No response.)

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

13 (No response.)

14 COUNCILMAN DiCICCO: Seeing
15 none, the clerk will read the title of the
16 next bill.

17 THE CLERK: Bill No. 050374, An
18 Ordinance authorizing the Water Commissioner
19 on behalf of the City to enter into an
20 agreement with the owners of the properties at
21 6208 through 6230 Germantown Avenue for the
22 grant of rights-of-way to the City for
23 drainage and sewer purposes, under certain
24 terms and conditions.

25 MR. McCLOSKEY: Good morning,

1 June 7, 2005 - Streets and Services

2 Mr. Chairman, members of the committee. My
3 name is Paul McCloskey.

4 This bill was introduced in the City
5 Council by Councilwoman Miller on May 5th.

6 Basically, the concerns of the bill is, a firm
7 known as Safeguard is currently developing a
8 property at 6208 through 6230 Germantown
9 Avenue as a self-storage commercial property.

10 In order to construct the new facility,
11 Safeguard must relocate the existing public
12 sewer through the property. The relocated
13 sewer is being built to City standards and
14 under City inspection at the sole cost of
15 Safeguard.

16 In order to accept the relocated
17 sewer, Safeguard must grant a right-of-way to
18 the City. This bill authorizes an agreement
19 for the City to accept the right-of-way. The
20 agreement provides language that the City may
21 place the right-of-way on a City Plan at a
22 later date.

23 I recommend that this bill be
24 favorably reported out of committee and also
25 request a suspension of the rules in light of

1 June 7, 2005 - Streets and Services
2 the impending recess of City Council.

3 COUNCILMAN DiCICCO: Councilman
4 Cohen.

5 COUNCILMAN COHEN: What is
6 being developed in that location?

7 MR. McCLOSKEY: The building is
8 a self-storage center, sir.

9 COUNCILMAN COHEN: Does that
10 mean locker spaces?

11 MR. McCLOSKEY: Pardon me, sir?

12 COUNCILMAN COHEN: Does that
13 include locker spaces?

14 MR. McCLOSKEY: Currently it's
15 a building now that has been torn down and
16 basically it's a garage-type self-storage
17 area.

18 COUNCILMAN COHEN: Do you know
19 the intersection south of --

20 MR. McCLOSKEY: That's
21 Germantown and Tulpehocken.

22 COUNCILMAN COHEN: I'm
23 wondering about -- these self-storage places
24 tend to be uncomfortable for people in the
25 neighborhood. It's just a solid phalanx of

1 June 7, 2005 - Streets and Services
2 lumber or steel or something, and to use a
3 storefront for that, except in highly unusual
4 cases, would seem to me to create future
5 problems. So I'm just wondering how much
6 study has gone into it and why it's being
7 done.

8 COUNCILWOMAN MILLER:
9 Councilman.

10 COUNCILMAN COHEN: And why the
11 Department approves it for a store -- it's
12 open space, right, in the first floor,
13 Germantown Avenue?

14 MR. McCLOSKEY: Yeah. As I
15 understand, it's open space. They cleared the
16 area. As far as I know, they've worked this
17 out with Councilwoman Miller in the area. In
18 order to build this thing, we just have to
19 relocate an existing sewer.

20 COUNCILMAN DiCICCO: I think,
21 Councilman Cohen, Councilwoman Miller would
22 like to address your question.

23 COUNCILMAN COHEN: All right.

24 COUNCILWOMAN MILLER: This is a
25 project that the community supports. We've

1 June 7, 2005 - Streets and Services
2 had a number of community meetings, along with
3 the attorney and people representing
4 Safeguard. This is not your regular
5 normal-looking safe storage place. This looks
6 like an office building.

7 It's being erected on a vacant lot
8 that's been vacant probably for about ten
9 years. What was on that lot prior to the
10 buildings being demolished, there were a
11 number of buildings and bars that were
12 nuisance establishments, and that was a
13 heavily drug-infested area that many people
14 from the community, including myself prior to
15 coming to City Council, helped work to close
16 those drug bars down.

17 So this is a good replacement. It's
18 been vacant, and the owners of the lot are six
19 or seven business people from the Germantown
20 and Mount Airy neighborhood that got together
21 years ago after we closed the drug bars and
22 they purchased all those properties, and for
23 many years, they've been trying to find some
24 type of commercial business to come there. At
25 one point, the School District of Philadelphia

1 June 7, 2005 - Streets and Services

2 was interested in the site, but then when the
3 enrollment dropped when charter schools
4 opened, they were no longer interested in the
5 site.

6 So this is a project that's
7 supported by the community, both on the west
8 and east sides of Germantown Avenue. The
9 meetings were held at New Bethel AME Church on
10 the corner of Germantown and Tulpehocken, and
11 me and my staff have been actively involved in
12 bringing this project to fruition.

13 COUNCILMAN DiCICCO: Thank you,
14 Councilwoman.

15 Councilman Rizzo.

16 COUNCILMAN RIZZO:
17 Mr. McCloskey, just a sidebar to this
18 self-storage issue, I know that you're here
19 not representing L&I but the Water Department,
20 correct?

21 MR. McCLOSKEY: Yes, sir.

22 COUNCILMAN RIZZO: One of the
23 issues that's developed -- and this project is
24 a very good project because I also have
25 knowledge of it. The community really wants

1 June 7, 2005 - Streets and Services
2 this to occur. But one thing that is
3 occurring and I just want it for the record,
4 even know it's not directed to you, is that
5 many of these self-storage facilities I'm
6 learning are not good neighbors, like
7 Councilman Cohen said. Many of them are
8 facilities that are allowing businesses to
9 operate from. They use these storage
10 facilities to warehouse their material. They
11 go there and pick up material day and night.
12 They actually on some occasions, I've been
13 told, have had people enter the storage
14 facility to basically go shop in their storage
15 unit, people that collect junk.

16 And I'm going to be looking into the
17 storage facility industry in the City of
18 Philadelphia, because many of them have really
19 become nuisances. Not this one, because it's
20 a different concept, but the conventional
21 stand-alone storage units. There's, again,
22 from what I'm finding out, many, many
23 businesses being operated out of these
24 facilities, and I believe that's inappropriate
25 and I'm working -- I'm going to be checking

1 June 7, 2005 - Streets and Services
2 with L&I currently to find out what they can
3 do behind these fences and what they can't do.

4 MR. McCLOSKEY: I know this
5 particular company, if I could interject,
6 pretty much goes with the office style --

7 COUNCILMAN RIZZO: What's the
8 company?

9 MR. McCLOSKEY: Safeguard.
10 They go with this office style, because right
11 now they're currently building one at the
12 Tacony Bridge.

13 COUNCILMAN RIZZO: Okay.

14 MR. McCLOSKEY: You know,
15 they've come in. There are like three or four
16 different areas they have built in the City,
17 and they take that style as opposed to a line
18 of garages, which is a pretty good concept,
19 just my personal opinion, but that doesn't
20 mean anything.

21 COUNCILMAN RIZZO: Thanks.
22 That's a good neighborhood. Matter of fact,
23 that was the Rialto Theatre where every
24 Saturday afternoon I spent a lot of time.

25 COUNCILWOMAN MILLER: So did I.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: Any other
3 questions for this witness from the committee?

4 (No response.)

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

8 (No response.)

9 COUNCILMAN DiCICCO: Seeing
10 none, the clerk will read the title of the
11 next bill.

12 THE CLERK: Bill No. 050375, an
13 Ordinance authorizing the construction of a
14 sanitary sewer and appurtenant work in a
15 proposed right-of-way for drainage and sewer
16 purposes from Springbank Street to an existing
17 drainage right-of-way, former Park Line Road.

18 MR. McCLOSKEY: Good morning
19 again. My name is Paul McCloskey. I'm
20 testifying on behalf of the Water Department.

21 This bill was introduced on May 5th
22 by Councilman Nutter. This bill authorizes
23 the Water Department to construct sanitary
24 sewers in a proposed right-of-way for drainage
25 and sewer purposes from Springbank to an

1 June 7, 2005 - Streets and Services
2 existing drainage right-of-way, former Park
3 Line Road.

4 The homeowners in the West
5 View/Wissahickon area of the City have
6 petitioned for public sewers. The area is
7 bounded by Wissahickon Avenue, Kitchen's Lane,
8 Fairmount Park and former Park Line Road.
9 This area consists of approximately 37
10 single-family dwellings in the West Mount Airy
11 section of the City.

12 This ordinance will complement Bill
13 No. 030691 in providing sewers to the area.
14 Bill 030691 was approved by City Council on
15 December the 4th, 2003 and signed by the Mayor
16 on December 18th, 2003.

17 At present, the properties are being
18 served by individual cesspools for each
19 property. These on-site systems outlived
20 their usefulness and require total
21 replacement. However, it is doubtful under
22 current Commonwealth regulations that the
23 systems would be allowed to be rebuilt. The
24 malfunctioning of the septic system has
25 created unsanitary conditions. In light of

1 June 7, 2005 - Streets and Services

2 the fact that the residents are serviced by
3 public water, the residents have requested a
4 public sewer.

5 An assessment shall be levied
6 against the owners having frontage in order to
7 absorb a portion of the cost of construction
8 and the residents shall be required to connect
9 to the new sewer at their cost in accordance
10 with City Code.

11 We recommend that this bill be
12 favorably reported out of committee and also
13 request a suspension of the rules in light of
14 the impending recess of City Council. Thank
15 you very much.

16 COUNCILMAN DiCICCO: Thank you.

17 Any questions for this witness from
18 the committee?

19 (No response.)

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

23 (No response.)

24 COUNCILMAN DiCICCO: Seeing
25 none, I would ask the clerk to read the title

1 June 7, 2005 - Streets and Services
2 of the next bill.

3 THE CLERK: Bill No. 050376, an
4 Ordinance authorizing the Water Commissioner,
5 on behalf of the City, to enter into an
6 agreement with the owners of 6601, 6609 and
7 6701 Springbank Street and 6609 Rear
8 Springbank Street, part of 1021 West Hortter
9 Street, for the grant of a right-of-way to the
10 City for drainage and sewer purposes through
11 the properties from Springbank Street to an
12 existing drainage right-of-way, former Park
13 Line Drive, under certain terms and
14 conditions.

15 MR. McCLOSKEY: Good morning
16 again, Mr. Chairman and members of the
17 committee. My name is Paul McCloskey. I'm
18 representing the Water Department.

19 This Bill 050376 authorizes the
20 acceptance of a right-of-way for drainage and
21 sewer purposes through the properties and a
22 common driveway of 6601, 6609 and 6701
23 Springbank Street and 6609 Rear Springbank
24 Street, which is part of 1021 West Hortter
25 Street.

1 June 7, 2005 - Streets and Services

2 The area bounded by Wissahickon,
3 Kitchen's Lane, Fairmount Park and former Park
4 Line Road in the West Mount Airy section of
5 the City is serviced by individual on-site
6 cesspools. The cesspools are beginning to
7 fail and the property owners have requested
8 public sewers. The natural drain of a portion
9 of the area is through the above-mentioned
10 properties. A majority of the owners of the
11 properties have agreed to grant the City a
12 right-of-way through their properties from
13 Springbank to an existing drainage
14 right-of-way, former Park Line Road, in order
15 to accommodate the proposed sewer system for
16 the area.

17 We recommend that this bill be
18 favorably reported out of committee and also
19 request a suspension of the rules in light of
20 City Council's impending closure.

21 COUNCILMAN DiCICCO: Thank you.

22 Any questions for this witness from
23 the committee?

24 (No response.)

25 COUNCILMAN DiCICCO: Anyone

1 June 7, 2005 - Streets and Services
2 planned to be constructed at 24th Street and
3 Walnut Street along the CSX Transportation
4 Railroad. The adjacent parking lot for the
5 project will require the relocation of a sewer
6 and a water main that are currently located in
7 an existing right-of-way of former Sansom
8 Street. The existing right-of-way runs from
9 24th Street to the railroad. The utilities
10 will be relocated northward, constructed to
11 the City standards and dedicated to the City
12 in accordance to Philadelphia Code.

13 In order for the City to accept the
14 facilities, the developer must grant the City
15 a right-of-way for drainage, sewer and water
16 main purposes in a proposed right-of-way
17 partially within and partially 5' north of the
18 existing right-of-way. The bill authorizes an
19 agreement for the City to accept the
20 right-of-way. The agreement provides language
21 that the City may place the right-of-way on a
22 City Plan at a later date.

23 We recommend that this bill be
24 favorably reported out of committee and also
25 request a suspension of the rules in light of

1 June 7, 2005 - Streets and Services

2 the impending recess of City Council. Thank
3 you.

4 COUNCILMAN DiCICCO: Thank you.

5 Any questions for this witness from
6 the committee?

7 (No response.)

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

11 (No response.)

12 COUNCILMAN DiCICCO: Seeing
13 none, I will ask the clerk to read the title
14 of the next bill.

15 I'm sorry, Peter.

16 PETER: Councilman DiCicco,
17 that is fine. I thank you for your
18 consideration. This ordinance would
19 effectuate the ability to develop this site.
20 The right-of-way basically runs through it,
21 and by relocating it with the concurrence and
22 the support of the Water Department, we will
23 provide the City with a brand new residential
24 development that will be a benefit to the
25 community and to the City.

1 June 7, 2005 - Streets and Services

2 There is no City cost associated
3 with this project. It will be fully borne by
4 the developer.

5 We thank you for your consideration.

6 COUNCILMAN DiCICCO: Thank you.

7 Any questions for this witness from the
8 committee?

9 COUNCILMAN COHEN: One
10 question.

11 COUNCILMAN DiCICCO: Councilman
12 Cohen.

13 COUNCILMAN COHEN: To what
14 property were you referring when you said
15 there's no City costs?

16 PETER: Well, in order to
17 relocate the right of line, Councilman Cohen,
18 we are bearing the cost as part of our
19 development project.

20 COUNCILMAN COHEN: I see.
21 Okay.

22 PETER: Thank you.

23 COUNCILMAN DiCICCO: Thank you.

24 Any other questions?

25 (No response.)

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: Anyone
3 else who wishes to testify?

4 (No response.)

5 COUNCILMAN DiCICCO: Seeing
6 none, I will ask the clerk to read the title
7 of the next bill.

8 THE CLERK: Bill No. 050469, an
9 Ordinance authorizing the Water Commissioner
10 on behalf of the City to enter into an
11 agreement with the owners of the properties
12 and their successors at 923 Rear Units 1, 2
13 and 3 South Second Street for the grant of a
14 right-of-way to the City through the property
15 from a private street, known as Salter Street,
16 to approximately 65 feet north of Salter
17 Street for drainage, sewer and water main
18 purposes, under certain terms and conditions.

19 MR. McCLOSKEY: Yes. Good
20 morning again. My name is Paul McCloskey.
21 I'm representing the Water Department.

22 This bill was introduced on May 19th
23 by Councilman DiCicco by request of the Water
24 Department.

25 The Salter Views Housing Development

1 June 7, 2005 - Streets and Services
2 is currently being constructed on properties
3 on the north side of a private street known as
4 Salter Street. The properties are at 923 Rear
5 South Second Street, Lots 1 through 3. The
6 developer plans to create four lots serviced
7 by a driveway. The developer plans to
8 construct a sewer and a water main to City
9 standards in the bed of the driveway. He
10 plans to dedicate them to the City in
11 accordance with The Philadelphia Code.

12 In order for the City to accept the
13 facilities, the developer must grant the City
14 a right-of-way for drainage, sewer and water
15 main purposes in the bed of the driveway.
16 This bill authorizes an agreement for the City
17 to accept the right-of-way. The agreement
18 provides language that the City may place the
19 right-of-way on a City Plan at a later date.

20 We recommend that this bill be
21 favorably reported out of committee and also
22 request a suspension of the rules in light of
23 the impending recess of City Council. Any
24 questions?

25 COUNCILMAN DiCICCO: Thank you.

1 June 7, 2005 - Streets and Services

2 Any questions for this witness from
3 the committee?

4 (No response.)

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

8 (No response.)

9 COUNCILMAN DiCICCO: Seeing
10 none, I will ask the clerk to read the title
11 of the next bill.

12 THE CLERK: Bill No. 050512, an
13 Ordinance authorizing the Water Commissioner
14 on behalf of the City to enter into an
15 agreement with the owners of the properties
16 and their successors at 1500 South Front
17 Street for the grant of an L-shaped
18 right-of-way to the City through the property
19 from Front Street to Dickinson Street for
20 drainage, sewer and water main purposes, under
21 certain terms and conditions.

22 MR. McCLOSKEY: Good morning
23 again. My name is Paul McCloskey. I'm
24 representing the Water Department.

25 This bill was introduced on May

1 June 7, 2005 - Streets and Services
2 26th, 2005 by Councilman DiCicco by request of
3 the Water Department.

4 South Village Court Housing
5 Development is a proposed development
6 consisting of 17 single-family houses. It is
7 located on the southwest corner of Dickinson
8 and Front Street. The developer will
9 construct a sewer and a water main in an
10 L-shaped utility right-of-way, beginning at 54
11 feet south and parallel to Dickinson Street
12 and from Front Street to approximately 181
13 feet west of Front Street. The right-of-way
14 will then continue north to the south side of
15 Dickinson Street.

16 The sewer and the water main will be
17 built to City standards and dedicated to the
18 City as public facilities in accordance with
19 The Philadelphia Code. In order for the City
20 to accept the water main and the sewer, the
21 developer must grant a right-of-way for
22 drainage, sewer and water main purposes. This
23 bill authorizes the agreement from the City to
24 accept the right-of-way. The agreement
25 provides language that the City may place the

1 June 7, 2005 - Streets and Services
2 right-of-way on a City Plan at a later date.

3 I recommend that this bill be
4 favorably reported out of committee and
5 request a suspension of the rules in light of
6 the impending recess of City Council. Thank
7 you very much.

8 COUNCILMAN DiCICCO: Thank you.

9 Any questions for this witness from
10 the committee?

11 COUNCILMAN COHEN: Yes.

12 COUNCILMAN DiCICCO: Councilman
13 Cohen.

14 COUNCILMAN COHEN: Is there a
15 cost involved in this work?

16 MR. McCLOSKEY: No.

17 COUNCILMAN COHEN: None to the
18 City?

19 MR. McCLOSKEY: No.

20 COUNCILMAN COHEN: Is it the
21 private developer that's going to --

22 MR. McCLOSKEY: Private
23 developer. Basically what he's doing is, he's
24 creating a driveway in the rear that will feed
25 17 houses, nine of them in front on Dickinson

1 June 7, 2005 - Streets and Services

2 Street and the remaining seven -- or eight
3 face this driveway. He will construct the
4 water main and sewer to City standards at his
5 cost, and then for us to accept them, he will
6 dedicate a right-of-way and the water main and
7 sewer to us at no cost.

8 COUNCILMAN DiCICCO: Thank you.

9 COUNCILMAN COHEN: And the City
10 causes an inspection of them to take place?

11 MR. McCLOSKEY: The City enters
12 into an agreement. He has entered into an
13 agreement where we will treat this as a
14 regular Water Department project. We will
15 assign an engineer. We will assign an
16 inspector, and if he does not comply with the
17 construction of the water main and sewer to
18 our standards, we will not accept them.

19 COUNCILMAN COHEN: Thank you.
20 Do you have any idea of the approximate cost?

21 MR. McCLOSKEY: About \$200 a
22 foot. We're probably talking about \$80,000
23 here.

24 COUNCILMAN DiCICCO: \$80,000.

25 COUNCILMAN COHEN: Thank you.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: Thank you.

3 Councilman Rizzo.

4 COUNCILMAN RIZZO:

5 Mr. McCloskey, when you say that there will be
6 no cost to the City, could you please describe
7 the process? As an example, No. 050512, to
8 get it here today, what City involvement was
9 there and is there any licensing or fees
10 associated with the process that we're
11 watching today?

12 MR. McCLOSKEY: Currently this
13 is -- a number of these bills are currently
14 unusual, in that these would normally have
15 been done by City plans. Unfortunately,
16 because of retirement, for a short period of
17 time, we couldn't introduce City plans, so the
18 Water Department under Philadelphia Code can
19 accept the right-of-way at no cost. So
20 basically what we did is, we accepted
21 right-of-ways to accommodate the construction
22 at this high rate of construction of
23 development right now to allow these
24 developments. We accepted right-of-ways from
25 them.

1 June 7, 2005 - Streets and Services

2 Basically they come to us. We
3 review it like any other development. The
4 only difference is that I would write the
5 ordinance for them and I would send it over to
6 the Mayor and the Law Department for approval
7 and then have us introduce it. That is the
8 only cost involved, was my hours to write the
9 ordinance.

10 COUNCILMAN RIZZO: Well, that's
11 significant in itself. That's a joke.

12 MR. McCLOSKEY: Okay.

13 COUNCILMAN RIZZO: But, really,
14 there should be something factored in to this
15 part of the process to make the City whole,
16 for lack of a better word. Should there be
17 some fee associated? I mean, L&I for
18 expedited -- not that you're expediting
19 this -- there's a charge for that. There
20 certainly should be some recovery for this
21 effort.

22 MR. McCLOSKEY: Well, there is
23 recovery when you think of it. I mean, I
24 testified on six bills. One of the bills at
25 2401 Walnut Street is a 42-story condo with

1 June 7, 2005 - Streets and Services

2 the second floor being \$3 million.

3 COUNCILMAN RIZZO: But my point
4 being is, there's very little that government
5 does without some charge. So basically you're
6 saying this is good-will for future growth.

7 MR. McCLOSKEY: This is
8 good-will. This brings in -- my job is to
9 bring in development into this town, to bring
10 in more people.

11 COUNCILMAN RIZZO: Do you think
12 they'd not build a building if there was a fee
13 associated with your work?

14 MR. McCLOSKEY: No, but --

15 COUNCILMAN RIZZO: Well, isn't
16 it something that should be considered? I
17 mean, L&I charges for various inspections and
18 things like that. Could you consider that and
19 get back to the Chair?

20 MR. McCLOSKEY: Sure.

21 COUNCILMAN RIZZO: Because it
22 would be interesting to see what you do spend
23 in all the work that you do to bring these to
24 us here in Council. And I know your
25 administration is looking for sources of

1 June 7, 2005 - Streets and Services
2 revenue and I think that would be good, too.
3 Not that we should charge for everything we
4 do, but...

5 MR. McCLOSKEY: Right. But I
6 always looked at it as just help the
7 development to get more taxes and people to
8 stay here. We have lost too many people over
9 the last 20 years and this is the first year
10 we haven't lost anybody.

11 COUNCILMAN DiCICCO: Well,
12 aren't there license fees for permits, that
13 eventually they will be paid?

14 MR. McCLOSKEY: Oh, yeah.
15 They'll be paying for --

16 COUNCILMAN DiCICCO: At some
17 point, there is compensation at some point --

18 COUNCILMAN RIZZO: I
19 understand.

20 COUNCILMAN DiCICCO: -- for the
21 work that will be done.

22 COUNCILMAN RIZZO: I
23 understand.

24 COUNCILMAN DiCICCO: Thank you.

25 Any other questions for this

1 June 7, 2005 - Streets and Services

2 witness?

3 (No response.)

4 COUNCILMAN DiCICCO: Anyone
5 else here who wishes to testify for or against
6 the bill?

7 (No response.)

8 COUNCILMAN DiCICCO: Seeing
9 none, I will ask the clerk to read the title
10 of the next bill.

11 MR. McCLOSKEY: Thank you very
12 much.

13 THE CLERK: Bill No. 050417, an
14 Ordinance amending Section 2 of an Ordinance,
15 Bill No. 020716, approved January 23, 2003,
16 entitled "An Ordinance authorizing the
17 revision of lines and grades on a portion of
18 City Plan No. 197 by striking from the City
19 Plan and vacating Wensley Street from
20 southeasterly line of the Delaware Expressway
21 more or less, to a point approximately 183
22 feet southeastwardly therefrom, under certain
23 terms and conditions," by extending the time
24 for compliance with the conditions stated
25 therein.

1 June 7, 2005 - Streets and Services

2 MR. MORELLI: Good morning,
3 Mr. Chairman and members of the committee. My
4 name is Frank Morelli, Survey Bureau Manager
5 of the Department of the Streets, and the
6 Department of Streets would like to offer the
7 following testimony on Bill No. 050417.

8 This is not an administrative
9 ordinance but an ordinance requested by
10 Mr. William Parker, Sr., President, William
11 Parker Associates, 2845 East Westmoreland
12 Street, Philadelphia, PA 19134. The purpose
13 of this ordinance is to extend the time period
14 to strike Wensley Street from the City Plan to
15 solve a rear entrance security problem and to
16 expand their existing business.

17 This ordinance is supported by the
18 Department of Streets and is recommended to
19 your committee for favorable action.

20 MR. SOFFER: Good morning, Mr.
21 Chairman and members of the Streets and
22 Services Committee. My name is Martin Soffer,
23 City Planner. I'm here to testify on behalf
24 of the City Planning Commission.

25 This bill authorizes the striking

1 June 7, 2005 - Streets and Services
2 from the City Plan of a paper street located
3 in the Richmond section of Northeast
4 Philadelphia. The purpose of this ordinance
5 is to remove the legal incumbrance of a paper
6 street that will never be built to allow for
7 the expansion of an existing customs
8 examination station.

9 The Planning Commission staff
10 reviewed and tentatively approved this action
11 on December 15, 1997. Therefore, the Planning
12 Commission recommends that Bill No. 050417 be
13 approved. Thank you.

14 COUNCILMAN DiCICCO: Thank you.

15 Any questions for these witnesses?

16 COUNCILMAN COHEN: Yes.

17 COUNCILMAN DiCICCO: Councilman
18 Cohen.

19 COUNCILMAN COHEN: Is there any
20 competition being given to the City for this
21 land?

22 MR. MORELLI: No, Councilman,
23 there is not. The street was a paper street
24 and the City never paid damages when the
25 street was placed on the City Plan.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN COHEN: Well, does
3 that mean the street had no value --

4 MR. MORELLI: No, sir.

5 COUNCILMAN COHEN: -- the fact
6 that the City paid no damages?

7 MR. MORELLI: No, sir.

8 COUNCILMAN COHEN: One thing
9 seems unrelated to the other.

10 MR. MORELLI: The City only had
11 an easement to place the street over that site
12 and it was never developed.

13 COUNCILMAN COHEN: Who owned
14 the site? Somebody must have owned it.
15 Somebody is entitled to compensation.

16 I think it's a good thing that we're
17 making the services available to the person to
18 enable them to enlarge his business, but it
19 seems to me fair competition for the land is
20 required to be paid to somebody.

21 MR. SOFFER: It's our
22 understanding this is a paper street that was
23 proposed for some future use, which never came
24 to be.

25 COUNCILMAN COHEN: Who owns the

1 June 7, 2005 - Streets and Services

2 street? Who owns the piece of property?

3 MR. SOFFER: It's our
4 understanding that the two abutting property
5 owners owned up to the center of this legal
6 status, the street.

7 COUNCILMAN COHEN: I don't know
8 what it means "it is our understanding."

9 MR. MORELLI: The abutting
10 property owners of each side of a paper
11 street, their deeds actually extend to the
12 center line of the street, with an easement
13 for street purposes to be placed at some
14 future date. And since we never improved the
15 street, the street is still entitled to the
16 abutting property owners.

17 MR. SOFFER: The City
18 established this easement for a future -- in
19 case we needed it for the future, which has
20 turned out not to be the case. We have many
21 City paper streets on the plan that go back to
22 the 18th century, many of which --

23 COUNCILMAN COHEN: Well, that
24 would mean we have a great deal of assets in
25 reserve if the City can draw when needed, and

1 June 7, 2005 - Streets and Services

2 certainly this is a point of time when the
3 City needs revenue. Is there any way of
4 getting revenue for land, particularly when an
5 addition -- we're making these streets
6 non-existent so that the gentleman can expand
7 his factory.

8 It certainly seems to me that it's
9 one thing for the Streets Department having no
10 responsibility whatever for the finances of
11 the whole City to play the role of benefactor,
12 but, to me, that's the wrong role. It ought
13 to be a central office relating to the entire
14 City that makes that decision. Streets
15 Department has no right to make that decision.

16 MR. MORELLI: Councilman, I
17 agree with you on certain streets of how the
18 street was legally opened. If the City
19 condemned the property and paid damages, then
20 when the street is stricken from the City
21 Plan, then there's an appraisal done, and it
22 is one of the conditions of the ordinance for
23 fair market value of the street to be -- for
24 the damages to be paid. But on the case of a
25 paper street, the City never acquired the

1 June 7, 2005 - Streets and Services
2 parcel. All we did was put an easement over
3 the ground to place a street at some future
4 time, and the City never did that, so the
5 property owners still own to the center line
6 of the street, and we're just removing an
7 easement that the City had placed over this
8 property.

9 COUNCILMAN COHEN: But the
10 removal of that easement has a dollar value.
11 I mean, I don't understand the Streets
12 Department philosophy of giving things away.

13 COUNCILMAN DiCICCO: Why don't
14 you look into that and see if you can come up
15 with some reasonable explanation. Okay?

16 MR. MORELLI: Okay.

17 COUNCILMAN DiCICCO: I
18 appreciate that.

19 Any other questions?

20 COUNCILMAN COHEN: No.

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

24 (No response.)

25 COUNCILMAN DiCICCO: Seeing

1 June 7, 2005 - Streets and Services

2 none, I will ask the clerk to read the title
3 of the next bill.

4 THE CLERK: Bill No. 050514, an
5 Ordinance authorizing and directing the
6 revision of lines and grades on a portion of
7 City Plan No. 307 by relocating the westerly
8 curb line and house line of 15th Street
9 between Arch Street and Cherry Street, under
10 certain terms and conditions.

11 MR. MORELLI: Good morning,
12 Mr. Chairman and members of the committee. My
13 name is Frank Morelli, Survey Bureau Manager
14 of the Department of Streets. The Department
15 of Streets would like to offer the following
16 testimony on Bill No. 050514.

17 This is not an administrative
18 ordinance but an ordinance requested by Ronald
19 Patterson, Klehr, Harrison, Harvey, Branzburg
20 & Ellers LLP, 260 South Broad Street,
21 Philadelphia, PA 19102.

22 The purpose of this ordinance is to
23 widen the public cartway along 15th Street
24 between Arch and Cherry Street. This is
25 necessary to allow for the development of a

1 June 7, 2005 - Streets and Services
2 new office and studio for CBS/KYW TV
3 Broadcasting on the northwest corner of 15th
4 and Arch Street. The street widening will
5 also alleviate the current bottleneck that
6 occurs along this block of 15th Street.

7 This ordinance is supported by the
8 Department of Streets and is recommended to
9 your committee for favorable action.

10 COUNCILMAN DiCICCO: Thank you.

11 MR. SOFFER: Good morning,
12 Mr. Chairman, members of the Streets and
13 Services Committee. My name is Martin Soffer
14 and I'm here to testify on behalf of the City
15 Planning Commission.

16 This bill authorizes the widening of
17 North 15th Street between Cherry Street and
18 Arch Street located in the Center City section
19 of Philadelphia. The purpose of this
20 ordinance is to allow for the construction of
21 a new 450,000 square foot office building at
22 this location.

23 The Planning Commission staff
24 reviewed and tentatively approved this action
25 on February 9th, 2004. Therefore, the

1 June 7, 2005 - Streets and Services
2 Planning Commission recommends that Bill No.
3 050414 be approved.

4 Thank you.

5 COUNCILMAN DiCICCO: Thank you.

6 Mr. Patterson.

7 MR. PATTERSON: Good morning,
8 Mr. Chairman. My name is Ronald Patterson.
9 I'm a lawyer with the law firm of Klehr
10 Harrison, and I have the privilege to
11 represent Don Pulver in connection with this
12 project, who has built many buildings in the
13 City.

14 He's proposing to build an
15 eight-story office building having 200,000
16 feet into which CBS Channel 10 is proposing to
17 move their entire operations from 5th and
18 Market into that building in a highly
19 state-of-the-art electric building.

20 What we're here asking for is in
21 connection with widening 15th Street, which I
22 understand has been long desired to do by the
23 Streets Department, and with the widening, it
24 would then have the streets aligned in the
25 proper width as it's shown north of 15th

1 June 7, 2005 - Streets and Services
2 Street.

3 Currently there's a bottleneck
4 driving south on 15th Street. What we are
5 proposing in connection with the Streets
6 Department is to have the street widened so
7 the cartway matches up and which would allow
8 for a drive-by lay-by lane in front of the
9 building, which I'm going to show you on the
10 next page.

11 So the cartway would increase from
12 26 feet to 46 feet, again, to further align
13 and remove the bottleneck in front of that
14 particular block. And I also understand that
15 we do have a grant from PennDot to assist in
16 the widening of the street since it is a state
17 highway.

18 COUNCILMAN COHEN: Who is
19 paying for the street widening? CBS is going
20 to pay the costs?

21 MR. PATTERSON: It's my
22 understanding, and Mr. Pulver can attest to
23 that, that the part that I know about is the
24 PennDOT grant. Mr. Pulver can address the
25 remaining.

1 June 7, 2005 - Streets and Services

2 MR. PULVER: CBS is indirectly
3 paying for --

4 COUNCILMAN DiCICCO: Excuse me.
5 Please identify yourself for the record.

6 MR. PULVER: Don Pulver,
7 President of Oliver Tyrone Pulver Corporation,
8 the developer of this building.

9 CBS is going to be the main tenant
10 in the building and so will be paying rent.
11 That will, in essence, make them be paying for
12 it. However, CBS is also getting certain
13 state assistance to stay and expand in the
14 City, one of which is a \$700,000 grant from
15 PennDOT to provide for the widening of the
16 street.

17 COUNCILMAN COHEN: CBS must be
18 in a terrible financial situation.

19 MR. PULVER: Is what? Pardon?

20 COUNCILMAN COHEN: CBS must be
21 in a terrible financial situation if it can't
22 afford \$700,000.

23 MR. PULVER: It's a very
24 attractive company, I believe.

25 COUNCILMAN COHEN: Well, then

1 June 7, 2005 - Streets and Services
2 why is it coming to government for help? Why
3 doesn't it say this is a system of capitalism
4 in which business pays its own way? If there
5 are certain circumstances that require help,
6 government is always available to consider
7 and, if possible, make that aid available, but
8 if CBS is a substantial company, as I believe
9 it to be or have until today, why does it need
10 help from PennDOT? State has deficits. The
11 City has deficits.

12 MR. PATTERSON: Well, if I can
13 answer, the widening of the street, again, has
14 been long desired. There just has not been an
15 impetus to widen the street. The building is
16 not taking up any of the street widening.
17 We're remaining within our own property line.

18 COUNCILMAN RIZZO: Point of
19 information.

20 My observation is if there's a grant
21 out there, any business should be able to take
22 advantage of it. If there's a million dollar
23 opportunity, they'd be, in my opinion,
24 negligent to their shareholders not to take
25 advantage of an opportunity. If it was a

1 June 7, 2005 - Streets and Services

2 drugstore building a building there and they
3 could get the consideration from PennDOT, they
4 should get it also.

5 MR. PATTERSON: And I also may
6 add there's a City element as well. We also
7 are building three below-ground levels of
8 parking, which the below-grade rights are
9 owned by the Parking Authority. So Mr. Pulver
10 is building the three levels containing 285
11 parking spaces, which will be owned and
12 operated by the Parking Authority.

13 COUNCILMAN DiCICCO: Let me ask
14 you a question. What is the nature again of
15 the tenants in the building? It would be all
16 CBS/KYW from 5th and Market, or no?

17 MR. PULVER: Yes. CBS and KYW
18 are moving from 5th and Market to 15th and
19 Arch. They will be occupying half of the
20 building initially, with options to expand.

21 COUNCILMAN DiCICCO: Options to
22 expand. How many employees do you currently
23 have and will there be any increase in the
24 number of employees going to this facility?

25 MR. PULVER: Yeah. I am not

1 June 7, 2005 - Streets and Services

2 CBS. I am the developer of the building, so I
3 really can't speak for them, but I do believe
4 that they plan to have some 350 employees and
5 they do plan to expand by approximately ten
6 employees per year.

7 COUNCILMAN DiCICCO: Per year.
8 Will there be retail on the first floor; do
9 you know?

10 MR. PULVER: Actually, it's all
11 going to be CBS's studios on the first floor.
12 They plan to have three studios.

13 COUNCILMAN DiCICCO: Just like
14 in New York. And also when you walk down,
15 you'll actually see the anchor people and all
16 that stuff. Rather exciting.

17 MR. PATTERSON: That's correct.
18 Part of their plan is to then to have live
19 broadcasts from Love Park, as well as within
20 the first floor studio area.

21 COUNCILMAN DiCICCO: And what's
22 the garage component? How many spaces?

23 MR. PATTERSON: 285 spaces.

24 COUNCILMAN DiCICCO: Public or
25 just for employees?

1 June 7, 2005 - Streets and Services

2 MR. PULVER: It's a public
3 garage.

4 COUNCILMAN DiCICCO: Public
5 garage, okay.

6 COUNCILMAN RIZZO: May I ask a
7 question?

8 COUNCILMAN DiCICCO: Yes. Then
9 I'll go to the sponsor of the bill.

10 COUNCILMAN RIZZO: Is there any
11 word on the reuse of the 5th and Market site?

12 MR. PULVER: No, but that's
13 something we have nothing to do with. But
14 apparently there are agreements that are being
15 made by somebody.

16 COUNCILMAN DiCICCO: At 5th and
17 Arch, you're leasing space in there, correct?
18 I mean "you," meaning CBS and/or KYW. They
19 don't own the building, do they?

20 MR. PATTERSON: No. I could
21 tell you because we have other clients who are
22 involved in the 5th and Market deal, but we
23 understand that the building is for sale, has
24 been sold, is under an agreement. The new
25 developer has plans perhaps for a museum to

1 June 7, 2005 - Streets and Services

2 come into the building, but that's way out in
3 the future. There's time so that CBS can make
4 the move and deliver and turn on the power in
5 March of 2007.

6 COUNCILMAN DiCICCO: Thank you.

7 Councilman Clarke.

8 COUNCILMAN CLARKE: Thank you,
9 Mr. Chairman.

10 Good morning, gentlemen. First of
11 all, although we're moving CBS from Councilman
12 DiCicco's district to the fifth Council
13 district, I want to apologize for that,
14 Mr. Chair, but this is a project that I know
15 you've been working --

16 COUNCILMAN DiCICCO: You owe me
17 one big building.

18 COUNCILMAN CLARKE: I owe you
19 one, I got it. You'll be getting it.

20 I want to congratulate you on
21 finally consummating this deal.

22 In earlier discussions, we had
23 talked about construction jobs. What are the
24 number of construction jobs anticipated?

25 MR. PULVER: I believe it's

1 June 7, 2005 - Streets and Services
2 somewhere in the neighborhood of 700. This is
3 not the biggest building in town, but it's
4 going to be one of the nicest, and so that's
5 about the best I know.

6 COUNCILMAN CLARKE: And one of
7 the things that we talked about, I just want
8 to say for the record, that you will develop a
9 strategy for outreach for Philadelphia
10 employees and minority and female
11 participation, although you're not required by
12 law, but it's my understanding that you will
13 aggressively work with myself and the other
14 individuals who have been involved in this
15 process.

16 MR. PULVER: Yes, we will, and
17 I also discussed it with CBS and they plan to
18 do the same.

19 COUNCILMAN CLARKE: One of the
20 things, for the record, we had talked about
21 the possibility of CBS, during the course of
22 the ten employee per year expansion, to work
23 with the Philadelphia School District or some
24 other entities to incorporate internships for
25 local residents to be a part of that expansion

1 June 7, 2005 - Streets and Services
2 program.

3 COUNCILMAN DiCICCO: Ten-story
4 building or 11?

5 MR. PULVER: It's eight
6 stories.

7 COUNCILMAN DiCICCO: Eight
8 stories. When do you anticipate construction
9 to commence?

10 MR. PULVER: Essentially by the
11 end of this year.

12 COUNCILMAN DiCICCO: And the
13 completion date?

14 MR. PULVER: March or
15 thereabouts of '07.

16 COUNCILMAN DiCICCO: Two-year
17 project -- well, less than two years.

18 MR. PULVER: Less than two
19 years.

20 COUNCILMAN DiCICCO: Thank you.

21 Any other questions?

22 Councilman Cohen.

23 COUNCILMAN COHEN: I'm really
24 baffled by this great generosity. In today's
25 Daily News, for example, there's an article

1 June 7, 2005 - Streets and Services
2 built around the theme that the emperor has no
3 clothes in which the writer charges that the
4 whole NTI program which started out as
5 clearing the street of cars, old cars lying
6 around the streets, clogging up the streets,
7 was a good project and thereafter many
8 millions of dollars have gone just for doing
9 regular City work. Instead of money coming
10 from the City budget, it came from the NTI
11 special loan of \$300 million to carry out
12 normal City duties, and the reason for those
13 normal City duties having to be carried out by
14 special loan funds is apparently there wasn't
15 enough money in the General Fund budget to
16 carry out the City's duties of maintaining
17 services.

18 Now, in view of the fact that in
19 addition of not having money to do the normal
20 services, we're just going through a wild
21 budget-cutting series of amendments to the
22 City's budget. I don't see how the City of
23 Philadelphia can play the role of Santa Claus.
24 Every business comes around that used to be in
25 the olden days -- and I remember them well

1 June 7, 2005 - Streets and Services
2 because I was here or active otherwise -- when
3 a business would come to the government agency
4 and say, Here's a great project for the City,
5 this would be of this value, and they'd
6 specify the values, but the problem is, we
7 don't have the money for it, and they would
8 show us the books and show us why they lacked
9 a half a million or 5 million, whatever the
10 amount was. But today all of you are in
11 competition with each other, fearful you're
12 going to lose your jobs unless you can get
13 great grants of public monies even though you
14 don't need it. You could fund the whole City
15 budget without any problem on your own.

16 So I don't understand what's going
17 on here, because we had hours of discussion
18 for small sums of money like \$10,000.

19 MR. PATTERSON: If I may, we're
20 asking for no subsidies, no TIFs, no grants.
21 We're keeping the jobs in the City, and it's
22 my understanding, and Mr. Morelli can answer,
23 is that this has been long proposed by the
24 Streets Department and perhaps they just never
25 got around to do it and now it kind of

1 June 7, 2005 - Streets and Services

2 coincides with this project.

3 So I don't see that we're asking for
4 any --

5 COUNCILMAN COHEN: Well, you
6 don't mean to tell me that the Streets
7 Department forgot about 15th Street downtown
8 here. They didn't do it because they had
9 other things that they felt needed to be done,
10 and this Council and the Mayor apparently
11 concurred with them. But for us to change all
12 of the plans that would otherwise occur and do
13 for free what ought to be part of a business
14 cost, I just don't understand that.

15 We spent hours worrying about
16 \$10,000 that poor people need and we deny the
17 money to them because we don't have it.

18 MR. MORELLI: Councilman, one
19 of the things in this project is the developer
20 is dedicating to the City a 20-foot strip
21 that's actually allowing us to widen the
22 traffic lanes. So we're not giving the
23 developer any property. They're actually
24 dedicating a 20-foot-wide parcel for the
25 length of an entire block to the City, which

1 June 7, 2005 - Streets and Services

2 allows us to widen the roadway.

3 COUNCILMAN COHEN: Well, that's
4 the kind of wrong thinking that ought not to
5 appear on behalf of the City government, when
6 you're saying that we're not making a huge
7 investment in CBS. I have nothing against the
8 company. As far as I know, it's a good
9 company. Financially it's a strong company.
10 That's the reason I think they ought to be
11 paying for the cost and not us. I don't know
12 why their shareholders, who undoubtedly are on
13 average much better off financially than
14 citizens of Philadelphia, why their
15 shareholders ought to be benefiting and the
16 taxpayer of Philadelphia ought to be
17 suffering.

18 COUNCILMAN DiCICCO: Thank you.
19 Any other questions for these witnesses?

20 (No response.)

21 COUNCILMAN DiCICCO: Is there
22 anyone here who wishes to testify for or
23 against the bill?

24 (No response.)

25 COUNCILMAN DiCICCO: Seeing

1 June 7, 2005 - Streets and Services

2 none, I will ask the clerk to read the title
3 of the next bill.

4 Thank you very much. Good luck to
5 you. Thank you. Thanks for staying in
6 Philadelphia.

7 MR. PATTERSON: If I may, I
8 didn't know whether the Streets Department had
9 asked that the rules be suspended on this.

10 COUNCILMAN DiCICCO: We're
11 going to handle that. Thank you.

12 THE CLERK: Bill No. 050516, an
13 Ordinance authorizing and directing the
14 revision of lines and grades on a portion of
15 City Plan No. 120 by striking from the City
16 Plan and vacating Harlan Street, Stewart
17 Street and Nassau Street, each from 21st
18 Street to 22nd Street, and by reserving and
19 placing on the City Plan a right-of-way for
20 gas main purposes within the beds of Stewart
21 Street and Nassau Street being stricken under
22 authority of this Ordinance, all under certain
23 terms and conditions.

24 MR. MORELLI: Good morning
25 again, Mr. Chairman, and members of the

1 June 7, 2005 - Streets and Services
2 committee. My name is Frank Morelli, Survey
3 Bureau Manager of the Department of Streets,
4 and the Department of Streets would like to
5 offer the following testimony on Bill No.
6 050516.

7 This is not an administrative
8 ordinance but an ordinance requested by
9 Mr. Andy Davenport, Office of Housing and
10 Community Development, 1234 Market Street,
11 Philadelphia, PA 19107.

12 The purpose of this ordinance is to
13 strike and vacate Harlan Street, Nassau Street
14 and Stewart Street from 21st to 22nd from the
15 City Plan as part of the Sharswood Phase II
16 redevelopment project.

17 This ordinance is supported by the
18 Department of Streets and is recommended to
19 your committee for favorable recommendation.

20 MR. SOFFER: Good afternoon,
21 Mr. Chairman and members of the Streets and
22 Services Committee. My name is Martin Soffer
23 and I'm here to testify on behalf of the City
24 Planning Commission.

25 This bill authorizes the striking

1 June 7, 2005 - Streets and Services
2 from the City Plan Harlan Street, Stewart
3 Street, Nassau Street, each from 21st Street
4 to 22nd Street, and by reserving and placing
5 on the City Plan a right-of-way for gas main
6 purposes within the beds of Stewart and Nassau
7 Street.

8 The purpose of this ordinance is to
9 allow for the construction of 71 new rental
10 housing units at this location by the
11 Sharswood Associates Limited.

12 The Planning Commission staff
13 reviewed and tentatively approved this action
14 on December 15th, 1997. Therefore, the
15 Planning Commission recommends that Bill No.
16 050416 be approved. Thank you.

17 COUNCILMAN DiCICCO: Thank you.

18 Any questions for these witnesses
19 from the committee?

20 (No response.)

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

24 (No response.)

25 COUNCILMAN DiCICCO: The clerk

1 June 7, 2005 - Streets and Services
2 will read the title, please, of the next bill.

3 THE CLERK: Bill No. 050517, an
4 Ordinance authorizing the paving of Uber
5 Street, under certain terms and conditions.

6 MR. MORELLI: Good morning,
7 Mr. Chairman and members of the committee. My
8 name is Frank Morelli, Survey Bureau Manager
9 of the Department of Streets, and the
10 Department of Streets would like to offer the
11 following testimony on Bill No. 050517.

12 This is not an administrative
13 ordinance but an ordinance requested by
14 Ms. Hope Yusem, Project Manager, Redevelopment
15 Authority, 1234 Market Street, Philadelphia,
16 PA 19107.

17 The purpose of this ordinance is to
18 pave Uber Street for the Cecil B. Moore Phase
19 III development project.

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

23 COUNCILMAN DiCICCO: Thank you.

24 Any questions for this witness from
25 the committee?

1 June 7, 2005 - Streets and Services

2 (No response.)

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

6 (No response.)

7 COUNCILMAN DiCICCO: This
8 concludes the public hearing on the Committee
9 of Streets and Services.

10 (Public hearing of Committee of
11 Streets and Services adjourned at 12:00 p.m.)

12 - - -

13

14

15

16

17

18

19

20

21

22

23

24

25

1 June 7, 2005 - Streets and Services

2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on June 7, 2005, and that
8 this is a true and correct transcript of
9 same.

10

11

12

13

14

15

16 MICHELE L. MURPHY

17 RPR-Notary Public

18

19

20 (The foregoing certification of this
21 transcript does not apply to any reproduction
22 of the same by any means, unless under the
23 direct control and/or supervision of the
24 certifying reporter.)

25

1 June 7, 2005 - Streets and Services
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC MEETING - COMMITTEE ON STREETS AND
4 SERVICES

5 - - -

6 Room 400, City Hall
7 Philadelphia, Pennsylvania

8 Tuesday, June 7, 2005, 12:00 p.m.

9

10

11 BILLS 050420, 050511, 050269, 050362, 050457,
12 050468, 050374, 050375, 050376, 050458,
13 050469, 050512, 050417, 050514, 050516 and
14 050517

15

PRESENT:

16 COUNCILMAN FRANK DiCICCO
17 COUNCILMAN JUAN F. RAMOS
18 COUNCILMAN DAVID COHEN
19 COUNCILWOMAN DONNA REED MILLER
20 COUNCILMAN FRANK RIZZO
21 COUNCILMAN DARRELL L. CLARKE

22

23

24

25

26

27

28

29

30

V A R A L L O Incorporated
Litigation Support Services
1835 Market Street, Suite 600
Philadelphia, PA 19103
215.561.2220 215.567.2670

1 June 7, 2005 - Streets and Services

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

4 The Chair recognizes Councilman
5 Ramos.

6 COUNCILMAN RAMOS: Thank you,
7 Mr. Chairman. I move for the amendment to
8 Bill No. 050420.

9 COUNCILMAN CLARKE: Second.

10 COUNCILMAN DiCICCO: It has
11 been properly moved and seconded that the
12 amendment to Bill No. 050420 be approved.

13 All in favor signify by saying aye.

14 COUNCIL MEMBERS: Aye.

15 COUNCILMAN DiCICCO: Those
16 opposed?

17 (No response.)

18 COUNCILMAN DiCICCO: The
19 amendment is approved.

20 Councilman Ramos.

21 COUNCILMAN RAMOS: Thank you,
22 Mr. Chairman. I move that Bill No. 050420 as
23 amended be reported out of committee with a
24 favorable recommendation. I further move that
25 the rules of Council be suspended to permit

1 June 7, 2005 - Streets and Services
2 first reading of this bill at our next Council
3 meeting.

4 COUNCILWOMAN MILLER: Second.

5 COUNCILMAN DiCICCO: It has
6 been properly moved and seconded that Bill No.
7 050420 as amended be approved with a favorable
8 recommendation, that the rules of Council be
9 suspended.

10 All those in favor signify by saying
11 aye.

12 COUNCIL MEMBERS: Aye.

13 COUNCILMAN DiCICCO: Those
14 opposed?

15 COUNCILMAN COHEN: Note that I
16 abstain on this.

17 COUNCILMAN DiCICCO: Note that
18 Councilman Cohen abstains on Bill No. 050420.
19 Thank you.

20 Councilman Ramos.

21 COUNCILMAN RAMOS: Thank you,
22 Mr. Chairman. I move for the amendment to
23 Bill No. 050511.

24 COUNCILWOMAN MILLER: Second.

25 COUNCILMAN DiCICCO: It's been

1 June 7, 2005 - Streets and Services
2 properly moved and seconded that the amendment
3 to Bill No. 050511 be approved.

4 All in favor signify by saying aye.

5 COUNCIL MEMBERS: Aye.

6 COUNCILMAN DiCICCO: Those
7 opposed?

8 (No response.)

9 COUNCILMAN DiCICCO:
10 Councilman Ramos.

11 COUNCILMAN RAMOS: I move that
12 Bill No. 050511 as amended be reported out of
13 committee with a favorable recommendation. I
14 further move that the rules of Council be
15 suspended to permit the first reading of this
16 bill at our next Council meeting.

17 COUNCILWOMAN MILLER: Second.

18 COUNCILMAN COHEN: Is this bill
19 related at all to the honor box?

20 COUNCILMAN DiCICCO: No; just
21 sidewalk vendors on South Street.

22 COUNCILMAN COHEN: Okay.

23 COUNCILMAN DiCICCO: They're
24 expanding the ability for people to sell on
25 the sidewalks.

1 June 7, 2005 - Streets and Services

2 It has been properly moved and
3 seconded that Bill No. 050511 as amended be
4 approved. There's a further recommendation
5 that the rules of Council be suspended so as
6 to permit first reading at the next session of
7 City Council.

8 All those in favor signify by saying
9 aye.

10 COUNCIL MEMBERS: Aye.

11 COUNCILMAN DiCICCO: Those
12 opposed?

13 (No response.)

14 COUNCILMAN DiCICCO: The bill
15 is approved as amended.

16 Councilman Ramos.

17 COUNCILMAN RAMOS: Thank you,
18 Mr. Chairman. I move that Bill No. 050269 be
19 reported out of committee with a favorable
20 recommendation. I further move that the rules
21 of Council be suspended for first reading of
22 this bill at our next Council meeting.

23 COUNCILMAN CLARKE: Second.

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

1 June 7, 2005 - Streets and Services

2 050269 be reported out of this committee with
3 a favorable recommendation and a further
4 recommendation that the rules of Council be
5 suspended.

6 All those in favor signify by saying
7 aye.

8 COUNCIL MEMBERS: Aye.

9 COUNCILMAN DiCICCO: Those
10 opposed?

11 (No response.)

12 COUNCILMAN DiCICCO: The bill
13 is approved.

14 Councilman Ramos.

15 COUNCILMAN RAMOS: Thank you,
16 Mr. Chairman. I move for the amendment to
17 Bill No. 050362.

18 COUNCILMAN CLARKE: Second.

19 COUNCILMAN DiCICCO: It's been
20 properly moved and seconded that the amendment
21 to Bill No. 050362 be approved.

22 All those in favor of the amendment
23 signify by saying aye.

24 COUNCIL MEMBERS: Aye.

25 COUNCILMAN DiCICCO: Those

1 June 7, 2005 - Streets and Services

2 opposed?

3 (No response.)

4 COUNCILMAN DiCICCO: The

5 amendment is approved.

6 Councilman Ramos.

7 COUNCILMAN RAMOS: I move that

8 Bill No. 050362 as amended be reported out of

9 committee with a favorable recommendation. I

10 further move that the rules of Council be

11 suspended to permit first reading of this bill

12 at our next Council meeting.

13 COUNCILWOMAN MILLER: Second.

14 COUNCILMAN DiCICCO: It's been

15 properly moved and seconded that Bill No.

16 050362 as amended be reported out of this

17 committee with a favorable recommendation and

18 a further recommendation that the rules of

19 Council be suspended.

20 All those in favor signify by saying

21 aye.

22 COUNCIL MEMBERS: Aye.

23 COUNCILMAN DiCICCO: Those

24 opposed?

25 (No response.)

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: The bill
3 is approved.

4 Councilman Ramos.

5 COUNCILMAN RAMOS: I move that
6 Bill No. 050457 be reported out of committee
7 with a favorable recommendation. I further
8 move that the rules of Council be suspended to
9 permit first reading of this bill at our next
10 Council meeting.

11 COUNCILWOMAN MILLER: Second.

12 COUNCILMAN DiCICCO: It's been
13 properly moved and seconded that Bill No.
14 050457 be reported out of this committee with
15 a favorable recommendation and further that
16 the rules of Council be suspended.

17 All those in favor signify by saying
18 aye.

19 COUNCIL MEMBERS: Aye.

20 COUNCILMAN DiCICCO: Those
21 opposed?

22 (No response.)

23 COUNCILMAN DiCICCO: The bill
24 is approved.

25 Councilman Ramos.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN RAMOS: I move that
3 Bill No. 050468 be reported out of committee
4 with a favorable recommendation. I further
5 move that the rules of Council be suspended to
6 permit first reading of this bill at our next
7 Council meeting.

8 COUNCILWOMAN MILLER: Second.

9 COUNCILMAN DiCICCO: It's been
10 properly moved and seconded that Bill No.
11 050468 be reported out of this committee with
12 a favorable recommendation and that the rules
13 of Council be suspended.

14 All those in favor signify by saying
15 aye.

16 COUNCIL MEMBERS: Aye.

17 COUNCILMAN DiCICCO: Those
18 opposed?

19 (No response.)

20 COUNCILMAN DiCICCO: The bill
21 is approved.

22 Councilman Ramos.

23 COUNCILMAN RAMOS: I move that
24 Bill No. 050374 be reported out of committee
25 with a favorable recommendation. I further

1 June 7, 2005 - Streets and Services

2 move that the rules of Council be suspended to
3 permit first reading of this bill at our next
4 Council meeting.

5 COUNCILWOMAN MILLER: Second.

6 COUNCILMAN DiCICCO: It's been
7 properly moved and seconded that Bill No.
8 050374 be reported out of committee with a
9 favorable recommendation and a further
10 recommendation that the rules of Council be
11 suspended.

12 All those in favor signify by saying
13 aye.

14 COUNCIL MEMBERS: Aye.

15 COUNCILMAN DiCICCO: Those
16 opposed?

17 (No response.)

18 COUNCILMAN DiCICCO: The bill
19 is approved.

20 COUNCILMAN COHEN: I vote no.

21 COUNCILMAN DiCICCO: Let the
22 record reflect that Councilman Cohen is voting
23 no on Bill No. 050374.

24 Councilman Ramos.

25 COUNCILMAN RAMOS: I move that

1 June 7, 2005 - Streets and Services

2 Bill No. 050375 be reported out of committee
3 with a favorable recommendation. I further
4 move that the rules of Council be suspended to
5 permit first reading of this bill at our next
6 Council meeting.

7 COUNCILWOMAN MILLER: Second.

8 COUNCILMAN DiCICCO: It's been
9 properly moved and seconded that Bill No.
10 050375 be reported out of this committee with
11 a favorable recommendation and that the rules
12 of Council be suspended.

13 All those in favor signify by saying
14 aye.

15 COUNCIL MEMBERS: Aye.

16 COUNCILMAN DiCICCO: Those
17 opposed?

18 (No response.)

19 COUNCILMAN DiCICCO: The bill
20 is approved.

21 Councilman Ramos.

22 COUNCILMAN RAMOS: I move that
23 Bill No. 050376 be reported out of committee
24 with a favorable recommendation. I further
25 move that the rules of Council be suspended to

1 June 7, 2005 - Streets and Services
2 permit first reading of this bill at our next
3 Council meeting.

4 COUNCILMAN CLARKE: Second.

5 COUNCILMAN DiCICCO: It's been
6 properly moved and seconded that Bill No.
7 050376 be reported out of this committee with
8 a favorable recommendation and that the rules
9 of Council be suspended.

10 All those in favor signify by saying
11 aye.

12 COUNCIL MEMBERS: Aye.

13 COUNCILMAN DiCICCO: Those
14 opposed?

15 (No response.)

16 COUNCILMAN DiCICCO: The bill
17 is approved.

18 Councilman Ramos.

19 COUNCILMAN RAMOS: I move that
20 Bill No. 050458 be reported out of committee
21 with a favorable recommendation. I further
22 move that the rules of Council be suspended to
23 permit first reading of this bill at our next
24 Council meeting.

25 COUNCILMAN CLARKE: Second.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: It's been
3 properly moved and seconded that Bill No.
4 050458 be reported out of committee with a
5 favorable recommendation and that the rules of
6 Council be suspended.

7 All those in favor signify by saying
8 aye.

9 COUNCIL MEMBERS: Aye.

10 COUNCILMAN DiCICCO: Those
11 opposed?

12 (No response.)

13 COUNCILMAN DiCICCO: The bill
14 is approved.

15 COUNCILMAN RAMOS: I move that
16 Bill No. 050469 be reported out of committee
17 with a favorable recommendation. I further
18 move that the rules of Council be suspended to
19 permit first reading of this bill at our next
20 Council meeting.

21 COUNCILMAN CLARKE: Second.

22 COUNCILMAN DiCICCO: It's been
23 properly moved and seconded that Bill No.
24 050469 be reported out of this committee with
25 a favorable recommendation and that the rules

1 June 7, 2005 - Streets and Services
2 of Council be suspended.

3 All those in favor signify by saying
4 aye.

5 COUNCIL MEMBERS: Aye.

6 COUNCILMAN DiCICCO: Those
7 opposed?

8 (No response.)

9 COUNCILMAN DiCICCO: The bill
10 is approved.

11 Councilman Ramos.

12 COUNCILMAN RAMOS: I move that
13 Bill No. 050512 be reported out of committee
14 with a favorable recommendation. I further
15 move that the rules of Council be suspended to
16 permit first reading of this bill at our next
17 Council meeting.

18 COUNCIL CLARKE: Second.

19 COUNCILMAN DiCICCO: It's been
20 properly moved and seconded that Bill No.
21 050512 be reported out of this committee with
22 a favorable recommendation and that the rules
23 of Council be suspended.

24 All those in favor signify by saying
25 aye.

1 June 7, 2005 - Streets and Services

2 COUNCIL MEMBERS: Aye.

3 COUNCILMAN DiCICCO: Those

4 opposed?

5 (No response.)

6 COUNCILMAN DiCICCO: The bill

7 is approved.

8 COUNCILMAN RAMOS: I move that

9 Bill No. 050417 be reported out of committee

10 with a favorable recommendation. I further

11 move that the rules of Council be suspended to

12 permit first reading of this bill at our next

13 Council meeting.

14 COUNCILWOMAN MILLER: Second.

15 COUNCILMAN DiCICCO: It has

16 been properly moved and seconded that Bill No.

17 050417 be reported out of committee with a

18 favorable recommendation and that the rules of

19 Council be suspended.

20 All those in favor signify by saying

21 aye.

22 COUNCIL MEMBERS: Aye.

23 COUNCILMAN DiCICCO: Those

24 opposed?

25 (No response.)

1 June 7, 2005 - Streets and Services

2 COUNCILMAN DiCICCO: The bill
3 is approved.

4 Councilman Ramos.

5 COUNCILMAN RAMOS: I move that
6 Bill No. 050514 be reported out of committee
7 with a favorable recommendation. I further
8 move that the rules of Council be suspended to
9 permit first reading of this bill at our next
10 Council meeting.

11 COUNCILWOMAN MILLER: Second.

12 COUNCILMAN DiCICCO: It's been
13 properly moved and seconded that Bill No.
14 050514 be reported out of this committee with
15 a favorable recommendation and that the rules
16 of Council be suspended.

17 All those in favor signify by saying
18 aye.

19 COUNCIL MEMBERS: Aye.

20 COUNCILMAN COHEN: Councilman
21 Cohen votes no.

22 COUNCILMAN DiCICCO: Councilman
23 Cohen is voting no on Bill No. 050514.

24 The bill is approved.

25 Councilman Ramos.

1 June 7, 2005 - Streets and Services

2 COUNCILMAN RAMOS: I move that
3 Bill No. 050516 be reported out of committee
4 with a favorable recommendation. I further
5 move that the rules of Council be suspended to
6 permit first reading of this bill at our next
7 Council meeting.

8 COUNCILMAN CLARKE: Second.

9 COUNCILMAN DiCICCO: It's been
10 properly moved and seconded that Bill No.
11 050516 be reported out of committee with a
12 favorable recommendation and that the rules of
13 Council be suspended.

14 All those in favor signify by saying
15 aye.

16 COUNCIL MEMBERS: Aye.

17 COUNCILMAN DiCICCO: Those
18 opposed?

19 (No response.)

20 COUNCILMAN DiCICCO: The bill
21 is approved.

22 Councilman Ramos.

23 COUNCILMAN RAMOS: I move that
24 Bill No. 050517 be reported out of committee
25 with a favorable recommendation. I further

1 June 7, 2005 - Streets and Services

2 move that the rules of Council be suspended to
3 permit first reading of this bill at our next
4 Council meeting.

5 COUNCILWOMAN MILLER: Second.

6 COUNCILMAN DiCICCO: It's been
7 properly moved and seconded that Bill No.
8 050517 be reported out of this committee with
9 a favorable recommendation and a further
10 recommendation that the rules of Council be
11 suspended.

12 All those in favor signify by saying
13 aye.

14 COUNCIL MEMBERS: Aye.

15 COUNCILMAN DiCICCO: Those
16 opposed?

17 (No response.)

18 COUNCILMAN DiCICCO: The bill
19 is approved.

20 This concludes the public meeting on
21 the Committee of Streets and Services. Thank
22 you all for attending.

23 (Public Meeting of Committee of
24 Streets and Services adjourned at 12:10 p.m.)

25 - - -

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

CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on June 7, 2005, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)