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COUNCIL OF THE CITY OF PHILADELPHIA
BEFORE THE COMMITTEE OF THE WHOLE
BUDGET HEARINGS - CONTINUED

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, March 22, 2000
10:00 a.m.
- - -

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BILL 000003- Adopting Capital Program, 2001-2006.

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BILL 000004 - Adopting FY 2001 Capital Budget.

9

BILL 000005 - Adopting FY 2001 Operating Budget.

10

BILL 000006 - Amending Wage and Net Profits Tax.

11

BILL 000007, 8, 9 - Re School Tax Authorization.

12

BILL 000010 - Amending Business Privilege Taxes.

13

14

PRESENT: COUNCIL PRESIDENT ANNA C. VERNA, Chair
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK J. DICICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN RICHARD T. MARIANO
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO
COUNCILWOMAN MARIAN B. TASCO

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1 3/22/00 - WHOLE - BILLS 000003-000010

2 I N D E X

3		Page
4	Fairmount Park Commission	
	William Mifflin, Executive Director	2994
5	Department of Public Property	
	Andreas Perez, Commissioner	3065
6	Vince Costello, Communications Division . . .	3067
7	Personnel Department	
	Linda Seyda, Director	3083
8	Streets Department	
9	Lawrence Moy, Commissioner.	3087
	Joseph Doyle, Lighting Engineer	3088
10	Charles Trainor, Chief Traffic Engineer . . .	3115
	Clarena Tolson, Deputy Commissioner	3119
11	Managing Director's Office	
12	Joseph Martz.	3154
	Robert Solvibile.	3157
13	Office of Housing and Community Development	
14	John Kromer, Executive Director	3178
15	Budget Office	
	Rob Dubow, Director	3202
16	Mayor's Office	
17	Stephanie Franklin-Suber.	3206
	Chief of Staff	

18

19

20

21

22

23

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25

1 3/22/00 - WHOLE - BILLS 000003-000010

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

3 COUNCIL PRESIDENT VERNA: Good morning,
4 everyone. This is the continued public hearing of
5 the Committee of the Whole.

6 I would ask Mr. McPherson to please
7 read the titles of the bills before us.

8 MR. MCPHERSON: Bill No. 000003, an
9 ordinance to adopt a Capital Program for the six
10 fiscal years 2001 to 2006, inclusive.

11 Bill No. 000004, an ordinance adopting
12 a Fiscal Year 2001 Capital Budget.

13 Bill No. 000005, an ordinance adopting
14 the Operating Budget for Fiscal Year 2001.

15 Bill No. 000006, an ordinance amending
16 Chapter of the Philadelphia Code, entitled "Wage
17 and Net Profits Tax," by decreasing the rates of
18 the tax.

19 Bill No. 000007, an ordinance amending
20 Chapter 19-1800 of the Philadelphia Code, entitled
21 "School tax Authorization," by amending Section
22 19-1801 to further authorize the Board of
23 Education of the School District of Philadelphia
24 to impose a tax on real estate within the City of
25 Philadelphia.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Bill No. 000008, an ordinance amending
3 Chapter 19-1800 of the Philadelphia Code, entitled
4 "School Tax Authorization," by amending Section
5 19-1806 to further authorize the Board of
6 Education of the School District of Philadelphia
7 to impose a tax on the use or occupancy of real
8 estate within the School District of Philadelphia.

9 Bill No. 000009, an ordinance amending
10 Chapter 19-1800 of the Philadelphia Code, entitled
11 "School Tax Authorization," by amending Section
12 19-1804 to further authorize the Board of
13 Education of the School District of Philadelphia
14 to impose a tax on net income from real property
15 and tangible and intangible personal property of
16 residents of the School District.

17 Bill No. 000010, an ordinance amending
18 Chapter 19-2600 of the Philadelphia Code, entitled
19 "Business Privilege Tax," by decreasing the rates
20 of tax based upon gross receipts.

21 COUNCIL PRESIDENT VERA: Thank you.

22 There were several departments that we
23 had requested be called back, one being the
24 Fairmount Park. Is there anyone here from
25 Fairmount Park? Why don't you approach the table,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 please.

3 (Fairmount Park witness come forward.)

4 COUNCIL PRESIDENT Verna: Good morning,
5 gentlemen.

6 MR. MIFFLIN: Good morning, President
7 Verna.

8 COUNCIL PRESIDENT Verna: I believe
9 that Councilman Rizzo had several questions he
10 wanted to ask.

11 The Chair recognizes Councilman Rizzo.

12 COUNCILMAN RIZZO: Thank you, Madam
13 President.

14 Good morning, Mr. Mifflin.

15 MR. MIFFLIN: Good morning, Councilman
16 Rizzo.

17 COUNCILMAN RIZZO: Mr. Mifflin, the
18 reason I asked you to come back to Council is to
19 address a couple of issues. The first one
20 specifically is the situation with our street
21 trees throughout the City of Philadelphia. I know
22 I've had many conversations with you basically
23 telling me that you're doing the best you can with
24 the money that you have available.

25 What I'd like you to do is take a

1 3/22/00 - WHOLE - BILLS 000003-000010
2 couple of minutes and review and tell the Council
3 the severity of the problem, the situation that
4 exists, and what you really need to do it right.
5 And do we have a dangerous situation out there?
6 Could you take a few minutes and review the
7 situation, because of all the calls that I get in
8 my office, it seems as though trees are starting
9 to knock out potholes, and I would like you to
10 talk a little bit about the tree situation
11 throughout the City.

12 MR. MIFFLIN: Sure. Thank you,
13 Councilman. My name is William Mifflin, the
14 Executive Director of Fairmount Park Commission.

15 I apologize if this is somewhat
16 redundant, but --

17 COUNCILMAN RIZZO: I can't hear you.

18 MR. MIFFLIN: I apologize if I'm going
19 to be somewhat redundant.

20 COUNCILMAN RIZZO: Fine.

21 MR. MIFFLIN: But I think most know
22 that we estimate there to be approximately 250,000
23 street trees in the City of Philadelphia, and that
24 is our best estimate. We have a quarter of those
25 trees inventoried and know a great deal of

1 3/22/00 - WHOLE - BILLS 000003-000010

2 information about that percentage of the total
3 population.

4 As you know, the Fairmount Park
5 Commission has the responsibility for the street
6 trees in the City of Philadelphia, although PECO
7 Energy Company also has responsibility for
8 clearance in the City of Philadelphia. That
9 accounts for approximately one-third of those
10 trees. So some of our trees are maintained -- at
11 least a partial amount of those trees that are
12 maintained by PECO Energy come within ten feet of
13 a PECO Energy line.

14 We do provide a systemic and full, if
15 you will, delivery of services for our street tree
16 population that runs the gamut from removing dead
17 and dangerous trees, pruning street trees,
18 planting new trees and, on occasion, spraying
19 trees for insect or disease infestations. We
20 accomplish this work both from our operating
21 budget and our capital budget. And most years or
22 every year, there is some funding available for
23 that type of work. We perform that work
24 contractually as well as through the utilization
25 of some Fairmount Park staff mostly on an

1 3/22/00 - WHOLE - BILLS 000003-000010

2 emergency basis for street tree maintenance.

3 In FY '98, we received from the City
4 administration, supported of City Council,
5 \$1 million, which has been repeated in the last
6 three years, where we're able to accomplish street
7 tree trimming and some removals through that
8 \$1 million allocation. And we -- as my
9 testimony's indicated, we've trimmed approximately
10 6800 tress, or will trim approximately 6800 trees
11 in FY 2000. And with those funds, we will remove
12 approximately 1272 trees.

13 As I have testified previously, when we
14 go into a block, we like to do it block by block,
15 as opposed to sort of running around the City and
16 doing one tree here, one tree there. We like to
17 do it in more of a systemic manner throughout the
18 City. We remove a tree if it's determined dead or
19 dangerous and if it qualifies for removal in that
20 same block in which we are pruning other trees.

21 In addition to that, in FY 2000 we
22 spent \$300,000 for tree removal and tree planting
23 from our capital budget. And to make it easy, we
24 use the number of \$1,000 for each unit. And as
25 you know, with capital funds, you are required to

1 3/22/00 - WHOLE - BILLS 000003-000010

2 plant a tree for every tree that you remove. And
3 our costs are about \$1,000 to remove one tree and
4 plant one tree.

5 So doing easy math, that's about 300
6 trees for the City that will be removed and
7 replaced this fiscal year.

8 COUNCILMAN RIZZO: Are you prioritizing
9 based on need the removal process? Can you
10 document the trees that have been slated for
11 removal?

12 And do we have dangerous situations out
13 there? Because I know there are trees that have
14 fallen and killed people. Do you have a list of
15 trees that, in your opinion, should be removed
16 immediately but you don't have the available funds
17 to do that?

18 MR. MIFFLIN: We have a -- we do,
19 Councilman, prioritize our work. In the last few
20 years, we have worked extensively with our
21 employee training, and we have at this time ten
22 certified arborists employed by the Fairmount Park
23 Commission to determine the extent of necessary
24 work for our street tree population. So I feel
25 that we have the expertise to professionally and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 adequately identify the extent of damage or the
3 necessary work and the prioritization of that work
4 for street trees regarding the condition of a
5 tree.

6 If a tree is classified to be dangerous
7 it goes to the top of the list. Obviously, we
8 have a responsibility to respond to that in an
9 effective and reasonable manner. If something is
10 determined to be imminently dangerous, that often
11 can be removed by our own workforce. As I
12 indicated, we do respond to emergency situations.

13 I don't believe that we have a
14 catastrophic situation at this time that we're
15 facing in street trees. We do -- as I say, every
16 day we're out on the street and we're making
17 inspections. When something is identified -- we
18 get a lot of requests as well for inspections, and
19 I'm confident that the proper action is taken in a
20 reasonable amount of time.

21 COUNCILMAN RIZZO: In reference to
22 liability, if a street tree falls in front of a
23 residential home and injures someone or a fatality
24 results or property damage, do you know how much
25 in the area of lawsuits the City has paid out in

1 3/22/00 - WHOLE - BILLS 000003-000010

2 dealing with fatalities and also injury and
3 property damage?

4 MR. MIFFLIN: I can't give you a
5 specific number, Councilman. I've just very
6 recently in the last 48 hours opened a dialogue
7 with the Law Department and the manager's office
8 to see if there was some number that we felt
9 comfortable in providing. It's a -- it's broken
10 down, and my understanding of the experience that
11 you've just related, where trees have fallen,
12 there are also incidents where people have tripped
13 over a tree root or tripped over a sidewalk that
14 has allegedly been lifted by a tree root.

15 So there are, you know, like anything
16 else, a number of categories in which the City
17 could be liable, like they could in much of the
18 other services that we provide.

19 COUNCILMAN RIZZO: Now that the City
20 has assumed responsibility of removing street
21 trees, what responsibility -- like you just
22 described, the root that raises the sidewalk
23 creates a tripping hazard. What responsibility
24 does the property owner have?

25 MR. MIFFLIN: The property owner is

1 3/22/00 - WHOLE - BILLS 000003-000010

2 responsible to maintain the safety of the
3 sidewalk, the footway. It's the homeowner's
4 responsibility to ensure that there's a smooth or
5 safe sidewalk.

6 COUNCILMAN RIZZO: So the property
7 owner still has some liability if the tree falls
8 and creates property damage, falls on a parked
9 car? What's the Fairmount Park Commission's or
10 the City's responsibilities for that occurrence?

11 MR. MIFFLIN: My office does not handle
12 the claims. I suspect you'd have to confer with
13 the Law Department or Risk Management.

14 COUNCILMAN RIZZO: Can you please get
15 back to the Chair with the answer to that?

16 MR. MIFFLIN: Certainly.

17 COUNCILMAN RIZZO: In other words,
18 what's the mix and the insurance damage?

19 MR. MIFFLIN: Well, we're first on the
20 scene when there's an emergency situation.

21 COUNCILMAN RIZZO: Now, the monies that
22 you have, you haven't asked for any additional
23 money in this budget --

24 MR. MIFFLIN: That's correct.

25 COUNCILMAN RIZZO: -- in capital or

1 3/22/00 - WHOLE - BILLS 000003-000010

2 operating. Is there a reason? Was it that you
3 feel didn't the need for it? Why didn't you ask
4 for it?

5 MR. MIFFLIN: I'm confident that the
6 program that we're providing presently under our
7 existing levels provides for a safe environment
8 with our street trees.

9 COUNCILMAN RIZZO: The last issue I'd
10 like to address is the park ranger program. I
11 know you've addressed this and, again, I don't
12 want you to repeat it, but I've gotten a few
13 letters from people interested in the
14 stabilization of the park ranger program. Can you
15 tell me greatest number there are in the park at
16 one time?

17 MR. MIFFLIN: Today we have 24 fully
18 staffed -- 24 rangers.

19 COUNCILMAN RIZZO: But at one time, it
20 was in excess of 100?

21 MR. MIFFLIN: That's correct.

22 COUNCILMAN RIZZO: How many exactly was
23 it?

24 MR. MIFFLIN: 150.

25 COUNCILMAN RIZZO: 150 park rangers.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 And the reason it's down is due to funding?

3 MR. MIFFLIN: By design because funding
4 has been gradually reduced and is facing a
5 termination by the original funder in the next 18
6 months. The level of 150, I'd like to point out,
7 though, it was attained in the early years of the
8 program, where the funder provided for the
9 educating component of two years of college-level
10 work at a local university as part of the donation
11 or grant to the Fairmount Park Commission. So the
12 number's a little misleading because at any given
13 time, at least half those individuals are enrolled
14 in a full course load at the university, so they
15 were not all available to us at once in park the
16 park setting.

17 COUNCILMAN RIZZ0: Did I hear you say
18 you will not have money for the 24?

19 MR. MIFFLIN: Well, we won't have the
20 funding from the original donor -- that will in
21 fact be the case. However, there is a separate
22 board beyond the Fairmount Park Commission
23 Fairmount Park Ranger Corps, and their job is to
24 raise funds to sustain the program hopefully. At
25 the present time, the Park Commission is receiving

1 3/22/00 - WHOLE - BILLS 000003-000010

2 \$500,000 annually on the operating budget, and the
3 board has matched that amount, and that's an
4 amount that's sufficient at the present time to
5 continue the complement of the existing program.

6 COUNCILMAN RIZZO: I don't think I need
7 to speak for you, but I know this is a program
8 that is very important to you.

9 MR. MIFFLIN: Yes, and we want to see
10 it continue. I think they're a very valuable
11 service.

12 COUNCILMAN RIZZO: And in 18 months,
13 you're confident that you'll have the funding in
14 place to continue with the 24 rangers that we
15 have?

16 MR. MIFFLIN: We are optimistic.

17 COUNCILMAN RIZZO: You're optimistic?

18 MR. MIFFLIN: Yes, sir.

19 COUNCILMAN RIZZO: Thank you, Mr.
20 Mifflin. I appreciate it.

21 MR. MIFFLIN: Thank you.

22 COUNCILMAN RIZZO: Thank you, Madam
23 Chair.

24 COUNCILWOMAN BLACKWELL: Thank you very
25 much Councilman.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 The Chair recognizes Cohen.

3 COUNCILMAN COHEN: Thank you, Madam
4 Chair.

5 I understand there's some kind of a
6 federal program to accelerate the development of
7 bike trails throughout the park. Is there new
8 federal funding? 'Cause I'm getting all kinds of
9 calls from folks from Overbrook Farms who are
10 upset about the proposal to run bike paths through
11 the area, that they feel very uncomfortable about
12 it. I think there's going to be a meeting in the
13 community soon -- or maybe it was yesterday or
14 maybe tomorrow, maybe today, I don't know.

15 I just that know they're very upset
16 'cause they say they've read something in the
17 paper that says, without any consultation with the
18 community, a program has been decided on. What's
19 it all about? We all favor bike programs, but --

20 MR. MIFFLIN: Absolutely.

21 COUNCILMAN COHEN: I'm also troubled
22 about the bike programs and I'm a strong supporter
23 of them, but I've seen what they've done to
24 traffic in areas where the bike lanes are unused
25 on a two-way street. You know, two-lane highway

1 3/22/00 - WHOLE - BILLS 000003-000010

2 suddenly becomes a single-lane highway and is
3 backed up for a couple of blocks and there's no
4 traffic at all -- no bikes, no nothing -- on the
5 painted lines. I'm worried what are we doing.

6 You know, bike trails -- we love the
7 health benefits and we think it's good and we like
8 people to get out on their bikes, but only a tiny
9 percentage of people do in fact do it, but when we
10 do it, we don't like to see it create problems
11 with the community and create traffic jams. You
12 know, on Pennsylvania Avenue right downtown here,
13 you often have blocks of long traffic at 4
14 o'clock, 5 o'clock in the evening, yet the bike
15 lane is totally cleared, and cars are now forced
16 into a single lane driving west from 20th Street
17 21st Street, 22nd Street in the downtown area.

18 So I'm wondering about this particular
19 bike trail. Why bring it into an area that the
20 community seems to be very unhappy about?

21 MR. MIFFLIN: I hope we're not bringing
22 it into an area where they're unhappy about it or
23 don't support it. We take very seriously our work
24 at the community level, and if there are some
25 particular concerns from the Overbrook Park

1 3/22/00 - WHOLE - BILLS 000003-000010

2 community, we will absolutely address those
3 concerns. I am not personally -- I say
4 "personally" -- aware of specific concerns of
5 residents in this part of the community.

6 I suspect strongly that they are aware
7 of our project that we refer to as the Cobbs Creek
8 Recreation half. This does enjoy federal funding
9 and it's been in the planning stages for two or
10 three years, and there have been a series of
11 community meetings led by our consultant and
12 attended by senior park staff. That's not to
13 suggest that we've satisfied every concern or
14 every question, but there is a path that will just
15 in general go from City Line Avenue down into the
16 Eastwick community, touching in parts of Cobbs
17 Creek.

18 Our recreation paths are paths in the
19 park itself. We generally do not go on the
20 streets as opposed to the bicycle lanes that
21 perhaps you were referring to just a moment or so
22 ago. There are occasions when we will use
23 existing sidewalks, and I'm thinking this morning
24 of Cobbs Creek Parkway as an example which has an
25 existing sidewalk that will be used in part, and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 that part of the path as the path itself, whether
3 or not that's where there are some concerns,
4 again, I'm not personally aware of it. If there
5 is a meeting scheduled tonight or whenever, I
6 assure you we'll be there. I think we'll have the
7 right answers to the concerns, but I'm unable to
8 address them specifically as I'm not aware of them
9 this morning.

10 COUNCILMAN COHEN: Well, there's talk.
11 From what I've been told on the phone, it's aimed
12 at bringing people from outside the City -- the
13 park at 63rd and Market -- and then travel into
14 the City.

15 MR. MIFFLIN: We've heard those
16 concerns not just for this area but in other areas
17 of the City where we have a path, but we've found
18 that not to be the case. People are concerned
19 that the paths will be used as access routes in
20 the commission of a crime, or people are concerned
21 that the paths are not lit well enough and could
22 lead to antisocial behavior of some type, drinking
23 or other forms of antisocial behavior perhaps by
24 youth. And, primarily, we've not found that to be
25 the case.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Most of the communities embrace the
3 idea and help the Park Commission actually police
4 them. We employ -- we have equipment to keep the
5 paths clean of debris. We place them near
6 lighting, present or existing lighting. On a
7 safety perspective, a lot of people like to be
8 down near the water sometimes.

9 And, again, this has been a three-year
10 planning process. They get significant input from
11 the community on location of the paths.

12 COUNCILMAN COHEN: Well, I hope this
13 doesn't result in a further exodus from the City,,
14 and I'm concerned about a whole host of the issues
15 that you have referred to in general.

16 MR. MIFFLIN: Yes.

17 COUNCILMAN COHEN: Apparently, the
18 discussions at the preparatory stage have not
19 involved very many members of the communities
20 'cause the community seemed totally unaware until
21 this announcement of the meeting, so I'm just
22 hoping that you will be very considerate and not
23 take any actions that are going to destabilize
24 what has been a stable community. But stable
25 communities with problems, they don't need an

1 3/22/00 - WHOLE - BILLS 000003-000010

2 acceleration of the problems; they need an
3 acceleration of the solution to the problems.

4 MR. MIFFLIN: I understand and I agree.

5 COUNCILMAN COHEN: Thank you.

6 Thank you, Madam President.

7 COUNCILMAN COHEN: Thank you.

8 Are there any other questions from
9 members of the committee?

10 The Chair recognizes Councilwoman
11 Krajewski.

12 COUNCILWOMAN KRAJEWSKI: Good morning,
13 Mr. Commissioner.

14 MR. MIFFLIN: Good morning,
15 Councilwoman.

16 COUNCILWOMAN KRAJEWSKI: When it comes
17 to the pruning of trees, the replacement of trees,
18 who makes that determination?

19 MR. MIFFLIN: On the location?

20 COUNCILWOMAN KRAJEWSKI: Yes.

21 MR. MIFFLIN: On trimming and
22 planting?

23 COUNCILWOMAN KRAJEWSKI: And pruning.

24 MR. MIFFLIN: And pruning?

25 COUNCILWOMAN KRAJEWSKI: Yes.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MIFFLIN: It is the Fairmount Park
3 Commission.

4 COUNCILWOMAN KRAJEWSKI: I realize
5 that, but who makes the determination of what
6 trees? I mean, we have a list in our office with
7 maybe 200, 300 trees that have to be pruned.

8 MR. MIFFLIN: Yes.

9 COUNCILWOMAN KRAJEWSKI: And we have a
10 list of maybe about 70 trees to be planted and so
11 on.

12 MR. MIFFLIN: Yes.

13 COUNCILWOMAN KRAJEWSKI: Now, how do
14 you make the determination of who is getting those
15 trees and. . .

16 MR. MIFFLIN: Well, we would certainly
17 take the request of any Councilperson on trimming;
18 that does become a priority for us. And that's an
19 easy one because, as you well know, Councilwoman,
20 it's only been in the last few years that we've
21 been able to do some routine trimming so that
22 almost every community in the City would benefit
23 from pruning. So we realize how important
24 trimming and pruning is to constituent services.
25 So as long as it fits within the schedule that we

1 3/22/00 - WHOLE - BILLS 000003-000010

2 have established across the City, we will satisfy,
3 I would hope, within a relatively short period of
4 time any requests from a Councilperson on
5 trimming.

6 As you well know, with the 6800 trees
7 that we do have across the City, we have
8 systematically, and I think correctly, placed that
9 service across all ten Councilmatic Districts.

10 COUNCILWOMAN KRAJEWSKI: Now, let me
11 just ask you one question. We have a park within
12 the district. Now we have a list sent over of
13 X-amount of trees in our district that need to be
14 pruned or replaced or what have you. Now rather
15 than just the residential areas, we're also
16 getting credit for trees in the park.

17 MR. MIFFLIN: I see.

18 COUNCILWOMAN KRAJEWSKI: But we need
19 the work done in the residential areas 'cause I'm
20 getting lists sent over that maybe 20 trees have
21 been planted in the park or what have you.

22 MR. MIFFLIN: I thought you were
23 referring to trimming.

24 COUNCILWOMAN KRAJEWSKI: Pruning or
25 whatever services Fairmount Park does.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MIFFLIN: Oh, as soon as you said
3 "plantings," I think I have a different answer to
4 that.

5 COUNCILWOMAN KRAJEWSKI: We have
6 requests from residents of the trees.

7 MR. MIFFLIN: We would be very happy to
8 work with you on planting requests coming from
9 your office, because often, given the location of
10 our layout, if you will, narrow streets and row
11 homes, we're not always able to go back in and put
12 a new tree in the same location where we removed a
13 tree.

14 COUNCILWOMAN KRAJEWSKI: I can
15 understand that, Mr. Mifflin, but what I'm trying
16 to say is if you're planting X-amount of trees in
17 the park, the whole district gets credited for
18 that many trees.

19 MR. MIFFLIN: Sure, I understand.

20 COUNCIL PRESIDENT Verna: Councilwoman,
21 what you're asking is that they plant in the
22 residential areas?

23 COUNCILWOMAN KRAJEWSKI: Exactly. But
24 they're giving me credit for having X-amount of
25 trees in Pennypack Park, Fairmount Park, whatever,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Floral Park.

3 MR. MIFFLIN: I can't speak to the
4 specifics. There are times that we cannot plant
5 in the same location. But what we should do is go
6 to your office and ask --

7 COUNCILWOMAN KRAJEWSKI: Each
8 Councilperson would like -- they would like to
9 have a say as to exactly where they need those
10 trees too.

11 MR. MIFFLIN: I will work with you on
12 that.

13 COUNCILWOMAN KRAJEWSKI: Okay, thank
14 you.

15 COUNCILWOMAN KRAJEWSKI: Thank you.

16 COUNCIL PRESIDENT VERNA: Thank you.

17 The Chair recognizes Councilwoman
18 Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank you very
20 much.

21 Madam President, one of my colleagues
22 here in the chambers asked me to raise an age-old
23 issue. Mr. Mifflin, a lot of times, even as hard
24 as it is to get some trees removed and even dead
25 trees, there's a real issue that more and more

1 3/22/00 - WHOLE - BILLS 000003-000010

2 trees are falling and leaning on the next-door
3 property. Some may be dead but some may not be
4 dead. So that if you were to do an inspection of
5 it, it may be a live tree, or the tree itself may
6 be in okay condition, or sometimes it's not.

7 But it's a real issue when trees lean
8 or fall on other properties as to what we do. It
9 creates a problem for neighbors, and I know it
10 happens in the rear, but we have it in the front
11 as well. What can we do about that?

12 MR. MIFFLIN: Well, I can't imagine,
13 with all due respect, that a tree leaning against
14 a house is a street tree and alive and blown over
15 in a storm or something. We wouldn't respond to
16 that. But I differentiate that from a tree that's
17 in someone's backyard or alleyway or side yard or
18 on a vacant property that's still owned by an
19 individual.

20 It is true that Fairmount Park has
21 jurisdiction of street trees only and would not
22 respond to that issue, of trees in resident's
23 front or side or back yards. However, we take the
24 appropriate action and refer it to the Department
25 of Licenses and Inspections or some other

1 3/22/00 - WHOLE - BILLS 000003-000010

2 appropriate agency like the Housing Authority, or
3 whatever, that we realize has some expertise on
4 abilities or authority in those areas. We
5 certainly don't ignore it.

6 If the tree is leaning, it doesn't
7 necessarily in and of itself mean that the tree is
8 dangerous. And obviously that's a somewhat
9 subjective decision that is made. But we do, as
10 I've testified to, respond to the imminently
11 dangerous and do a list day-to-day for tree
12 removal, and it's often difficult to explain to
13 the homeowner that the tree may be just growing in
14 that direction for years and is reaching for some
15 light, or there's some other reason for it that's
16 a reasonable and logical reason. It just doesn't
17 necessitate the removal of a tree. So. . .

18 COUNCILWOMAN BLACKWELL: It's a real
19 problem, and at some point, I don't know how we're
20 going to resolve the current that we find in all
21 of this and I focus on neighborhoods and our
22 changing world.

23 MR. MIFFLIN: I think the Park
24 Commission could do a better job in educating
25 homeowners and take that opportunity in Council

1 3/22/00 - WHOLE - BILLS 000003-000010

2 offices or take that opportunity each time we have
3 it at community meetings to display what the rules
4 and responsibilities are. I think with a better
5 educated public, people understand that it's not
6 necessarily a dangerous condition or something
7 that can be dealt with by the Park Commission.
8 Typically, it's a plumbing problem and, as an
9 example, they will blame trees for causing plumb
10 problems. So educational issues, I think, can go
11 a long way.

12 COUNCILWOMAN BLACKWELL: Well, you have
13 a plumbing issue because of big city trees for
14 many years.

15 MR. MIFFLIN: Yes.

16 COUNCILWOMAN BLACKWELL: I'd be the
17 first one to say I believe that's true. You know,
18 these old big trees have ripped sidewalks and
19 pipes, and I think that's just a problem that all
20 of us realize is a real one and that we have to
21 come up with an answer. We haven't budgeted for
22 real solutions, and I think part of it is that
23 Fairmount Park or the City doesn't do that is
24 because a number of years ago, you removed all of
25 them. In more recent years, you've cut 'em down

1 3/22/00 - WHOLE - BILLS 000003-000010

2 and don't even deal with what's underneath that
3 ground. I believe we are not sure what we'll
4 find. It's a big issue but I think it's one that
5 we as a city have not yet faced. I hope that in
6 the near future, if we want to improve our
7 neighborhoods, we have to deal with all of these
8 issue surrounding street trees.

9 Thank you, Madam President.

10 COUNCIL PRESIDENT VERNA: Thank you.

11 The Chair recognizes Councilman Nutter.

12 COUNCILMAN NUTTER: Thank you, Madam
13 Chair.

14 I got a letter dealing with an issued
15 raised by various Councilmembers. It's dated
16 March 15th and talks about some of the issues that
17 have already been discussed, but I wanted to try
18 to get a better understanding of some of these
19 responses.

20 On the first page of the letter to the
21 Council President in response to questions raised
22 by Councilwoman Miller and Councilwoman Tasco,
23 there is a list that talks about capital budget
24 funds and constituent services laid out by Council
25 district, how you do it.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Now, are you telling us here that there
3 were 348 plantings and 318 removals during FY
4 2000?

5 MR. MIFFLIN: Yes.

6 COUNCILMAN NUTTER: As of what date?
7 'Cause we're in FY 2000 right now; is that
8 correct?

9 MR. MIFFLIN: Yeah. The plantings have
10 been completed as of this date, and for the
11 removals, a total of 318 is in the process.

12 COUNCILMAN NUTTER: I'm having
13 difficulty hearing you.

14 MR. MIFFLIN: The plantings completed
15 as of this date is 348, and 318 removals will be
16 completed by June 3rd. We're in the process. I
17 don't know the exact number today of how many of
18 those have actually been removed, but these were
19 scheduled by Fairmount Park Commission and were
20 given to our contractual service.

21 COUNCILMAN NUTTER: So 318 trees will
22 only be removed in the whole fiscal year?

23 MR. MIFFLIN: This is just capital
24 funds that are on the first page.

25 COUNCILMAN NUTTER: And are those

1 3/22/00 - WHOLE - BILLS 000003-000010

2 street trees and park trees? Are they only street
3 trees or are they only park trees?

4 MR. MIFFLIN: That's the removal of
5 street trees.

6 COUNCILMAN NUTTER: And what's the
7 level of need for removals? How many trees need
8 to be removed?

9 MR. MIFFLIN: Industry standards as
10 well as our own list put the number somewhere
11 around 3,000 on average.

12 COUNCILMAN NUTTER: I thought I read
13 somewhere that it was closer to 5,000.

14 MR. MIFFLIN: I'm sorry?

15 COUNCILMAN NUTTER: Did it read in your
16 testimony that it was closer to 5,000?.

17 MR. MIFFLIN: My testimony had a number
18 of 5,000.

19 COUNCILMAN NUTTER: So there are 5,000
20 on what might be considered a backlog list?

21 MR. MIFFLIN: Yes, sir.

22 COUNCILMAN NUTTER: And at the rate of
23 -- let's say if you're lucky, you get 320. That's
24 on the capital side; how many on the operating
25 side?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MIFFLIN: About 270.

3 COUNCILMAN NUTTER: So 270 plus the
4 320, that's 5 or 600.

5 MR. MIFFLIN: Yes, 5 or 600 on average.

6 COUNCILMAN NUTTER: If we keep going on
7 at that pace with the current 5,000 backlog, it
8 will take 10 years to remove all of those trees.
9 And how many are added to the list every year?
10 'Cause trees grow, trees die, trees get sick.
11 How many are added to the list every year?

12 MR. MIFFLIN: You have to assume that
13 there's going to be a certain percentage, and that
14 percentage is usually down under 5 percent.

15 COUNCILMAN NUTTER: Of what?

16 MR. MIFFLIN: The total population.

17 COUNCILMAN NUTTER: The total
18 population of 250,000.

19 MR. MIFFLIN: Yeah, that could be
20 removed.

21 COUNCILMAN NUTTER: So what's that, 12,
22 1300?

23 MR. MIFFLIN: Yeah, yeah. That's just
24 an industry standard given what the approximate
25 age of the population is.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: Let me make sure I
3 understand. We remove 600 trees, 5 or 600 trees a
4 year.

5 MR. MIFFLIN: Yeah, we may.

6 COUNCILMAN NUTTER: Let me make sure I
7 understand.

8 MR. MIFFLIN: Go ahead.

9 COUNCILMAN NUTTER: We remove 5 or 600
10 a year. With a backlog of 5,000, it will take us
11 10 years just to work on the backlog based on the
12 present pace. And every year, twice as many trees
13 as we take down are added to the list; is that
14 correct?

15 MR. MIFFLIN: Yes.

16 COUNCILMAN NUTTER: And 1200 is about 2
17 times 5 to 600; is that right?

18 MR. MIFFLIN: That's correct.

19 COUNCILMAN NUTTER: Okay. So doesn't
20 that -- that gets you, without ever touching the
21 new ones, in 10 years, that gets you another
22 12,000, at the end of 10 years.

23 MR. MIFFLIN: Yes.

24 COUNCILMAN NUTTER: Is that correct?

25 MR. MIFFLIN: Yes, following that. . .

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: I mean, there would
3 be virtually no end in sight, based on the present
4 system, to even get close to addressing this
5 particular problem.

6 MR. MIFFLIN: Well, I think that there
7 are a couple of dynamics that do help here. One
8 is that there is a certain level of individual
9 homeowners and businesses that will remove and
10 replace trees themselves.

11 COUNCILMAN NUTTER: Now, hold on for
12 one second. The Philadelphia Code presently says
13 that the Fairmount Park Commission is responsible
14 for street trees; is that correct?

15 MR. MIFFLIN: That's correct.

16 COUNCILMAN NUTTER: Okay. And even
17 though that had always been the case, there were
18 some regulations that were in conflict with the
19 Philadelphia Code, and then I thought we cleared
20 all of that up somewhere in maybe around 1997, and
21 actually provided a million dollars to start a
22 street tree program.

23 And so it is crystal clear now that the
24 Fairmount Park Commission is responsible for
25 street trees; is that correct?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MIFFLIN: Yes.

3 COUNCILMAN NUTTER: So notwithstanding
4 whatever the individual homeowners do, when they
5 get one of these letters, the new letter that
6 apparently goes out, that tells them that we are
7 responsible, we, the government, are responsible
8 for the trees, but if you would like to wait two
9 to three years before we get to you, you can go
10 ahead and hire one of the contractors that we have
11 a list for. That's what we tell people; is that
12 right?

13 MR. MIFFLIN: That's correct.

14 COUNCILMAN NUTTER: Well, I guess under
15 those circumstances, there would be a few people
16 who might take care of it themselves, lest they
17 wait for the tree to come crashing through their
18 living room.

19 MR. MIFFLIN: Again, we do have
20 certified technicians on the streets. If there is
21 an imminently dangerous tree or a dangerous tree,
22 it is given priority.

23 COUNCILMAN NUTTER: I understand that.
24 But, Mr. Mifflin, your testimony -- I mean, this
25 is not -- I mean, you didn't plant all these trees

2 out here, you just have the wondrous
3 responsibility of having to take care of them.

10 MR. MIFFLIN: Given the numbers that
11 you've just suggested, we are -- we are not
12 keeping up. We are --

25 And if we can even stay even with that,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 what would it take financially to do that? I mean
3 I don't know -- I mean, I know I'm not the only
4 person that case about this.

5 MR. MIFFLIN: No.

6 COUNCILMAN NUTTER: There was a whole
7 lot of activity, I think, before I even got into
8 the room about this particular issue.

9 Now, what are the needs and what have
10 you done, or what have you possibly been denied by
11 any budget office, cross administrations or
12 anything -- and this is not about this
13 administration or the other administration. I
14 mean, I know-- I mean, Mayor Rendell had a tree
15 planted in his honor and he tried to do some
16 things but, you know, he certainly could have done
17 a little better as well.

18 I mean, what do you need to address
19 this particular problem? It's a danger to the
20 citizens of this city, it's a liability to the
21 City of Philadelphia, and it's not good for the
22 inventory the of the trees that we have anyway.

23 MR. MIFFLIN: Mm-hmm.

24 COUNCILMAN NUTTER: So what do you
25 need?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MIFFLIN: Well, I think you're
3 right in stating that we have taken some steps,
4 and you referred to them as "baby steps." As a
5 result of work of the City Council and the
6 Administration in '97 and '98, a million dollars
7 has been placed in the Fairmount Park's Operating
8 Budget. We are trimming trees now for the first
9 time in 10 or 15 years on a scheduled basis, and
10 that's prolonging the life of those trees, as was
11 testified at that time. So it is a start.

12 We're working closely with PECO Energy
13 Company, with SEPTA, with other organizations, and
14 even with nonprofit organizations who will help --
15 the first two I mentioned will do trimming, others
16 do planting. So it's been a -- just something
17 that we've reached out for support, looking at
18 grants from other levels of government, in an
19 attempt to bring as much resources to the table as
20 we can.

21 COUNCILMAN NUTTER: But Mr. Mifflin --

22 MR. MIFFLIN: We're not --

23 COUNCILMAN NUTTER: At the end of the
24 day, PECO will do what PECO has to do to protect
25 their wires -- they are not in the tree business.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 I don't know what SEPTA has to do with trees other
3 than running their buses under them and breaking
4 the branches off, so I don't know that they have a
5 big interest in trees.

6 You are the steward of an 8900-acre
7 park system, the largest urban park system in the
8 United States of America, and we are estimated to
9 have 250,000 trees in an inventory. If the Park
10 Commission does not have the necessary funds to
11 take care of that inventory of trees, we need to
12 know what the financial needs are of the park
13 system. I don't really want to talk about what
14 PECO does, I don't really want to talk about what
15 SEPTA does or the Rec. Department or anybody
16 else.

17 You cannot do it with a million
18 dollars. We knew that going in. We're three to
19 four years now into the process. It is not
20 getting better; it is getting worse.

21 I would like to see in a documented
22 form, forwarded to the President, for the members
23 to take a look at, three levels of a street tree
24 program that get us farther along from a minimal
25 to a mid-level to some form of, you know, you can

1 3/22/00 - WHOLE - BILLS 000003-000010

2 call it "a Cadillac program" if you'd like.

3 MR. MIFFLIN: Mm-hmm.

4 COUNCILMAN NUTTER: I think some
5 members of City Council would like to be helpful,
6 but they can't do it in a vacuum and they need to
7 do it in conjunction with Fairmount Park. And if
8 you would provide that information -- and I don't
9 think the Budget Office can be too upset if I make
10 a request for financial information for a program
11 because there's, quite honestly, not a lot that
12 they can do about it.

13 I'd like to know. Do you have any
14 estimates off the top of your head of what would
15 get us in a better position?

16 MR. MIFFLIN: I don't feel comfortable
17 giving you estimates off the top of my head this
18 morning.

19 COUNCILMAN NUTTER: Okay. I had
20 complained in the past about the type of letter
21 that went out to constituents, and I get
22 impression that there is now a new letter, which
23 is attached to the material. The letter talks
24 about spring, pruning, trimming, removal, and
25 stump removal. It doesn't particularly or

1 3/22/00 - WHOLE - BILLS 000003-000010

2 specifically talk about whether or not the tree is
3 in fact dead or dangerous. So I'd like to know if
4 that can be noted on the form.

5 And, secondly, what is the real purpose
6 of saying, "For non-emergency service, a two- or
7 three-year response time is possible. We will
8 respond immediately to imminently dangerous
9 trees." What kind of a message are we sending to
10 the citizens when we tell them that?

11 MR. MIFFLIN: Well, I think we're being
12 forthright to the homeowner with our resources,
13 number one, so that people don't have any
14 expectation that we'll respond, you know, within
15 one month or something like that. And, again, the
16 prioritization is based on our determination of
17 the condition of the tree.

18 And, number two, it's a written
19 response to a number of individuals who wanted
20 some information as to what they can inform their
21 constituents about the approximate waiting time
22 for the services.

23 COUNCILMAN NUTTER: But we also can't
24 guarantee people, quite honestly, based on the
25 testimony earlier, even about the dangerous or

1 3/22/00 - WHOLE - BILLS 000003-000010

2 imminently dangerous tree; is that correct? If
3 we're only taking out 5 to 600 and we have a
4 backlog of 5,000 --

5 MR. MIFFLIN: Well, I want to break
6 down the backlog of 5,000. That backlog of 5,000,
7 I guess I'd refer to it, using your term, as sort
8 of the "Cadillac," if you will, of tree removal.
9 That would be in a perfect situation, where trees
10 would be removed, you know, for lifted sidewalks
11 or other trees or other problems that -- where
12 today, that condition of the tree doesn't rise to
13 a dangerous or certainly not an imminently
14 dangerous level.

15 COUNCILMAN NUTTER: Unless it cracked
16 your lateral.

17 MR. MIFFLIN: I'm sorry?

18 COUNCILMAN NUTTER: Unless it cracked
19 the lateral coming out of your house. I mean, it
20 will kind of shift your perspective if it's
21 causing you plumbing problems.

22 MR. MIFFLIN: Mm-hmm.

23 COUNCILMAN NUTTER: So, I mean, there
24 are all kinds of situations out there. I mean,
25 again, I'd like to get to a point where we knew

1 3/22/00 - WHOLE - BILLS 000003-000010

2 what our true funding needs are --

3 MR. MIFFLIN: Yes, sir.

4 COUNCILMAN NUTTER: -- given the
5 experience we now have. At the time we put the
6 million dollars in, we had no particular
7 experience, other than maybe the 15 years
8 previous. It is now time to move this program
9 forward to some level of maturity that allows us
10 to legitimately tell citizens that we have a
11 street tree program, that we're able to take care
12 of some level of trees out there that is
13 responsive and respectful to their concerns. I
14 don't think we're there at this moment.

15 MR. MIFFLIN: Okay. Thank you.

16 COUNCILMAN NUTTER: Now, lastly, I
17 asked a question at the budget hearings, and you
18 responded in a letter to the Council President.
19 This had to do with comporting the Fairmount Park
20 regulations to the bill passed by Council, which
21 was effective July 1, 1997. And the response here
22 is that "The Park Commission is now working with
23 the Law Department to amend the Park's regulations
24 to effect the changes to Section 15-203 made by
25 Bill 960826-A."

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Am I to understand that it has taken
3 three years for the Park Commission to conform its
4 regulations to a bill passed by City Council?

5 MR. MIFFLIN: No, no, sir. We
6 conformed immediately and have been following the
7 policies and procedures established in this
8 ordinance.

9 COUNCILMAN NUTTER: Has the Commission
10 voted by resolution to change the regulations of
11 the Park Commission be in compliance with the
12 bill?

13 MR. MIFFLIN: What has been taking this
14 amount of time is that we are rewriting all of our
15 regulations. The Board has accepted the
16 ordinance, and we are in the process of reviewing
17 and renewing all of our Park policies.

18 COUNCILMAN NUTTER: If I called --

19 MR. MIFFLIN: It's really a question of
20 just kind of printing the policy book.

21 COUNCILMAN NUTTER: I understand that.
22 If I called -- if citizen called the Park right
23 now, would the regulations that were sent out to
24 them, or if they stopped in the office and got a
25 copy of the regulations, would they be the old

1 3/22/00 - WHOLE - BILLS 000003-000010

2 regulations or would they be the regulations that
3 are in compliance with the bill passed by Council
4 three years ago?

5 MR. MIFFLIN: Well, we would show them
6 the old regulations, which does not include this
7 ordinance, and our existing revision as it's being
8 written.

9 COUNCILMAN NUTTER: When do you expect
10 this to be completed?

11 MR. MIFFLIN: I believe my letter
12 indicated, Councilman, by June.

13 COUNCILMAN NUTTER: That would be about
14 three years to the date, okay.

15 When do you think you can have an
16 updated and improved draft proposal for
17 Councilmembers to take a look at with regard to
18 street tree maintenance and removal?

19 MR. MIFFLIN: If I could have two days
20 to. . .

21 COUNCILMAN NUTTER: So that's planting,
22 removal, trimming?

23 MR. MIFFLIN: That's correct.

24 COUNCILMAN NUTTER: Operating and
25 capital?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MIFFLIN: Yes, sir.

3 COUNCILMAN NUTTER: And you will lay
4 out what the needs are and how many trees are to
5 be taken care of as a result of that.

6 MR. MIFFLIN: What the needs will be
7 and how many trees will be taken care of --

8 COUNCILMAN NUTTER: Your service levels
9 always talk about --

10 MR. MIFFLIN: Yes, sir.

11 COUNCILMAN NUTTER: I mean, presently,
12 I think you trim 9200 trees. Can you tell us how
13 many you're going to trim, how many you're going
14 to spray, how many you're going to remove, how
15 many you're going to plant, and all of that will
16 be a part of this program?

17 MR. MIFFLIN: Yes, sir, mm-hmm.

18 COUNCILMAN NUTTER: And show us what
19 the funding levels are associated with it?

20 MR. MIFFLIN: Yes, sir.

21 COUNCILMAN NUTTER: And you'll have
22 that in two days?

23 MR. MIFFLIN: Yes, sir.

24 COUNCILMAN NUTTER: Great, thank you.

25 Thank you, Madam Chair.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILWOMAN BLACKWELL: Thank you,
3 Councilman. And you also requested the need, if
4 you know what we're doing, and then an estimate
5 for what the need is.

6 COUNCILMAN NUTTER: Yes. The need is
7 the issue.

8 COUNCILWOMAN BLACKWELL: Yeah,
9 exactly. So if we have where we are now and where
10 we need to go, then it makes it easier.

11 And can you do that in two days,
12 Director?

13 MR. MIFFLIN: (Nods head.)

14 COUNCILWOMAN BLACKWELL: Okay, thank
15 you very much.

16 The Chair recognizes Councilman Rizzo.

17 COUNCILMAN RIZZO: Thank you, Madam
18 Chair.

19 Mr. Mifflin, I wrote a letter to you on
20 the 9th of March in reference to a situation in
21 the northwest where 44 trees were going to be
22 removed, and the funding was going to come from a
23 private source, and that funding was withdrawn for
24 one reason or another. From what I understand,
25 the 44 trees were termed "hazardous."

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Now that the funding's not available,
3 the private funding, these 44 trees that were
4 termed "hazardous," what's the plan that you
5 have? Again, you haven't responded or called in
6 reference to this letter, but I'm concerned about
7 these 44 hazardous trees. When's the Fairmount
8 Park Commission going to remove them since they're
9 hazardous?

10 MR. MIFFLIN: These trees were -- are
11 not imminently dangerous, and they will not be
12 removed immediately. They will be placed on the
13 list of removals by the Fairmount Park Commission,
14 and my guess is that they will be removed over the
15 next two to three years.

16 COUNCILMAN RIZZO: Can you imagine
17 receiving that letter? It's agreed that a tree is
18 a dangerous situation or you wouldn't be removing
19 it -- or it's possibly dangerous. And then you
20 get a letter and you open the envelope and it
21 says, Yep, you have a dangerous tree in front of
22 your home but we're not going to get to it for
23 three years. How do you think the constituent
24 feels when they walk out of their door or people
25 up and down the street and they look at this tree

1 3/22/00 - WHOLE - BILLS 000003-000010

2 that the Fairmount Park Commission said, Yeah, it
3 really needs to be removed and we'd like to do it
4 yesterday, but it's not going to happen for three
5 years.

6 Do we monitor that tree over the next
7 three years and go back to see if it's in -- I
8 know I wouldn't feel very good knowing that my
9 park commission sent me a letter that said, Yeah,
10 we need to take your tree out but we're not going
11 to get to it for three years.

12 MR. MIFFLIN: Well, I think --

13 COUNCILMAN RIZZO: I'd rather --
14 honestly, I think you ought to be candid with
15 them, but to me, to tell somebody it's going to
16 take three years to take a tree out that's
17 dangerous, to me, it's unnecessarily stressful to
18 them, or whatever the word is that I'm looking for
19 here.

20 MR. MIFFLIN: Mm-hmm. I think, as you,
21 I assume, well know, and I've worked closely with
22 your office in this matter, we've certainly had
23 dialogue on this particular issue.

24 This was a fairly unique situation
25 where a resident wished to -- I'll use the term

1 3/22/00 - WHOLE - BILLS 000003-000010

2 "adopt and improve" a three-block area, which did
3 include as many as 43 trees for potential removal
4 and replacement. It was determined by the
5 Fairmount Park Commission, as well as other
6 independent experts, that it would be beneficial
7 and in the best interests of the street if we
8 removed all of those trees and planted new ones,
9 as opposed to going in on a piecemeal basis. It's
10 not often that we have this opportunity.

11 I personally looked at these trees and,
12 obviously not every one of them needs to be
13 removed tomorrow or the next month. And that's
14 why I feel comfortable that over a two- to
15 three-year period of time, we'll remove these
16 trees at no danger, if you will, to homeowners.

17 But these trees are mature, they're not
18 growing any longer, there was an opportunity to
19 plant. Many of the trees do have structural
20 defects, and they've had these structural defects
21 for probably eight or ten years, would be my
22 guess, and this was an opportunity to make an
23 improvement.

24 So there's a meeting scheduled, as I'm
25 sure you know, on April 10th in the community. We

1 3/22/00 - WHOLE - BILLS 000003-000010

2 plan to be there and we plan to explain what our
3 process will be in addressing these trees and
4 other trees in this community. I've had
5 subsequent conversations with the community
6 recently, and I'm told we'll be receiving support
7 from the community association on our plans in
8 concert in working with them and in helping to
9 beautify this Chestnut Hill community.

10 Most people realize that it is a
11 phased-in -- or it's something that cannot be
12 accomplished in one fell swoop. And we were only
13 doing that because of this donation.

14 COUNCILMAN RIZZO: Again, not to beat
15 this to death, but earlier when I asked you the
16 question, are you satisfied, you haven't come and
17 asked for additional operating or capital funds,
18 you said that you were able to do what you're
19 doing with the funding that you have.

20 A private source wants to remove 44
21 trees, everybody was hot to go get them, that
22 contractor was there and ready to do the deal, but
23 now, all of a sudden, the private funding
24 evaporates and now it's not a serious problem
25 anymore.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 You used the word "hazardous." Well,
3 if they're not hazardous, then could you please
4 come up with new word? Because all you do is
5 create complications for us when your people refer
6 to tree as "hazardous," and then all of a sudden,
7 the funding isn't there and it's not hazardous
8 anymore. So if you want, call it "a diseased
9 tree" or a tree to be replace based on -- it's the
10 wrong species, but when you refer to a tree as
11 being "hazardous," the average resident takes you
12 for what you're saying. "Hazardous" to me isn't
13 good.

14 MR. MIFFLIN: Mm-hmm. Yeah, what we're
15 doing is, we are assessing each tree of those 40
16 trees, placing them in priority order, and they
17 will be removed, as is dictated, by priority. But
18 I do take your comment seriously.

19 COUNCILMAN RIZZO: Thank you.

20 MR. MIFFLIN: Thank you.

21 COUNCILMAN RIZZO: Thank you, Madam
22 Chair.

23 COUNCILWOMAN BLACKWELL: Thank you very
24 much.

25 Do you want to follow up, Councilman

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Nutter? And then Councilwoman Miller and then
3 Councilman Cohen.

4 COUNCILMAN NUTTER: Madam Chair, this
5 is not a follow-up, it would be a full turn. So I
6 think Councilwoman Miller is before me.

7 COUNCILWOMAN BLACKWELL: Thank you very
8 much.

9 Councilwoman Miller?

10 COUNCILWOMAN MILLER: Thank you, Madam
11 Chair. Thank you, Councilman Nutter.

12 Commissioner, I think Councilman Nutter
13 may have asked this question, but I missed the
14 answer. If the roots of the tree begin to uplift
15 the sidewalk, whose responsibility is that to
16 replace the sidewalk?

17 MR. MIFFLIN: The homeowner is
18 responsible to maintain a safe sidewalk.

19 COUNCILWOMAN MILLER: Okay. I would
20 suggest -- you said earlier that you probably need
21 to educate the residents --

22 MR. MIFFLIN: Yes.

23 COUNCILWOMAN MILLER: -- of
24 Philadelphia. Well, I think you need to educate
25 City Council, too. And I would request -- at

1 3/22/00 - WHOLE - BILLS 000003-000010

2 least for myself and I'm sure there are other
3 Councilpeople that are interested -- that we have
4 some type of session where you can explain to me
5 and to us what a dangerous tree is, what an
6 imminently dangerous tree is, what a hazardous
7 tree is. We need to know this. I have no idea.

8 For me, this whole issue of street tree
9 removal and maintenance is extremely frustrating.
10 And I agree with Councilman Nutter on most of the
11 points that he made. And certainly if there's a
12 5,000 tree backlog of some sort -- then I think I
13 read in the paper that for the Republican National
14 Convention, Fairmount Park will be removing trees
15 in parks, those trees that have fallen due to the
16 hurricane? Is that -- did I read that correct?

17 MR. MIFFLIN: I don't believe that -- I
18 mean, I didn't see this comment or quote. We're
19 not -- there's not a connection between the RNC
20 and removing trees in the park.

21 COUNCILWOMAN MILLER: So if that's
22 going to happen, that's not your project.

23 MR. MIFFLIN: We're removing trees in
24 the park on a daily basis.

25 COUNCILWOMAN MILLER: But that's

1 3/22/00 - WHOLE - BILLS 000003-000010

2 because they're dead; it has nothing to do with
3 the convention.

4 MR. MIFFLIN: Yes, it's not connected
5 to the convention.

6 COUNCILWOMAN MILLER: Okay. Well, I'm
7 pleased to hear that because we have lots of
8 people that will be here and living here
9 year-round that have issues with these trees
10 outside of their homes.

11 MR. MIFFLIN: Yes.

12 COUNCILWOMAN MILLER: But I am going to
13 request that we have some type of a special
14 session with pictures or film or whatever that
15 will help us understand.

16 MR. MIFFLIN: Sure.

17 COUNCILWOMAN MILLER: Because certainly
18 in my district, you know, we also have the trees
19 that are on an island, and I know that they're a
20 lower priority than the trees that are actually on
21 someone's sidewalk, and I need to get more
22 information.

23 MR. MIFFLIN: Fine. I would be happy
24 to --

25 COUNCILWOMAN MILLER: All right, thank

1 3/22/00 - WHOLE - BILLS 000003-000010

2 you.

3 COUNCILWOMAN BLACKWELL: I think all
4 these questions indicate that Council is ready to
5 seriously deal with Fairmount Park and trees in
6 neighborhoods in a real way, unlike -- well, we've
7 had battles over the years in trying to come up
8 with funds, but I think that if you provide them
9 with what it really takes to have an ongoing
10 program, we know now that we just fight to
11 survive, to stay ahead of the curve, but if we
12 knew realistically what it really takes to have a
13 nice-looking city, neighborhood trees that looks
14 nice, then it becomes us and the Administration as
15 to how we make it happen. I think that's what's
16 at the core of all of these questions.

17 Thank you.

18 Councilman Cohen?

19 COUNCILMAN COHEN: Thank you, Madam
20 Chair.

21 Just to give you a sense of relaxation,
22 I'm calling upon your horticultural expertise.
23 Recently I've had numerous complaints about
24 something that looks like a tree but really, I'm
25 told, is not a tree. That's these weeds that seem

1 3/22/00 - WHOLE - BILLS 000003-000010

2 to grow up and it seems to be a relatively recent
3 phenomenon. They grow up, become as large as a
4 small tree, they grow frequently on open lots.
5 They -- the communities feel endangered by them
6 because they don't know what goes on in the back,
7 and nobody seems to take responsibility for them
8 'cause they're not a tree but they're a weed.
9 L&I doesn't seem to have much of an answer as to
10 what to do except to deplore their existence, as
11 do other agencies.

12 Tell me, is it a plant? Is it your
13 responsibility?

14 MR. MIFFLIN: This sounds like science
15 fiction.

16 COUNCILMAN COHEN: We decide if it
17 doesn't belong anywhere else, we always put the
18 blame on the Fairmount Park Commission and put the
19 responsibility there. Because it grows, it's got
20 life, and it even looks nice on occasions, but
21 it's a real danger and an eyesore and a threat,
22 and people want to know how do they get them
23 cleared up, because they convert empty, vacant
24 lots into dangerous spots.

25 MR. MIFFLIN: Mm-hmm, mm-hmm. Well,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 without a specific address or specific knowledge
3 of your reference, I --

4 COUNCILMAN COHEN: Are you acquainted
5 with that kind of growth?

6 MR. MIFFLIN: I suspect you're
7 referring to weed trees, or often they're referred
8 to as "volunteer trees" that are generally
9 fast-growing, soft wood, weak wood, like
10 ailanthus, perhaps a sumac or something along
11 those lines, that will grow out of a crack of a
12 building or a sidewalk or a railroad, siding or --

13 COUNCILMAN COHEN: Yes.

14 MR. MIFFLIN: You know, this is what
15 I'm envisioning that you're referring to.

16 COUNCILMAN COHEN: What do we do about
17 them?

18 MR. MIFFLIN: Well, the first thing we
19 do is identify the owner of the property. What
20 may be a problem vegetation to some people may be,
21 in fact, designed landscape of the owner. If in
22 fact they're causing a harm to property or
23 potentially to individuals, then it will be
24 referred to the appropriate department. And if
25 it's on Park property, obviously, that's ours. If

1 3/22/00 - WHOLE - BILLS 000003-000010

2 it's on private property we, do our best to notify
3 the homeowner. If it's on public property, it's
4 sometimes --

5 COUNCILMAN COHEN: I have a specific
6 spot, for example.

7 MR. MIFFLIN: You do?

8 COUNCILMAN COHEN: On Godfrey Avenue,
9 from 20th Street west to 21st Street, there used
10 to exist a big factory.

11 MR. MIFFLIN: Yes.

12 COUNCILMAN COHEN: It ceased operating
13 many years ago and then it was demolished about
14 five or six years ago, and it's a big vacant
15 block-square lot. People have to walk along
16 there, and last summer was the first time it
17 became real clear, became a menace to the
18 community because, suddenly, these things sprouted
19 up from nowhere -- at least nothing had been
20 planted there before, and it clearly wasn't
21 planted.

22 MR. MIFFLIN: Right.

23 COUNCILMAN COHEN: And there were
24 several alleged attacks that took place.

25 MR. MIFFLIN: I see.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN COHEN: Because nobody could
3 see. They grew so high it was like a wall.

4 MR. MIFFLIN: Well, I know that all of
5 the departments take very seriously their
6 responsibilities when it relates to the health and
7 safety of our citizens.

8 If it is something that -- it's not
9 uncommon actually for the Park Commission to
10 assist another agency. It might be -- if it's
11 abandoned warehouses, PIDC or some agency like
12 that might be involved in something. And we have
13 provided our expertise to PIDC or an agency in
14 removal of that material. Particularly if it's
15 blocking a sidewalk and pedestrians are then
16 forced into the roadway or something, we'll often
17 --

18 COUNCILMAN COHEN: No, this all takes
19 place behind the --

20 MR. MIFFLIN: -- take responsibility.

21 COUNCILMAN COHEN: It's in the area
22 where the factory existed on the land, you know,
23 that was made vacant after they demolished the
24 building.

25 MR. MIFFLIN: Well, I've noted this

1 3/22/00 - WHOLE - BILLS 000003-000010

2 location and would be happy to provide an
3 inspection and get back to you specifically.

4 COUNCILMAN COHEN: All right, thank
5 you. We'd like to find out, but in talking with
6 other Councilmembers, I find they have similar
7 spots.

8 MR. MIFFLIN: Mm-hmm.

9 COUNCILMAN COHEN: And we're concerned
10 about them and also had found great difficulty in
11 having any agency accept responsibility for it.
12 But if you would report back, that would be very
13 helpful.

14 MR. MIFFLIN: That was Godfrey, 20th to
15 21st.

16 COUNCILMAN COHEN: Thank you.

17 COUNCILWOMAN BLACKWELL: Thank you,
18 Councilman.

19 Councilwoman Tasco?

20 COUNCILWOMAN TASCO: Good morning.

21 MR. MIFFLIN: Good morning,
22 Councilwoman.

23 COUNCILWOMAN TASCO: I want to talk
24 about -- in your budget, have you included money
25 for the improvement of (inaudible, off mike).

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MIFFLIN: This is a Capital Budget
3 item. It is in our budget, Councilwoman. I
4 honestly don't know this morning the status of
5 that. I know that the estimated amount of work
6 exceeded our budget and that we were seeking
7 additional funds, either looking within our budget
8 or phasing in the work.

9 And I -- my staff, who is not here this
10 morning, working with the CPO office, actually is
11 more intelligent about the details of that status
12 of that project than I am this morning. I would
13 be happy to -- I know your interest in this and
14 would be happy to get back to you with the details
15 on that. It is in our budget, though.

16 COUNCILWOMAN TASC0: Okay, I just want
17 to do put it on the reported.

18 MR. MIFFLIN: Thank you.

19 COUNCILWOMAN TASC0: The other thing is
20 -- I won't repeat any of the questions, but you
21 know how I am interested in trees.

22 MR. MIFFLIN: Yes.

23 COUNCILWOMAN TASC0: And there are a
24 lot of them in my district and so I support the
25 comments made by my colleagues around the trees.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MIFFLIN: Thank you.

3 COUNCILWOMAN TASCO: Thank you.

4 COUNCILWOMAN BLACKWELL: Thank you,
5 Councilwoman.

6 Councilwoman Brown and then Councilman
7 Nutter will be next.

8 COUNCILWOMAN BROWN: Good morning.

9 MR. MIFFLIN: Good morning.

10 COUNCILWOMAN BROWN: I simply want to
11 underscore Councilwoman Donna Reed Miller's
12 request to provide us on paper, if you can, what
13 constitutes various different types of trees in a
14 particular stage.

15 And add to that, if you will, trees in
16 alleyways, who's responsibility for the -- I see
17 you shaking your head, saying no. And that would
18 be helpful to know so that as we get calls from
19 constituents, we can inform them on what the facts
20 are. And if the fact is a tree in an alleyway is
21 your responsibility, that would be helpful, so
22 include that kind of information as well.

23 MR. MIFFLIN: Sure. We'll -- I think
24 the dialogue with Councilwoman Miller was
25 suggesting that we have some sort of an

1 3/22/00 - WHOLE - BILLS 000003-000010

2 educational session where we could provide as much
3 information as possible, and I would be delighted
4 to host that --

5 COUNCILWOMAN BROWN: Okay.

6 MR. MIFFLIN: -- quite frankly and take
7 questions at that particular time, but we would
8 provide sort of an outline of what are the
9 existing responsibilities and our resources. And
10 then, as I say, if we miss something, we'd be
11 happy to respond to that.

12 COUNCILWOMAN BROWN: Okay, thank you
13 very much.

14 MR. MIFFLIN: You're quite welcome.
15 Thank you.

16 COUNCILWOMAN BLACKWELL: Thank you,
17 Councilwoman.

18 Councilman Nutter, we're ready for you.

19 COUNCILMAN NUTTER: Thank you, Madam
20 Chair.

21 COUNCILWOMAN BLACKWELL: You're
22 welcome.

23 COUNCILMAN NUTTER: Mr. Mifflin, I have
24 just a couple last questions.

25 I understand that the issue of the bike

1 3/22/00 - WHOLE - BILLS 000003-000010

2 path out in West Philadelphia, the Overbrook
3 section, may have been raised earlier. I had had
4 the pleasure of a short conversation with the
5 recently-promoted and esteemed Cathy Paster, as
6 well as Stephanie Craighead from your staff about
7 this.

8 Can you give us any update. And if you
9 did already on the record, don't go back through
10 it. But has there been a resolution or an
11 agreement recently in that particular matter?
12 This is a proposed bike path that supposedly will
13 be able to go all the way from City Avenue out to
14 the Airport, as I understand it?

15 MR. MIFFLIN: That's correct.

16 My answer was fairly general in nature
17 to Councilman Cohen who, apparently, is also aware
18 of some of the community issues. And what I said
19 was that I wasn't personally aware of what those
20 specific issues are. I'm familiar with the
21 project, we certainly support the project. It's
22 been years in planning. If we've missed some
23 individuals or some community groups in our
24 planning process, we'll certainly go back and --

25 COUNCILMAN NUTTER: Well, some of the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 issues, as I best understand it, involve the
3 prospect of taking down upwards of 25-some-odd
4 mature trees in the Morris Park area. And there
5 are continued concerns about the existence of such
6 a wide and accessible bike path, given the
7 mountain bike and ATV vehicle situation out in
8 Morris Park already, and aren't we in fact just
9 providing an even more enticing, and at some level
10 potentially dangerous, new path for some people?

11 And also, I think there's a proximity
12 to homes as it relates to this particular path and
13 increased parking activity that would come from
14 people trying to use this facility if they choose
15 to make that trek because they're going to park
16 somewhere, get on their bikes, make the run, and
17 come back. And I don't think the neighborhood was
18 necessarily prepared about that -- prepared for
19 those kinds of eventualities.

20 Lastly, you made mention of any groups
21 that maybe had not been contacted about some of
22 the particulars of this project. And,
23 unfortunately, I have to inform you that one of
24 those entities is myself. Apparently no one from
25 the Park thought it important enough to have any

1 3/22/00 - WHOLE - BILLS 000003-000010

2 serious level of conversation about this, and most
3 of the information I've received actually comes
4 from my constituents out in the community as
5 opposed to from within the government. And as you
6 can imagine, that's a problem.

7 MR. MIFFLIN: Mm-hmm. Well, let me
8 first apologize if your office has not been
9 informed of this project. And it's not a defence,
10 but my only comment would be that it's been so
11 long in the planning stages that perhaps it was
12 assumed that early on, your office was. I can't
13 comment beyond that. But we'll certainly ensure
14 that you're brought into the loop, and we'll give
15 you a briefing at any time at your convenience so
16 that you're fully knowledgeable of the project.

17 Secondly, just -- and again, I am
18 speaking from experience, but they're general
19 comments, that increased activity of ATVs or
20 mountain biking, I don't see as a direct
21 correlation to a paved recreation path. Most of
22 those activities are off-road or off-path
23 activities that are inappropriate -- and illegal
24 in the case of ATVs -- and should be dealt with
25 independently of any capital project.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: But, Mr. Mifflin,
3 let me -- at the same time, I mean, you couldn't
4 deny the interest by an ATV rider, notwithstanding
5 their off-road capabilities and for whatever it is
6 that those vehicles were created. You can't deny
7 that it would be intriguing to some young person,
8 or not so young person, who likes to ride ATVs
9 through the park, through people's yards, and out
10 on the City streets, that right in front of them,
11 they would have a 12-foot-wide paved path that
12 could take you from Morris Park and City Avenue
13 out to the Airport. I mean, wouldn't it just be
14 intriguing?

15 MR. MIFFLIN: Well, I -- I -- I
16 understand your comments. Yes, I could see where
17 it could potentially be intriguing to an ATV or to
18 get into more of the interior of the park, using
19 the path as an access. I guess my thought was
20 that, you know, the use of ATVs are banned in the
21 park, and we ought to be able to enforce that ban.

22 COUNCILMAN NUTTER: Are we?

23 MR. MIFFLIN: I think we do a credible
24 job with the Philadelphia Police Department. ATV
25 use in the park, admittedly, is not something that

1 3/22/00 - WHOLE - BILLS 000003-000010

2 we have presently a total control over. There
3 seems to be more and more use of it, not just in
4 Morris but in pocketed areas like Tacony Park,
5 Hunting Park.

6 Regrettably, it seems to be on the
7 increase. I've actually been working with the
8 State on this matter, legislatively looking at
9 ways in which we can help that situation. So I'm
10 confident in the future that we will have, you
11 know, a solution.

12 But your point is well taken, that
13 there are constituents who are not pleased with
14 either the location of the path or have some
15 concerns that this path will lead to other types
16 of inappropriate behavior.

17 COUNCILMAN NUTTER: Whose idea was
18 this? Where did this emanate from?

19 MR. MIFFLIN: Boy. . . I. . .

20 COUNCILMAN NUTTER: It must be an old
21 idea.

22 MR. MIFFLIN: It is an old -- it is an
23 old project. Um. . .

24 COUNCILMAN NUTTER: All right. I mean,
25 the funding source of this is ISTEA. That program

1 3/22/00 - WHOLE - BILLS 000003-000010

2 has only been around for a few years, so I mean,
3 maybe conceptually it's been around for a while
4 but, I mean, somebody had to do something to go
5 and get --

6 MR. MIFFLIN: It's probably been six
7 years since this was -- the idea first came, and I
8 confess to not being familiar this morning with
9 who was initially --

10 COUNCILMAN NUTTER: Well, maybe as we
11 anticipate a briefing or a meeting you can do the
12 research.

13 MR. MIFFLIN: Sure.

14 COUNCILMAN NUTTER: Okay. I read in
15 the paper the other day that the Park Commission
16 is going to make sure that the lights on Boathouse
17 Row are bright and shiny and ready for the
18 Republican National Convention. You know, I only
19 wish that we had gotten one of these conventions
20 about 20 years ago. There is so much stuff that
21 just has to be done in anticipation of one of the
22 conventions, that I just really wish that they had
23 gotten here a while ago. The City would be such a
24 much better place to live in.

25 In the story, it indicated that under

1 3/22/00 - WHOLE - BILLS 000003-000010

2 contract, the lights are checked or replaced twice
3 a year. Now, was that accurate?

4 MR. MIFFLIN: No.

5 COUNCILMAN NUTTER: What is accurate?

6 MR. MIFFLIN: We do this in-house, so
7 your first statement -- if I understood what you
8 said about a contract, we don't employ an
9 electrical contract or anyone outside of our own
10 workforce to --

11 COUNCILMAN NUTTER: So the Park
12 Commission takes care of the lights?

13 MR. MIFFLIN: Yes, sir. It's an
14 in-house project.

15 COUNCILMAN NUTTER: And was the
16 statement in the paper that it's a twice-a-year
17 process --

18 MR. MIFFLIN: I think what the paper
19 indicated was accurate in that approximately twice
20 a year -- in the spring and in the fall -- we'll
21 do pretty much a wholesale replacement of the 8 to
22 9,000 bulbs. And that seems to be --

23 COUNCILMAN NUTTER: What happens in the
24 intervening times?

25 MR. MIFFLIN: Both the Park Commission

1 3/22/00 - WHOLE - BILLS 000003-000010

2 and to some extent the residents of the houses, to
3 the best of their ability, will make some minor
4 improvements -- replacements of bulbs.

5 COUNCILMAN NUTTER: Do you get calls
6 from time to time either from citizens or from
7 officials about the lights on Boathouse Row and
8 their various stages of brightness?

9 MR. MIFFLIN: Yes.

10 COUNCILMAN NUTTER: And do they
11 conflict or are they in synch with the
12 twice-a-year replacement schedule?

13 MR. MIFFLIN: When you say do they
14 conflict or are in synch, I mean --

15 COUNCILMAN NUTTER: Do you get all of
16 the calls around about the time you're going to do
17 your replacement, or do you calls in the in-
18 between times?

19 MR. MIFFLIN: I can't categorically
20 state that they do conform, if you will, to those
21 twice-a-year times. We've just found, quite
22 frankly, Councilman, that, you know, the life of
23 the bulbs in this environment, which is a fairly
24 exposed environment, the system now is 11 or 12
25 years in age, some of the channeling and the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 fixtures themselves have deteriorated.

3 Many -- fortunately, to an extent, the
4 houses, for the past ten years, have put on
5 additions, have made improvement, and removing the
6 lights and replacing the lights hasn't always been
7 as effective as we would like.

8 We've just met with the -- with Peco's
9 subsidiary, Exelon, I believe. We are considering
10 -- or we asked them, rather, to submit a proposal
11 to us on a re-lamping, using more sophisticated,
12 state-of-the-art, longer-life, lower-wattage, but
13 as voluminous bulbs that are to be on the market
14 within the next six to nine months, I'm told,
15 we're hoping this will be a test site for us. In
16 design, we believe that we can make some
17 modifications to the existing fixtures so as not
18 to require a total installation, which was, by the
19 way, done with private funding.

20 And I believe the article indicated
21 that we were going to re-lamp the houses for the
22 NCAA Women's Final Four and not the RNC. The
23 plan, of course, was to have it ready for the
24 summer, but we're doing it sooner.

25 COUNCILMAN NUTTER: Very good, very

1 3/22/00 - WHOLE - BILLS 000003-000010

2 good. Last two questions.

3 I received a letter from a French group
4 concerned about the Park Ranger Corps, and I
5 understand that you may have made some comments
6 about the rangers. How many rangers are there?

7 MR. MIFFLIN: There are 24 rangers.

8 COUNCILMAN NUTTER: Okay. And do you
9 expect to have 24 in the FY '01 budget?

10 MR. MIFFLIN: Yes.

11 COUNCILMAN NUTTER: Okay. The Ranger
12 Program is stable and funding is in place?

13 MR. MIFFLIN: Well, it is for '01,
14 Councilman. Beyond that, there's some fund-
15 raising that needs to be done and accomplished by
16 the Ranger Board.

17 COUNCILMAN NUTTER: What's the City's
18 support for the Ranger Program?

19 MR. MIFFLIN: It's presently at a half
20 a million dollars annually.

21 COUNCILMAN NUTTER: Okay. Lastly, are
22 you familiar with a memo wherein I asked for some
23 information regarding what's commonly referred to,
24 I guess, as "JFK Plaza" and some anticipated
25 restoration work over at JFK Plaza as a result of

1 3/22/00 - WHOLE - BILLS 000003-000010

2 damage?

3 MR. MIFFLIN: I actually just saw that
4 memo in the last four hours, so I am vaguely
5 familiar with it, yes.

6 COUNCILMAN NUTTER: Very good. It's my
7 understanding that the Park's estimate on the
8 damage to JFK Plaza as a result of skateboarding
9 is approximately \$1 million. Is that your
10 understanding from the memo?

11 MR. MIFFLIN: You know, I did see it
12 and I had some questions regarding those numbers.
13 I'm not disputing that there's been some damage to
14 the plaza. I just don't know how those numbers
15 were established, quite frankly.

16 COUNCILMAN NUTTER: Okay. If you could
17 check on that and on any other park facilities
18 like the Art Museum or other facilities within the
19 jurisdiction of the Fairmount Park, if you could
20 begin providing estimates on the level of damage
21 and restoration and replacement and the work that
22 may be needed, I would greatly appreciate it.

23 MR. MIFFLIN: I would be happy to do
24 that. Is that in relationship to the
25 skateboarding?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: Yes.

3 MR. MIFFLIN: Okay.

4 COUNCILMAN NUTTER: Thank you.

5 Thank you, Madam Chair.

6 COUNCILWOMAN BLACKWELL: Are there any
7 other questions for the Fairmount Park
8 Commission?

9 (No further questions.)

10 COUNCIL PRESIDENT Verna: Thank you.
11 Thank you for your time.

12 MR. MIFFLIN: Thank you.

13 COUNCILWOMAN BLACKWELL: The next
14 department is Public Property.

15 (Public Property witnesses come
16 forward.)

17 COUNCIL PRESIDENT Verna: Good morning,
18 Commissioner.

19 COMMISSIONER PEREZ: Good morning.

20 COUNCIL PRESIDENT Verna: Councilman
21 Cohen, do you have questions for the Commissioner
22 of Public Property?

23 COUNCILMAN COHEN: Yes.

24 COUNCIL PRESIDENT Verna: I would like
25 to recognize you.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN COHEN: Good morning.

3 COMMISSIONER PEREZ: Good morning,
4 Councilman.

5 COUNCILMAN COHEN: Since the last
6 hearing, a number of us in City Council have been
7 talking a great deal about public access, and the
8 Public Access Coalition has been very active in
9 pursuing the cause. And we went over your
10 testimony and I have one question first that I
11 wanted to ask that wasn't clear to me.

12 In your testimony -- not in your
13 testimony, in your reply to some of the questions
14 that you submitted on March 13th, I think it's on
15 Page 3, the next to the last page of your answers,
16 if you have it. In talking about what would be
17 needed to develop a public access station, you
18 say, "It should be noted that the projected
19 operating costs for Philadelphia public access
20 programming would exceed the \$500,000 maximum
21 amount that City Council could direct the
22 franchisees to contribute, pursuant to the current
23 franchise agreements."

24 Now, I'm not closer on what that means.
25 Is there a \$500,000 payment that the franchisees

1 3/22/00 - WHOLE - BILLS 000003-000010

2 would have to make once the City started a public
3 access system?

4 COMMISSIONER PEREZ: Councilman -- and
5 for the record, my name is an Andreas Perez,
6 Commissioner of the Department of Public Property,
7 and with me today is Mr. Vince Costello, Director
8 of the Communications Division. I'll ask Vince to
9 respond to that.

10 MR. COSTELLO: Councilman, going back a
11 number of years, in the City's original request
12 for proposals for cable TV franchises, the City
13 mandated that any applicant will commit anywhere
14 from 75 to \$125,000 per year to fund the Public
15 Access Corporation. That is going back to 1982
16 and, again, through the process of 1984 --

17 COUNCILMAN COHEN: Wait, we can't hear
18 you, Mr. Costello. Is the mike working?

19 MR. COSTELLO: No. Councilman, I'm
20 sorry.

21 COUNCILMAN COHEN: We're sorry, too.
22 Go ahead.

23 MR. COSTELLO: Once again, going back
24 to the City's original request for proposals in
25 1982 and then again in 1984, the City mandated

1 3/22/00 - WHOLE - BILLS 000003-000010

2 that any TV franchise applicant would be required
3 to pay anywhere from 75 to \$125,000 per franchise
4 area per year to fund public access.

5 Now, there's a few dates that I think
6 are very important for us to remember and to
7 wonder whatever materialized with that payment.
8 Council selected the franchisees in October and
9 November of 1984. The Federal Cable Act, the
10 Cable Act of 1984, was passed in November of
11 1984. What that act did actually is, it did a
12 number of things: it deregulated the industry,
13 but what it also did is, it capped all payments to
14 the municipality or to any other groups associated
15 with the cable TV process to 5 percent of gross
16 revenues.

17 Now, the point that I'm trying to make
18 is that prior to that act, the City had
19 anticipated that up to \$500,000 per year would be
20 contributed to the Public Access Corporation, and
21 5 percent of gross revenues would go into the
22 General Fund of the City. As November of 1984,
23 that \$500,000 went away. After that and until
24 this time, all monies contributed to the Public
25 Access Corporation or to any other entity

1 3/22/00 - WHOLE - BILLS 000003-000010

2 associated with cable TV would come from the
3 franchise fees of the City.

4 You will recall --

5 COUNCILMAN COHEN: Would you repeat
6 that again, the last sentence? You said since
7 that date, what happens?

8 MR. COSTELLO: Since that date, if the
9 City would decide to go forward with public access
10 --

11 COUNCILMAN COHEN: Would decide to go
12 forward.

13 MR. COSTELLO: Yeah. The City would
14 bear the financial responsibility for public
15 access. There would not be a separate pot of
16 money, as envisioned back when the original RFPs
17 were written.

18 Since the last period and as we
19 committed to you, we have been recreating and
20 updating a lot of the work that we had done back
21 in the early to mid-1980s -- looking at staffing
22 plans, job descriptions, projected salaries,
23 maintenance costs, floor plans for an access
24 facility, site plans, and all of the things that
25 go into actually running that type of operation.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 In preparation for a meeting with the
3 public access advocates, we would like to have all
4 of that information in place so at least we'll
5 have a discussion point and a starting point for a
6 discussion.

7 But I did want to try as best I could
8 to clear up the financial issues.

9 COUNCILMAN COHEN: Mm-hmm. Well,
10 that's not been in accordance with any previous
11 statements that have been made about that fee that
12 the cable companies were supposed to be paying the
13 City for public access. I would want to, you
14 know, examine that study and study it.

15 MR. COSTELLO: Sure.

16 COUNCILMAN COHEN: But in any event,
17 it's always been clear that there would have to be
18 some cost to the City.

19 MR. COSTELLO: Certainly.

20 COUNCILMAN COHEN: And we are very
21 anxious to try to work with your department to set
22 up a model for, say, a single -- what you would
23 call it, "a studio" where we could have a pilot
24 program because of various concerns expressed, and
25 it would seem to make sense to start something on

1 3/22/00 - WHOLE - BILLS 000003-000010

2 a very simple basis.

3 Would your department be the department
4 that we would work with? We'd like to be assured
5 of cooperation with your people. Your people seem
6 to have the experience and they've had the history
7 of it.

8 I was going over material. In 19 --
9 this bill that created a public access facility
10 for the City of Philadelphia was actually passed
11 in December of 1983, in the last few weeks of
12 Mayor Bill Green's administration. Mayor Green
13 signed the bill. It was a very inclusive bill, it
14 contained a very detailed set of bylaws. It
15 provided for the execution of a simple articles of
16 incorporation, which were placed on the desk of
17 incoming Mayor Goode. In his first week in
18 office, I believe, it was on his desk. The bill
19 was signed, I believe, about December 27, 1983, as
20 Bill Green was waving good-bye to the people of
21 Philadelphia from the Mayor's Office on the second
22 floor.

23 Now, that's a long time for the people
24 of Philadelphia to wait for something that had
25 been established by ordinance and, therefore, we'd

1 3/22/00 - WHOLE - BILLS 000003-000010

2 like to get moving, develop a practical approach
3 to it, put in safeguards to deal with concerns
4 that people may have, and rather than going into
5 great detail, a series of questions and answers
6 here, I would like to say, would you be willing to
7 meet with representatives of Council and maybe
8 their staffs to work with them in trying to
9 develop a model or helping them to develop a
10 model?

11 I like what you said, that you're
12 trying to develop it, and we would like to
13 encourage, that to see what it would cost to get
14 started on a simple basis, and then we could have
15 something to present to the whole Council and to
16 the Mayor. We would hope to do it in a very
17 cooperative way.

18 Would that be all right with you,
19 Commissioner?

20 COMMISSIONER PEREZ: I would certainly
21 have no objection to that. What Mr. Costello made
22 reference is actually reexamining all of the
23 assumptions of the old model and trying to figure
24 out how that would work today if we were to
25 implement this. I don't know how far along we are

1 3/22/00 - WHOLE - BILLS 000003-000010

2 in our analysis, but that analysis would be
3 incomplete without a dialogue with the advocacy
4 groups and yourselves.

5 COUNCILMAN COHEN: Well, I would like
6 to have some representatives of the advocacy
7 groups working -- 'cause they have experience and
8 they have ties with groups in other cities and can
9 get information for us but, I would like to do it
10 on a really cooperative basis with everybody to
11 see if we could to put some meaning into it.

12 COMMISSIONER PEREZ: Certainly.

13 COUNCILMAN COHEN: We have many
14 important issues coming up in the next few years
15 in the City, and it would be great to have a model
16 public access where issues could be discussed, you
17 know, from all points of view.

18 COMMISSIONER PEREZ: Yes.

19 COUNCILMAN COHEN: All right. Well,
20 thank you, thank you very much.

21 COMMISSIONER PEREZ: Thank you.

22 COUNCILMAN COHEN: That completes my
23 questioning, Madam President.

24 COUNCIL PRESIDENT VERNA: Thank you.

25 Councilman DiCicco, I know you have an

1 3/22/00 - WHOLE - BILLS 000003-000010

2 appointment, so I'd like to recognize you.

3 COUNCILMAN DICICCO: Thank you. I have
4 just one question for the Commissioner.

5 You and I have had a couple of
6 conversations over the last year or so concerning
7 the ventilation island ducts, or whatever you call
8 them, on South Broad Street. I've not yet been
9 able to determine from you whether or not they're
10 going to be reconstructed. And, you know, we're
11 doing a streetscape improvement, which began about
12 a week ago, on South Broad Street. And the
13 condition of those islands is deteriorating to a
14 point where they're actually very dangerous can.

15 Could tell me for the record what, if
16 anything, we're going to be doing about it? And
17 one of the reasons we're doing the streetscape
18 improvements now, as opposed to a year from now,
19 is because the Republican National Convention is
20 coming, and Broad Street's going to be the main
21 thoroughfare.

22 COMMISSIONER PEREZ: My understanding
23 is that in those locations where the vents are
24 installed, they're installed expressly for the
25 ventilation of the subway system. And by

1 3/22/00 - WHOLE - BILLS 000003-000010

2 consequence, SEPTA's responsible for maintenance
3 and/or replacement.

4 The part of the answer that I don't
5 have for you is what SEPTA's planning to do, if
6 anything.

7 COUNCILMAN DICICCO: Yeah. Well, I
8 thought our conversation was that we determined
9 that they were the responsibility of Public
10 Property. I mean, I got bounced from SEPTA to
11 you, and then I thought that you had indicated to
12 me that it was --

13 COMMISSIONER PEREZ: And that's the
14 perennial problem with that kind of question. It
15 happens with the vents, it happens with some of
16 the transit stations. Because we were original
17 the owner pre-SEPTA. We were the original owner
18 of the land that the easements that were granted,
19 but the Department itself hasn't directly done
20 that kind of work for many, many, many years.

21 COUNCILMAN DICICCO: So, again, if I
22 understand you correctly, they're in the center of
23 Broad Street.

24 COMMISSIONER PEREZ: Yes.

25 COUNCILMAN DICICCO: These are the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 median strips down the center.

3 COMMISSIONER PEREZ: Yes, correct.

4 COUNCILMAN DICICCO: That's the
5 principal reason why SEPTA gets capital funds
6 through Public Property.

7 COUNCILMAN DICICCO: So I need to go
8 back to SEPTA again, okay.

9 COMMISSIONER PEREZ: Yes, I believe so.

10 COUNCILMAN DICICCO: All right, thank
11 you.

12 COUNCIL PRESIDENT VERNA: Thank you.

13 Are there any other questions of the
14 Commissioner?

15 The Chair recognizes Councilman Nutter.

16 COUNCILMAN NUTTER: Thank you, Madam
17 Chair.

18 Commissioner you responded to a
19 question that I had asked about in a letter to the
20 Council President on March 13, 2000. This is
21 regarding who is responsible for cleaning what in
22 the Center City concourse system. Commissioner,
23 did you happen to -- as I best understand this
24 map, the area where you come out from under the
25 concourse, either from having taken the el or at

1 3/22/00 - WHOLE - BILLS 000003-000010

2 least the trolly that takes you up in the area of
3 Dilworth Plaza and those steps there and then
4 there's the kind of the overhang --

5 COMMISSIONER PEREZ: Beyond the Post
6 Office?

7 COUNCILMAN NUTTER: And you can avoid
8 getting wet if you -- yeah, that whole area there.
9 The map seems to indicate that -- is that our
10 responsibility?

11 COMMISSIONER PEREZ: I believe that's
12 true.

13 COUNCILMAN NUTTER: And were you over
14 that way today in anticipation of today's
15 hearings?

16 COMMISSIONER PEREZ: No. I had gone
17 over shortly after, you know, your last inquiry to
18 look at its condition.

19 COUNCILMAN NUTTER: Well, as of today,
20 unless it's been perfectly placed by someone else,
21 it appears that the same trash that was there on
22 Monday is still there today. And can you tell me
23 why there is always that -- what would be the
24 right phrase? Maybe an acidic, putrid smell that
25 emanates from that section of the concourse area.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Why does this always smell like that?

3 COMMISSIONER PEREZ: The area takes on
4 a dank odor anytime --

5 COUNCILMAN NUTTER: It takes on a
6 what?

7 COMMISSIONER PEREZ: A dank odor.

8 COUNCILMAN NUTTER: Dank. Is that --
9 that's D-A-N-K, is that correct?

10 COMMISSIONER PEREZ: Mm-hmm, D-A-N-K.

11 COUNCILMAN NUTTER: D-A-N-K.

12 COMMISSIONER PEREZ: Yeah.

13 COUNCILMAN NUTTER: That's dank.

14 COMMISSIONER PEREZ: Whenever it rains,
15 it --

16 COUNCILMAN NUTTER: It's got a danky
17 smell to it.

18 COMMISSIONER PEREZ: Yeah, following a
19 rain. We do have a custodial program, and it does
20 cover portions of that area, I believe all of that
21 area. It's been fairly easy to take care of once
22 SEPTA closed down or began closing down their
23 system, with the exception of that particular
24 intersection where we go west from Dilworth Plaza
25 toward the ticket office and the Post Office and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 turn left or head south toward the el entranceways
3 and eventually come above ground at the close pin
4 stairwell.

5 There is no physical enclosure there
6 and so whatever happens at night, we have to clean
7 up in the morning. There really shouldn't be a
8 condition where something's been left unattended.
9 Those lapses do occur from time to time. We have,
10 you know, ways to correct it, including financial
11 penalties to the vendor. We also have managers
12 whose responsibility is to go looking for those
13 problems and follow up on them immediately.

14 COUNCILMAN NUTTER: Is there supervisor
15 personnel checking on what the workforce is
16 doing?

17 COMMISSIONER PEREZ: Yes.

18 COUNCILMAN NUTTER: Okay.

19 COMMISSIONER PEREZ: Yes, City
20 supervisory personnel, not just contract
21 personnel.

22 COUNCILMAN NUTTER: So your response is
23 that the underground concourse is cleaned
24 overnight, from 10 p.m. to 6:30 p.m., six days a
25 week, Sunday through Friday.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COMMISSIONER PEREZ: Those are the
3 portions that we are responsible for, yes.

4 COUNCILMAN NUTTER: So essentially you
5 clean every night.

6 COMMISSIONER PEREZ: Yes.

7 COUNCILMAN NUTTER: Except from
8 Saturday into Sunday?

9 COMMISSIONER PEREZ: Yes.

10 COUNCILMAN NUTTER: Okay, all right. I
11 will be doing my best to avoid the dank area that
12 you made reference to. Thank you for your
13 response, and if they could stay on top of that,
14 I'd greatly appreciate that.

15 COMMISSIONER PEREZ: We'll do that.

16 COUNCILMAN NUTTER: Thank you.

17 COUNCIL PRESIDENT VERNA: The Chair
18 recognizes Councilman Cohen.

19 COUNCILMAN COHEN: Commissioner, what
20 role does your department play in the planning for
21 the Republican Convention?

22 COMMISSIONER PEREZ: In the planning,
23 we have no role. We did have funds for providing
24 some of the telecommunications support. And,
25 again, Mr. Costello is more familiar with what our

1 3/22/00 - WHOLE - BILLS 000003-000010

2 commitments have been to date. But in the
3 planning aspects, we really don't have a role.

4 COUNCILMAN COHEN: Did you have a role
5 with respect to the planning of parades?

6 COMMISSIONER PEREZ: No.

7 COUNCILMAN COHEN: And the routing of
8 them?

9 COMMISSIONER PEREZ: No. We may be
10 asked in the special events context to provide,
11 you know, services that we would normally provide
12 -- sound systems and power and things like that.

13 COUNCILMAN COHEN: But nothing in the
14 routing of parades?

15 COMMISSIONER PEREZ: I don't think so.

16 COUNCILMAN COHEN: 'Cause I was puzzled
17 by what I was reading about groups having
18 difficulty getting permits and I don't understand
19 it. It sounded like we were already feeling as if
20 we were under CDBG or something. But your
21 department has nothing to do with it?

22 COMMISSIONER PEREZ: No. There's one
23 thing that probably should be clarified. Because
24 of Secret Service involvement, the site itself is
25 considered a Secret Service control zone, and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 issues about permits all come out of that federal
3 jurisdiction, not the City.

4 COUNCILMAN COHEN: And does that apply
5 to parades routes?

6 COMMISSIONER PEREZ: I don't think so,
7 but I'm not familiar with their details because a
8 lot of details really haven't been available in
9 earnest until there was actually a candidate from
10 the larger field.

11 COUNCILMAN COHEN: I thought Secret
12 Service only comes in after the nomination is made
13 and the person becomes an official candidate for
14 president, but I don't think they have anything to
15 do with the grant of the permits or with the
16 location of where protesters, or whoever wants to
17 protest for whatever purpose, have to stand. I
18 don't think Secret Service is --

19 COMMISSIONER PEREZ: The only time I
20 get dragged in as an authority into permit issues
21 is when somebody wants to use the City Hall apron
22 or courtyard or the immediate area, and it's rare
23 for us to have a reason not to allow -- there is
24 no formal --

25 COUNCILMAN COHEN: And you've been very

1 3/22/00 - WHOLE - BILLS 000003-000010

2 cooperative in that area, and I want to thank you
3 for that 'cause I understand that groups that have
4 dealt with your office have been very pleased by
5 the cooperative spirit.

6 COMMISSIONER PEREZ: Yes, thank you.

7 COUNCILMAN COHEN: Thank you.

8 COUNCIL PRESIDENT VERNA: Thank you.

9 Are there any other questions for the
10 Commissioner?

11 (No further questions.)

12 COUNCIL PRESIDENT VERNA: Thank you
13 very much.

14 COMMISSIONER PEREZ: Thank you.

15 COUNCIL PRESIDENT VERNA: Linda Seyda,
16 Department of Personnel.

17 (Linda Seyda comes forward.)

18 COUNCIL PRESIDENT VERNA: Good morning.

19 MS. SEYDA: Good morning.

20 COUNCIL PRESIDENT VERNA: I think you
21 were to appear at the request of Councilman Cohen,
22 who, I believe would like to ask some questions or
23 have some clarification of your previous
24 testimony.

25 So at this time, the Chair recognizes

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Councilman Cohen.

3 COUNCILMAN COHEN: Thank you, Madam
4 President.

5 Miss Seyda and I have had several
6 conversations over the last week or ten days with
7 respect to the information that we were seeking in
8 a follow-up. She has agreed to be fully
9 cooperative in furnishing the information, and
10 rather than taking the time to ask the questions
11 and get it here lengthy, I would say that there's
12 no need at this point to question Miss Seyda. My
13 office will be working with her office to obtain
14 the necessary information, and I'm sure it will be
15 cooperative.

16 So I have no questions at this time for
17 Miss Seyda.

18 COUNCIL PRESIDENT Verna: Well, I'm
19 sorry you were kept waiting so long, I'm sorry
20 about that.

21 MS. SEYDA: That's quite all right. I
22 was asked to be here for other reasons. And I
23 just would like to add that the Councilman and I
24 have had some discussions and we will be working
25 with him.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCIL PRESIDENT Verna: Thank you.

3 The Chair recognizes Councilwoman

4 Tasco. Miss Seyda?

5 COUNCILWOMAN TASCO: While you're here,
6 I'd like to ask a question about an issue that has
7 been raised recently relative to the diversity of
8 staff for the City as well as the Health
9 Department. And I want to know what plans does
10 the Personnel Department have to address this
11 issue relative to staff members who can
12 communicate with business -- merchants who have
13 language issues.

14 I know that we -- I asked Mayor Rendell
15 in the Rendell Administration to hire a Korean
16 businessman to work with the Korean businesses in
17 the City because of the language issue and
18 understanding how to do business with the City and
19 the zoning laws, but what plans have you and your
20 department thought about implementing to address
21 the issue of diversity?

22 MS. SEYDA: Well, actually your
23 question is very timely. I've just this morning
24 had a conversation with Councilman Ortiz, and we
25 have agreed that we would sit down with him and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 the next department will be OHCD.

3 (OHCD representative not present at
4 this time.)

5 COUNCIL PRESIDENT Verna: All right, in
6 that event, we will then take the Streets
7 Department.

8 (Streets Department witnesses come
9 forward.)

10 COUNCIL PRESIDENT Verna: Good morning.

11 COMMISSIONER MOY: Good morning,
12 Council President Verna.

13 COUNCIL PRESIDENT Verna: The Chair
14 recognizes Councilwoman Tasco.

15 COUNCILWOMAN TASC0: Mr. Moy, you know
16 I've had a real interest in this whole street
17 lighting issue. And a couple of weeks ago, I went
18 on a drug March in the Olney area and I noticed
19 that the lighting is very dark. And I believe I
20 had asked when you were here earlier to give me a
21 list of the streets in the 9th District that have
22 been -- the lighting has been improved, because
23 that area around Grange and 13th, as well as many
24 other areas, is very, very dark over there, with a
25 lot of drug activity going on over there. And

1 3/22/00 - WHOLE - BILLS 000003-000010

2 doesn't seem to me that they have been improved at
3 all.

4 MR. DOYLE: Councilwoman, my name is
5 Joseph Doyle. I'm the City Street Lighting
6 Engineer.

7 The question about the lighting at 13th
8 Street and Grange, frankly, we've improved the
9 lighting in all of the residential streets in --

10 COUNCIL PRESIDENT VERNA: Excuse me,
11 Mr. Doyle. The stenographer can't hear you. Would
12 you pull the microphone a little closer?

13 MR. DOYLE: I'm sorry. Is that better?

14 COUNCIL PRESIDENT VERNA: Yes, much,
15 much. Thank you.

16 MR. DOYLE: Okay. Councilwoman Tasco
17 was asking me about a list of the locations in the
18 9th District that has had improved lighting.
19 Quite frankly, we have improved the lighting on
20 all of the residential streets in both the 9th
21 Councilmatic District and citywide, we're almost
22 completed our neighborhood improvement program for
23 replacing the existing fixtures with new
24 equipment. So, quite frankly, we have replaced
25 those lights in that area and I'll be glad to give

1 3/22/00 - WHOLE - BILLS 000003-000010

2 you the approximate dates when we did the entire
3 area.

4 But we have made some improvements
5 throughout the northwest section of the City over
6 the last approximately 12 months.

7 COUNCILWOMAN TASCO: Well, let me ask
8 you -- well, it's not very bright there so it must
9 have been pretty pitch-black prior to that 'cause
10 it's very dark.

11 MR. DOYLE: Well, what we were doing in
12 our replacement program was taking down one
13 fixture and replacing it with another; we were not
14 adding additional street lights. It was an
15 infrastructure replacement program, not an
16 additional lighting program.

17 COUNCILWOMAN TASCO: Well, what about
18 the lighting, the brightness of the bulb?

19 MR. DOYLE: Well, that can be addressed
20 by looking at the spacing of the existing lights
21 and see what we need to do to possibly add
22 additional lighting to improve that light level.

23 Very often, the dark spots in the
24 street cannot be corrected by simply increasing
25 the lighting at the adjacent street lights if they

1 3/22/00 - WHOLE - BILLS 000003-000010

2 are far spaced apart. And over time, the lighting
3 on the streets in various parts of the City has
4 been added in one block and maybe not added in
5 another, and that's the reason there appears to be
6 a disparity sometimes between blocks and actually
7 light to light.

8 COUNCILWOMAN TASC0: Well, what is the
9 City's plan to increase the brightness in the
10 community? We want it to look like downtown. In
11 some areas, people don't want bright lights, but
12 in other areas, they do want brighter lights.

13 MR. DOYLE: We are trying to address
14 the problem by adding additional lights, not by
15 making brighter lights. The reason for that is, by
16 adding additional lights in the gaps that may
17 exist between the existing lights, you will
18 effectively improve the lighting, you will get
19 those dark spots remedied, and there will be
20 better lighting there, and there will be more of a
21 uniformity on the block.

22 If there are widely spaced lights, for
23 example, if there's widely spaced lights that are
24 simply higher wattage, the dark spots still exist.
25 And what it looks like then is actually more of a

1 3/22/00 - WHOLE - BILLS 000003-000010

2 contrast and, quite frankly, it looks darker.
3 Lighting is very much a perception, a contrast of
4 lightness and darkness.

5 What we are trying to do is make the
6 lighting system more uniform by filling in the
7 gaps, by adding light fixtures on existing PECO
8 utility poles, which would then provide a more
9 uniform and a better lighting system than you
10 would be seeing now.

11 COUNCILWOMAN TASCO: So how are you
12 going to evaluate where you increase the lights?

13 MR. DOYLE: We have a new technology
14 improvement, the geographic information system,
15 GIS, where we have actually computerized all of
16 the locations of the existing street lights. It
17 was compiled about two years ago as a result of a
18 fly-over from the City. What that give us is
19 plans that actually show the precise location of
20 each of the street lights, and we could go in and
21 look at particular blocks or neighborhoods or
22 entire areas and then pinpoint from that plan the
23 locations that the spacing of the lights appear to
24 be more than what we would like to see. And as a
25 result, since we have all of the existing PECO

1 3/22/00 - WHOLE - BILLS 000003-000010

2 utility poles plotted on that, we can pretty
3 quickly determine which poles would be the best
4 candidates for new lights and, therefore, we would
5 have that design.

6 COUNCILWOMAN TASC0: So can you tell me
7 where you're going to add additional lights in the
8 9th District?

9 MR. DOYLE: We have discussed this, and
10 my understanding of it is that the neighborhood
11 stabilization program will provide funding for
12 that type of -- for light installation and would
13 be considered as part of that. I can't speak for
14 the program, but lighting would be -- I think it
15 would be a candidate.

16 COUNCIL PRESIDENT Verna: Mr. Doyle,
17 what program is that?

18 COMMISSIONER MOY: Pardon me?

19 COUNCIL PRESIDENT Verna: That
20 neighborhood stabilization program, is that
21 something new?

22 COMMISSIONER MOY: I think Mr. Doyle
23 was talking about -- he's using neighborhood
24 stabilization program for the Administration's
25 proposal that they're going to submit

1 3/22/00 - WHOLE - BILLS 000003-000010

2 subsequently. I think, Joyce Wilkerson, the
3 Deputy Mayor is --

4 COUNCIL PRESIDENT Verna: Are you
5 talking about the blight program?

6 COMMISSIONER MOY: The blight program,
7 and it's a different name for it, right.

8 COUNCIL PRESIDENT Verna: Oh, okay.

9 COUNCILWOMAN TASC0: Does the blight
10 program have something to do with lights?

11 COUNCIL PRESIDENT Verna: Is that what
12 we understand, that monies will be in the blight
13 program for additional street lighting?

14 COMMISSIONER MOY: That's a proposal
15 that we would like to recommend the lighting be a
16 part, a component of that program, yes.

17 COUNCILWOMAN TASC0: Do you think
18 you'll start in the northwest this time?

19 COMMISSIONER MOY: We would have to
20 work that out, yes.

21 COUNCILWOMAN TASC0: Well, okay. Thank
22 you very much.

23 COUNCIL PRESIDENT Verna: The Chair
24 recognizes Councilman Nutter.

25 COUNCILMAN NUTTER: Thank you, Madam

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Chair.

3 Commissioner, I had planned to ask
4 questions in the same area. We had a discussion
5 when you were here for budget time about the
6 lighting situation on our streets. I learned a
7 new term, the foot candle reading, but -- and
8 we'll get into that.

9 I didn't completely understand what you
10 just said about the lighting situation and then a
11 reference made to the blight elimination program.
12 Could you go back through that. That went right
13 past me.

14 COMMISSIONER MOY: What we are
15 proposing to do is to assess the needs for filling
16 the -- what we would call filling the gaps. I
17 think it's a different term that Mr. Doyle talked
18 about, where we find that there are gaps in the
19 lighting. And we would submit a proposal to the
20 Administration that is a part of the blight
21 removal program or the neighborhood stabilization
22 program, whatever you call it, that they consider
23 this as a part of that program.

24 COUNCILMAN NUTTER: Well, what does the
25 one have to do with the other?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COMMISSIONER MOY: It would -- we
3 believe that we can address the concerns, if we
4 understand the Council's concerns correctly on
5 lighting, to try and get more uniform lighting in
6 the residential parts of the City.

7 COUNCILMAN NUTTER: Right.

8 COMMISSIONER MOY: And we believe that
9 it -- in early conversations with the
10 Administration, that this could be an appropriate
11 way to fund that kind of a project.

12 COUNCILMAN NUTTER: Commissioner, based
13 on everything we've heard and virtually nothing
14 that we know as a fact, I mean, the blight
15 elimination program which, you know, as outlined
16 by then-candidate John Street and now as the
17 Mayor, you know, conceptually sounds like a good
18 idea. It's \$250 million and, you know, I mean,
19 this is getting to be a little bit like a
20 Christmas tree and everybody's got something on a
21 branch. I mean, every solution to virtually every
22 problem now is going to be handled by the blight
23 elimination program.

24 And I mean, I just -- I don't know -- I
25 mean, we've been talking at the level of lighting

1 3/22/00 - WHOLE - BILLS 000003-000010

2 on streets in the City way before this was even a
3 concept. And whether we have one or not -- and
4 I'm assuming that we will and that it will come at
5 some point in time, but that has nothing to do
6 with the general darkness faced by many residents
7 in blighted areas, non-blighted areas, or anything
8 else. I mean, it's a part of the City's
9 responsibility. And to the extent that, you know,
10 lighting now becomes some major component of
11 blight elimination, doesn't that take away from
12 what the fundamental purpose of the program is,
13 as I best understand it, which is dealing with
14 hazardous conditions, buildings possible
15 acquisition, disposition, assembling sites
16 abandoned cars. I mean, I don't get it. I'm
17 missing something here.

18 This is the Streets Department and
19 you're in charge of the lights in the City.
20 Blight program or no blight program, as I think it
21 was Mr. Doyle indicated the last time we were
22 here, the foot candle reading in the neighborhoods
23 is 1/4 to 1/2. In our major commercial corridors,
24 it's 4 to 5. I mean, that's, you know, some
25 incredible percent different between those two.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 And I thought what we were talking
3 about was the prospect of trying to increase the
4 level of light out in the streets. I'd like to
5 know what it would take to do that, both
6 financially and logistically and not necessarily
7 either wait or burden the blight elimination
8 proposal with one more thing that is a normal,
9 regular City service.

10 COMMISSIONER MOY: Our thinking had
11 been -- and we can certainly go the way you're
12 suggesting, but our thinking had been the address
13 the concerns of uniformity of lighting, which is
14 missing at the present time, and that was the --
15 with these gaps.

16 Now, if we're talking about a different
17 thing, level of lighting and brightness there,
18 it's another way that we could cost that out also
19 as another measure. And I think that's what
20 you're speaking about, a certain multiplier of --

21 COUNCILMAN NUTTER: Yeah, I don't -- I
22 didn't necessarily know that the two were in
23 conflict. I mean, you can call it "gaps," you can
24 call it "dark spots," I mean, you can call it
25 whatever you want to call it. It seems to me that

1 3/22/00 - WHOLE - BILLS 000003-000010

2 the level of complaints that we get, and as
3 detailed by Councilwoman Tasco, is that many of
4 our City streets are dark.

5 And however you guys come up with a
6 solution to that particular problem, whether it's,
7 you only have three lights on the street now, the
8 overhanging cobras and you want to two more and
9 have five, or if you think that you can get some,
10 you know, incredible bulb that allows you to just
11 have the three poles and brighten it from that, or
12 if you want to add lighting to the other side of
13 the street, most of our City streets only have
14 lighting on one side of the street. So the
15 overhanging cobra has to light up that sidewalk,
16 the roadway, and the other sidewalk.

17 Isn't that what happens in most
18 residential neighborhoods?

19 COMMISSIONER MOY: I think there's a
20 question of expectation, and I think the original
21 design -- and Mr. Doyle can speak more to this,
22 and that is that the original design in terms of
23 your street lighting was meant to focus primarily
24 on the street and was not expected to go into the
25 sidewalks.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Today, we have a different -- we are
3 looking at things differently, but that was the
4 original design parameter for, you know, quote,
5 the street lighting. And that's -- therefore,
6 when you talk about lighting on one side of the
7 street, the poles being on one side of the street,
8 it was originally not to meant to cast all the way
9 over on wide streets. We try to get 'em on both
10 sides of the street, but on a narrow street, I
11 don't think they were expecting that they were
12 going to cover into -- necessarily into the
13 footway on the opposite side.

14 COUNCILMAN NUTTER: Well, either
15 through the wonders of technology or just life as
16 we know it in the 21st century, I mean, isn't it a
17 good thing to have light essentially from sidewalk
18 to sidewalk? Doesn't it make the area either
19 appear safer or make it in fact safer? Isn't a
20 little more light a good thing, generally?

21 COMMISSIONER MOY: I have no quarrel
22 with that. It's a question of design, the
23 original design and expectations of what the
24 lighting system was designed for, and if today
25 we're saying that let's look at it again and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 expand the design parameters to cover the
3 sidewalks in addition to the street, now you have
4 to change your whole design and your costs. And I
5 think that's what it seems you're asking.

6 COUNCILMAN NUTTER: Well, if the
7 decision was made to have the foot candle power on
8 South Broad Street or Walnut Street or some of the
9 Center City areas and commercial corridors to be
10 at four to five, who made that decision and why
11 was that decision made and what is that decision
12 based on?

13 COMMISSIONER MOY: Well, the commercial
14 corridors traditionally have a higher level of
15 lighting. In the case of the downtown, as you are
16 aware, in addition to the street lighting, there
17 are -- much of the downtown now has supplemental
18 pedestrian lighting where the CCD installed that,
19 and that's when -- and Joe can speak to the
20 technical piece of this I think that's where get
21 higher reading now in terms of your commercial
22 corridors. And the guidelines and standards that
23 are usually suggested allow for considerable
24 upgrades through a commercial corridor,
25 understandably.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: And what do you
3 believe should be, under present-day
4 circumstances, an appropriate lighting level or
5 standard or range in our residential areas?

6 COMMISSIONER MOY: I can let Joe Doyle
7 talk to the specific technical pieces, but
8 generally we have an ASHTO guidelines there that
9 indicate for residential streets there, that
10 you're talking in the neighborhood of 0.4. Is
11 that right?

12 MR. DOYLE: (Nods head.)

13 COUNCILMAN NUTTER: And what -- and do
14 they make any distinction between urban, suburban,
15 rural?

16 MR. DOYLE: Councilman, the ash to is,
17 as the Commissioner referred to, is --

18 COUNCILMAN NUTTER: Why don't you, for
19 the record, tell us what ASHTO is.

20 MR. DOYLE: ASHTO is the Association of
21 State Highway and Transportation Officials. It is
22 very much of a standards-establishing group funded
23 by the various departments of transportation
24 throughout the United States, and they actually
25 either develop standards or adopt other

1 3/22/00 - WHOLE - BILLS 000003-000010

2 standards.

3 In this particular case ASHTO has
4 adopted the IES, the Illuminating Engineering
5 Society standards for lighting. And specifically,
6 they do categorize the various type of roadway use
7 and they subcategorize the land use, if you will,
8 be it residential or commercial or industrial and
9 so forth.

10 And so that it is developed around a
11 selection process that does approximate our urban
12 lighting conditions. And so that their numbers
13 are used as guidelines throughout the United
14 States by all the various lighting agencies to I
15 illuminate the roadway area.

16 COUNCILMAN NUTTER: Well, maybe we
17 should ask some of the ASHTO people if they'd like
18 to hang out -- maybe they' like to check the
19 lighting level at 19th and Dauphin or 56th and
20 Master or up on Champlost Street or some of these
21 other streets and see if they feel comfortable at
22 0.4 versus some other level of lighting.

23 I mean, are we restricted by any
24 ordinance or statute from raising the lighting
25 level, the foot candle power in the City?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. DOYLE: No. The ASHTO criteria are
3 simply guidelines that are established to provide
4 an approximation of what lighting levels could or
5 should be. They do take into consideration the
6 cost of energy, the number of lights and the
7 relative costing of a lighting system.

8 COUNCILMAN NUTTER: Has the Streets
9 Department ever given any thought to raising the
10 foot candle power of lighting in our residential
11 areas throughout the City?

12 MR. DOYLE: We have always considered
13 that possibility, but because, as we discussed
14 earlier, we can meet ASHTO criteria by having a
15 fully implemented lighting system -- for example
16 filling in the gaps -- if there are, for example,
17 four PECO light poles on a street and only three
18 of them have street lights on them, for example,
19 if we add a fourth light, that would bring it up
20 to ASHTO's criteria with the existing lighting
21 equipment that we use.

22 COUNCILMAN NUTTER: Do you have funding
23 for that?

24 MR. DOYLE: We have --

25 COUNCILMAN NUTTER: To add that fourth

1 3/22/00 - WHOLE - BILLS 000003-000010

2 light?

3 MR. DOYLE: Not on a citywide basis,
4 no.

5 COUNCILMAN NUTTER: Well, on what
6 basis, then?.

7 MR. DOYLE: Well, there was some
8 discussion in the current fiscal year about
9 funding to do a selected additional lighting
10 program and, as you mentioned, on the neighborhood
11 stabilization program, that that might provide a
12 funding source for a more comprehensive citywide
13 program.

14 COUNCILMAN NUTTER: I'm sorry, you lost
15 me.

16 MR. DOYLE: The cost of adding the
17 additional lighting that we feel that would be
18 needed in a neighborhoods to bring the lighting up
19 to ASHTO standards, arguable as they may be --

20 COUNCILMAN NUTTER: Well, stop right
21 there. Are you saying that we're below ASHTO
22 standards right now?

23 MR. DOYLE: In some blocks.

24 COUNCILMAN NUTTER: Oh, okay.

25 MR. DOYLE: This is -- that's why when

1 3/22/00 - WHOLE - BILLS 000003-000010

2 I was asked what the lighting level is, it varies
3 from block to block. Some blocks have more
4 lights, some have less.

5 To make that a completely uniform
6 system, we estimate that there would be a need to
7 add approximately 10,000 street lights throughout
8 the City on existing PECO wood poles to provide a
9 relatively uniform level of lighting on all the
10 residential blocks.

11 COUNCILMAN NUTTER: Mm-hmm. Is that in
12 the response that we got back? Was that in the
13 original testimony, or where does that figure come
14 from?

15 MR. DOYLE: In the last two weeks, I've
16 developed that estimate on what would be needed.
17 As a result of your inquiries at the last hearing,
18 we started to internally discuss this matter and
19 develop these numbers.

20 COUNCILMAN NUTTER: All right. So it
21 had not been shared before. I didn't miss a
22 document or something.

23 MR. DOYLE: No.

24 COUNCILMAN NUTTER: And 10,000 new
25 light, how much would they cost?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. DOYLE: Approximately 5 million.

3 COUNCILMAN NUTTER: Okay, \$5 million --
4 for which you presently have no funding.

5 MR. DOYLE: Correct.

6 COUNCILMAN NUTTER: And it was that
7 that then led you to think that you might be able
8 to get some from blight fund elimination.

9 MR. DOYLE: Yes.

10 COUNCILMAN NUTTER: Okay. These kinds
11 of light, would they be out of capital?

12 MR. DOYLE: If I might add, Councilman,
13 to clarify that, there's about a \$5 million
14 capital-funded program to install the additional
15 lighting, and there is approximately a 1 to
16 \$1.5 million additional operating cost to maintain
17 and energize those lights. So the capital costs
18 would be approximately \$5 million, Operating
19 Budget would be about \$1.5 million.

20 COUNCILMAN NUTTER: Okay. And did you
21 give any consideration or thought to possibly just
22 getting, or seeking to get, an additional
23 \$5 million on the capital side?

24 MR. DOYLE: We have not pursued that at
25 this time.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: Had there
3 previously ever been a request for capital dollars
4 for additional lighting in Philadelphia?

5 MR. DOYLE: We had -- I think you had
6 asked that question a year ago at the Council
7 hearings, and we provided an estimate of what we
8 had historically, but we really didn't think
9 through the entire program to where we can say
10 now, with relative accuracy, of what the scope of
11 the problem is. We always knew that there were
12 blocks that had -- some blocks had more lighting
13 than other blocks, but we really didn't have a
14 good method for estimating that until the GIS
15 system came on board and we were able to look at
16 it a little bit more closely.

17 Again, this is just a very basic
18 estimate on what those needs are, and we've done
19 that within the past two weeks.

20 COUNCILMAN NUTTER: Okay. For 10,000
21 lights, \$5 million.

22 MR. DOYLE: Plus the operating costs.

23 COUNCILMAN NUTTER: A million dollars
24 in operating?

25 MR. DOYLE: \$1.5 million.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: Okay. Will you get
3 this information in a more detailed fashion. And
4 do you plan to refine this into a proposal that
5 Council might be able to take a look at as well?

6 MR. DOYLE: Councilman, we'll provide
7 whatever information you're asking for. The
8 neighborhood stabilization program is, of course,
9 not one that we're developing, so we would have to
10 coordinate.

11 COUNCILMAN NUTTER: And is it going to
12 change dramatically, is it going to stay within
13 the same range that we're talking? Are we about
14 talking about going from 1/4 to 1/2 up to 1? Are
15 we talking about going from 6/8ths to 7/8ths?

16 MR. DOYLE: Right now, Councilman,
17 we're looking at going from 1/4 to 1/2 in every
18 block in the City. We would meet the ASHTO
19 criteria in each of the blocks in the City.

20 COUNCILMAN NUTTER: So this is just to
21 get us to the minimum standards.

22 MR. DOYLE: Many blocks right now meet
23 that level, and we would not be adding additional
24 lighting. It would be only a fill-in program for
25 those blocks that do not currently meet the ASHTO

1 3/22/00 - WHOLE - BILLS 000003-000010

2 criteria of the -- of approximate 1/2.

3 COUNCILMAN NUTTER: Okay. Well, my
4 last question, I guess, is, notwithstanding the
5 ASHTO guidelines, do you believe that there is any
6 need to increase the lighting level beyond the
7 ASHTO guidelines? And can you tell me, in my
8 district, a half a dozen streets that presently
9 meet the guidelines? 'cause I'd like to see the
10 guidelines in action.

11 MR. DOYLE: We can look at that on a
12 very selected basis of approximately half a dozen
13 blocks, at your request.

14 COUNCILMAN NUTTER: Okay. And the
15 first question? Do you believe the lighting level
16 needs to be increased beyond the present ASHTO
17 guidelines?

18 MR. DOYLE: I feel that the ASHTO
19 criteria were established for good reason, and I
20 feel that would be an adequate light level on the
21 streets of Philadelphia. The half-foot candle is
22 adequate.

23 COUNCILMAN NUTTER: I didn't hear the
24 last part of what you said.

25 MR. DOYLE: The one-half foot candle,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 if provided uniformly on the block, on a
3 residential street in Philadelphia, would be
4 adequate for the use in that block, in that
5 neighborhood.

6 COUNCILMAN NUTTER: Adequate for what?

7 MR. DOYLE: From a lighting standpoint
8 for pedestrians, for vehicles, for people who
9 would live in the neighborhood.

10 COUNCILMAN NUTTER: But three-quarters
11 wouldn't blind you.

12 MR. DOYLE: There's a cost associated
13 -- a significant cost associated with increasing
14 the light level.

15 COUNCILMAN NUTTER: I didn't ask you
16 about cost. This is a public policy, a public
17 safety discussion; it's not a cost discussion.
18 You and I had the dialogue a couple weeks ago.
19 Would you rather walk down a street that's 1/4 to
20 1/4, or would rather walk down a street that's 4
21 to 5? And I think your answer was that you'd
22 rather be on the 4 to 5 Street. Is that correct?

23 MR. DOYLE: Yes.

24 COUNCILMAN NUTTER: Okay. So let's
25 talk about the policy now. I don't want to talk

1 3/22/00 - WHOLE - BILLS 000003-000010

2 about the money for the time being. It's a safety
3 issue, it's a perception of safety issue out on
4 our streets.

5 MR. DOYLE: The 4 to 5, as we've
6 stated, is in a central business district, in
7 downtown Philadelphia.

8 COUNCILMAN NUTTER: I understand that.

9 MR. DOYLE: On Walnut Street and South
10 Broad Street. That's where it is now, and that
11 was installed to satisfy the various commercial
12 and other cultural activities in Philadelphia for
13 that reason.

14 COUNCILMAN NUTTER: I understand that,
15 and I don't think that most residential areas want
16 their street lit up like Walnut Street.

17 MR. DOYLE: Yes.

18 COUNCILMAN NUTTER: But somewhere
19 between a 1/4 and 1/2, and 4 to 5 is a level that
20 would give the average residential citizen comfort
21 level and a sight distance level and would
22 probably discourage some activities that going on
23 out in our residential streets, that is reasonable
24 and rational. And what I'm asking you is, what is
25 that level?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. DOYLE: One-half foot candle.

3 COUNCILMAN NUTTER: That's your answer
4 and your sticking to it.

5 MR. DOYLE: (No verbal response.)

6 COUNCILMAN NUTTER: Okay, very good.
7 Thank you.

8 COUNCILWOMAN BLACKWELL: Thank you,
9 Councilman.

10 I believe the Sergeant-At-Arms wants to
11 adjust the mike for a second, and then we will go
12 to Councilwoman Miller.

13 COUNCILMAN NUTTER: Madam Chair?

14 COUNCILWOMAN BLACKWELL: Yes, sir,
15 Councilman.

16 COUNCILMAN NUTTER: If you would allow
17 me one last question, I will promise not to come
18 back on the Streets Department.

19 COUNCILWOMAN BLACKWELL: Be my guest.

20 COUNCILMAN NUTTER: Thank you. Just on
21 the Streets Department.

22 Commissioner, in your response to the
23 Council President, you talked about the
24 Department's compliance with Section 5-500 d. of
25 the Philadelphia Home Rule Charter, which places

1 3/22/00 - WHOLE - BILLS 000003-000010
2 responsibility for certain pedestrians and
3 vehicular safety issues in the Streets
4 Department. I believe the pertinent section
5 "Traffic Engineering," which talks about
6 preparing engineering studies and surveys in
7 regard to vehicular and pedestrian traffic,
8 prepare analysis of traffic accidents for
9 determining their cause and means of their
10 prevention, and institute and conduct an
11 educational and public information program for the
12 purpose of promoting the safety and unimpeded
13 movement of vehicular and pedestrian traffic.

14 And your response pointed me to
15 Attachment 8, which talked about Street Smarts and
16 Operation Crosswalk and a Peril for Pedestrians TV
17 program. Now, is that the Department's response
18 with regard to the requirement of the Philadelphia
19 Home Rule Charter?

20 COMMISSIONER MOY: I think that's in
21 part some of the things that the Department does
22 and -- you know, there's Operation Crosswalk and
23 there's Back to School signs that are erected.
24 There's a series of things in the Bicycle
25 Coalition Network there, the network that we have

1 3/22/00 - WHOLE - BILLS 000003-000010

2 out on the Web page. It gives a lot of
3 instructions on safety. The Health Department
4 also gets a grant to address the education of
5 traffic safety in the schools.

6 So there is a number of activities that
7 the City is doing in this area, and they're not
8 all defined in Attachment 8.

9 COUNCILMAN NUTTER: Well, is it my
10 understanding that there is no funding for the
11 Operation Crosswalk program?

12 COMMISSIONER MOY: No. There was a --
13 I think the funding had run out on a grant there.
14 We continue to -- the basic part of the program
15 continues to paint the continental crosswalks for
16 the Center City and many of the crosswalks
17 throughout the City.

18 COUNCILMAN NUTTER: Well, let me ask
19 this question. I mean, for the average
20 Philadelphian, what would they get or what would
21 they receive that a person might consider coming
22 out of conducting an educational and public
23 information program for the purpose of promoting
24 the safety and unimpeded movement of vehicular and
25 pedestrian traffic? I mean, what happens on a

1 3/22/00 - WHOLE - BILLS 000003-000010

2 daily basis in Philadelphia that qualifies for
3 that?

4 MR. TRAINOR: Councilman Nutter,
5 Charles Trainor, the Chief Traffic Engineer.

6 The Street Smarts program, which is
7 funded through a grant from the Pennsylvania
8 Department of Transportation Highway Safety
9 Program, through the Health Department, is -- they
10 do seat belt safety, pedestrian safety, and bike
11 safety. They visit approximately 300 schools per
12 year. In March, or this month, they're scheduled
13 to visit 35 schools and do 50 presentations. They
14 do community programs, library programs. They
15 visit senior citizen centers. They also conduct
16 bike rodeos. They work with the Safe Kids
17 Coalition and the Academy of Pediatrics and the
18 Police Department.

19 COUNCILMAN NUTTER: This is under
20 contract through Philadelphia Health Management
21 Corporation from a grant from the National Highway
22 Traffic Safety Administration?

23 MR. TRAINOR: From PennDOT's Highway
24 Safety Program 402 funding.

25 COUNCILMAN NUTTER: I understand.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COMMISSIONER MOY: I believe that's
3 annual, this one.

4 COUNCILMAN NUTTER: Right. I guess
5 what I'm trying to understand is what does the
6 Department do on own, or of itself, or out of its
7 own resources to have this educational and public
8 information program for pedestrian and vehicular
9 safety?

10 COMMISSIONER MOY: We don't have
11 dedicated resources to a specific program there,
12 Councilman, if that's what you're asking. But we
13 do is to have input into some of these programs
14 that the Mayor's Office had, and Operation
15 Crosswalk and some of the Health Department's
16 programs. To see that they're coordinated, we
17 work with AAA but, it's not a full-time effort
18 where -- if you're asking, are we publishing
19 handouts and things like that, no.

20 COUNCILMAN NUTTER: Any kind of
21 booklets or guides. I mean, I got the impression
22 -- I mean, that's a real live program and
23 activity and it's something that's constantly
24 being promoted by the Department, as opposed to
25 kind of a circuitous thing where PennDOT's giving

1 3/22/00 - WHOLE - BILLS 000003-000010

2 money to give to somebody, who's giving money to
3 somebody else to go out and do some things. I
4 mean, that kind of doesn't have anything to do
5 with the Streets Department too much.

6 COMMISSIONER MOY: Right. Well, I
7 think what we recognized was that the grant was
8 covering this area a few years ago when Operation
9 Crosswalk was active, that's what we reviewed, the
10 Health Department's program and activities there.

11 COUNCILMAN NUTTER: Okay, all right,
12 thank you.

13 Thank you, Madam Chair.

14 COUNCILWOMAN BLACKWELL: You're
15 welcome.

16 Councilwoman Miller?

17 COUNCILWOMAN MILLER: Thank you, Madam
18 Chair. Good afternoon, Commissioner Moy.

19 COMMISSIONER MOY: Good afternoon.

20 COUNCILWOMAN MILLER: I have some
21 questions about the pilot mechanical cleaning
22 program, and pretty much it's around signage. You
23 know, I know you're aware that we've gotten lots
24 of calls regarding the additional signs that are
25 being put up, and part of the area I travel

1 3/22/00 - WHOLE - BILLS 000003-000010

2 through pretty much every morning, and I know that
3 on the streets where the signs are put on the
4 telegraph pole, that doesn't seem to be a
5 problem.

6 But the problem -- and I don't know
7 whether the other Councilpeople that have this
8 pilot program in their district are having the
9 same problem. But the problem seems to be with
10 all these new additional metal poles and signs.

11 I need to know how flexible the
12 Department will be with towing, particularly for
13 people that have a handicap space, people that are
14 sick or shut, if people are going on vacations. I
15 mean, we really need to get a sense of how this
16 new mechanical cleaning is going to impact
17 people's daily living.

18 And we hate the program, by the way.
19 No, we don't really don't hate the program but
20 we're getting lots and lots of calls pretty much
21 on these signs. And are you getting them too,
22 Joan?

23 COUNCILWOMAN KRAJEWSKI: Quite a few.

24 COUNCILWOMAN MILLER: Yes. So we're
25 glad to have our streets cleaned. In fact, we

1 3/22/00 - WHOLE - BILLS 000003-000010

2 finally got one call thanking us. They said
3 they've never had a mechanical broom come through
4 their street. And we know it's going to be a good
5 program and it's going to be citywide. We want to
6 help it be successful, but we also have it take
7 into consideration our constituents' needs and
8 their issues.

9 And we know they also put a sign on
10 your lawn, Commissioner Moy, because you live
11 within the boundaries.

12 COMMISSIONER MOY: Right, right.

13 COUNCILWOMAN KRAJEWSKI: I agree.

14 MS. TOLSON: Good afternoon. My name
15 is Clarena Tolson, Deputy Streets Commissioner.

16 Councilpeople, I'm happy to talk about
17 the pilot cleaning program. This is one that
18 we've kind of begun together as a partnership and
19 we are being aggressive about trying to move
20 forward with cleaning the City.

21 And we're taking a lot of risk -- risk
22 in that we are asking citizens to do something
23 that they have never had to do before, which is to
24 move cars to support cleaning in their
25 communities. We're learning through this

1 3/22/00 - WHOLE - BILLS 000003-000010

2 process. We're in the midst of a pilot program
3 that will go through December of this year.

4 And we're going to evaluate lots of
5 different parameters about the program, like, how
6 well are we cleaning the streets, are cars moving,
7 what do citizens feel about the program? Before
8 we engaged in the start of this program, we did a
9 citizen survey to ask people if they would be
10 willing to move their cars to support
11 street-cleaning on a weekly basis. And in every
12 single Councilmatic district, in excess of 95
13 percent of the people said they would be willing
14 to move their cars to support the program.

15 I think what we're seeing now are some
16 of the growth pains of actually implementing the
17 program, and I think that some of them we had not
18 anticipated, and we're going to need to pay
19 careful attention to how citizens are responding.

20 One big issue that a number of
21 Councilpeople have had -- and we have in our
22 office as well 'cause we do get calls -- is in
23 regard to sign installation. I think that people
24 want a cleaning program but don't necessarily
25 understand all that goes with it.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILWOMAN MILLER: Right.

3 MS. TOLSON: Like you have to have a
4 sign to tell people when not to park, because
5 folks don't know to do it automatically.

6 In some communities and some cities
7 where people have done mechanical cleaning for
8 years, it's a routine thing -- you know to get up
9 in the middle of the night and move a car, and
10 some programs are a lot more intrusive than the
11 one that we have in Philadelphia, I think.

12 With regard to the pole installation
13 and the sign installation, we're going to need to
14 pay careful attention to that, and maybe have to
15 be more flexible in the future as we talk about if
16 this program is successful, with how many signs we
17 place in blocks in various communities, because
18 maybe the number that we're placing is
19 inappropriate, maybe we can do with less.

20 But I think that we're going to have
21 to, unfortunately, kind of have to experience
22 doing it the way that we think it should be
23 designed based upon how other cities do it. And
24 if Philadelphia requires a different need, then do
25 something different.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 I think that we have certainly
3 challenged ourselves too in some of the areas
4 where we are. We have some areas of the City
5 where the parking is very, very dense. We didn't
6 take the easy way across the City. We are really
7 challenging ourselves with how we move in with the
8 cleaning program.

9 COUNCILWOMAN MILLER: Okay. I just
10 want to comment here on the density issue. You
11 know, in many blocks, the parking is very dense
12 'cause families have more than one car. And I
13 don't even know how you could really take this
14 into consideration. However, you know, if I have
15 a little parking space or a little space that I
16 normally think is mine, even though I know it's
17 not, in front of my home and you put a pole up,
18 then when I open my door, I can't open my door
19 because the pole is there now, so it is causing
20 people some inconvenience.

21 And I don't know -- I don't even know
22 how that issue could even be addressed 'cause
23 you'd have no idea of knowing where a car is going
24 to be parked pretty much and if the door -- if
25 it's not a lot of space, you can't even move up or

1 3/22/00 - WHOLE - BILLS 000003-000010

2 back.

3 But some of the issues are legitimate.
4 The blocks that I go through that have the signs
5 on the telegraph pole, they look great, but those
6 other blocks, I saw one of these little dumb poles
7 leaning and I said, well, they probably could have
8 done that one a little better. But it may be
9 growing pains, and people do have to get used to
10 this.

11 But I did want to raise the issue. I
12 think other Councilpeople should know about it.
13 And I'm going to submit some of my time to
14 Councilwoman Krajewski, because she also has some
15 comments about this.

16 COUNCILWOMAN KRAJEWSKI: Thank you,
17 Councilwoman.

18 COUNCILWOMAN MILLER: You're welcome.

19 COUNCILWOMAN KRAJEWSKI: (Not fully
20 audible - off-mike.)

21 This has been a problem with me. My
22 problem is --

23 COUNCIL PRESIDENT VERNA: Councilwoman,
24 put your microphone on, please.

25 COUNCILWOMAN KRAJEWSKI: I'll never get

1 3/22/00 - WHOLE - BILLS 000003-000010

2 used to this.

3 COUNCIL PRESIDENT VERNA: The
4 stenographer can't hear you.

5 COUNCILWOMAN KRAJEWSKI: My problem is
6 the parking hours. I've had it -- I'm not talking
7 about today. I have no parking from this hour to
8 that hour. Now, the Streets Department will come
9 along and they will clean, they'll clean it. I
10 had one woman -- I just checked it out again today
11 -- who called. They cleaned her street, say, at 7
12 in the morning, so she thought it would be fine
13 now to bring her car back and park in front of her
14 house. Well, she got a warning, she got a warning
15 from the Parking Authority, I believe that she
16 couldn't park there, but they had already cleaned
17 her street. Now, you know, where is she supposed
18 to park?

19 It just doesn't make sense to me. They
20 have the hours where you cannot park at this time,
21 and they already cleaned the street before 8
22 o'clock in the morning, and the people who come
23 back and park their car, then they get a warning
24 that they're not supposed to park the car till
25 after 8 o'clock.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MS. TOLSON: Councilwoman, that's a
3 problem that we will definitely resolve. We're
4 working with the Parking Authority -- I should
5 say, the Parking Authority's working with us on
6 this program, they're supporting us.

7 By design, what they're supposed to do
8 is work in front of our vehicle. Once we've
9 cleared, go through a street, we're not interested
10 in ticketing cars. I mean, the ticketing portion
11 is just to get street cleared so we can have --

12 COUNCILWOMAN KRAJEWSKI: But the people
13 do not realized this, Clarena. They tell me that
14 they cannot park their car till after 8 o'clock in
15 the morning.

16 MS. TOLSON: Well, what you describe is
17 a problem -- if the Parking Authority gave a
18 warning after we've already gone through, we need
19 to just go through a reminder with them that we
20 want them work to work in front of us.

21 Once we've gone through and cleaned the
22 street or attempted to go through the street, we
23 don't want them to work behind us, we want them to
24 stay in front of us.

25 In our areas, we meet in the morning

1 3/22/00 - WHOLE - BILLS 000003-000010

2 before we start and we allow the Parking Authority
3 to get ahead of us for a few blocks, and then we
4 work behind them. They stay in front of us. Once
5 we've gone through, there shouldn't be a warning
6 or a ticket given to any cars.

7 COUNCILWOMAN KRAJEWSKI: Then I've also
8 had it when they remove their cars but the Streets
9 Department didn't come down to clean the street.
10 I don't know if you have that or not,
11 Councilwoman.

12 COUNCIL PRESIDENT VERNA: Yes.

13 MS. TOLSON: I would love to hear about
14 all of those issues and those circumstances,
15 because if there's a problem that we need to
16 address operationally, we will need to do that.

17 I have talked with our fleet group
18 about some of our maintenance concerns that we
19 have with some vehicles, particularly our smaller
20 vehicles that use in some communities. But I
21 would like to know about all of those instances,
22 when they happen, because we can certainly check
23 them out and see what's going on.

24 We are closely monitoring each of our
25 cleaning areas. We're counting cars, we're

1 3/22/00 - WHOLE - BILLS 000003-000010

2 looking at compliance issues and all those type of
3 things to try to determine, are we successful or
4 are we not?

5 COUNCILWOMAN KRAJEWSKI: And I also
6 have a problem with the amount of signs. They
7 have so many signs on one street.

8 I believe it's Mr. Trainor? Sorry,
9 Charlie. The signs, I mean, they're all over.
10 They look -- I've had a lot of complaints about
11 the signs.

12 MR. TRAINOR: Councilwoman, I agree
13 that there's a lot of signs that have gone up.
14 We've put a heck of a lot of signs up in the last
15 nine months.

16 Basically when we go into a block, and
17 a typical block being 500 feet, you're talking 3
18 to 4 signs usually. In some cases, you may get
19 more, depending on what obstacles wind up being
20 there. If there's a lot of trees, we may even put
21 more signs because the sign is blocked.

22 The signs -- four signs basically is
23 one sign at the beginning of the block one sign at
24 the end of the block and two at the quarter
25 points. Three signs is at the halfway point. We

1 3/22/00 - WHOLE - BILLS 000003-000010

2 do try when we put 'em in, we do try to avoid
3 people's windows and entrances to their houses.

4 Unfortunately, we can't address the
5 issue of the car door 'cause we do not have
6 specifically spaces marked out on the street, but
7 we do try to avoid the people's windows and
8 entrances.

9 At times, though, we cannot do that.
10 Up in my area, we have driveways between the
11 houses, so we're not going to put a sign in front
12 of a driveway; therefore, we're going to be in
13 front of somebody's steps. And I know my
14 neighbors are going to be knocking on my door in a
15 couple days.

16 That's really the only answer I can
17 give you.

18 COUNCILWOMAN KRAJEWSKI: I personally
19 think it's a great program. I'm not complaining
20 about the program, 'cause as you said, Clarena, I
21 know it's a pilot program. And I want to see it
22 work, I want to see it be successful, but we do
23 have quite a few complaints as far as the signs.

24 Thank you, Councilwoman.

25 COUNCILWOMAN MILLER: You're welcome.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCIL PRESIDENT Verna: Councilwoman
3 Miller, are you finished?

4 COUNCILWOMAN MILLER: I don't have any
5 more comments, but I think we'll probably need to
6 meet again about the mechanical cleaning. I know
7 that you did a door-to-door distribution in my
8 area to inform citizens, and we also had
9 communities meeting to let people know, but at the
10 time, that was prior to everything starting. We
11 may need to have another meeting -- maybe with
12 just those blocks complaining, to come out so they
13 can get their questions answered, and they can
14 share more about what their concerns are.

15 We've had a tremendous amount of calls,
16 and pretty much it's been more around signage.
17 And some blocks have said other things, but pretty
18 much, it's been around signage and the new poles.

19 So I'll probably give you a call and
20 maybe we can figure something out, okay?

21 MS. TOLSON: Thank you, Councilwoman.
22 We'd be happy to meet with any Councilperson and
23 their staff to talk about maybe how to respond to
24 some of the calls, and maybe we can handle some of
25 the calls for you -- we would be glad to do that.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Additionally, we would be glad to go out to any
3 community meeting at any time, any day of the
4 week, to discuss these issues and any others.

5 COUNCILWOMAN MILLER: Okay, thank you.

6 COUNCIL PRESIDENT VERNA: Thank you.

7 And I know, Miss Tolson, you did attend
8 a meeting in my district one night last week, and
9 I never thought I would hear constituents say they
10 did not want their streets cleaned. They're just
11 so frustrated in the fact that they have no place
12 to park their cars. And I have to agree there are
13 signs that are posted that street cleaning is on
14 Tuesday, and perhaps it is not done for several
15 weeks, so people assume that they can park their
16 cars, and the street cleaning's not going to be
17 done on a Tuesday, and consequently, they end up
18 with ticket upon picket ticket upon ticket.

19 I think there has got to be a review of
20 this entire program, I know, in my district
21 because I get more complaints than I get
22 thank-you's. So I think that's something we're
23 going to have to sit down and talk about.

24 At this time, the Chair recognizes
25 Councilman Rizzo.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN RIZZO: Thank you, Madam
3 President.

4 I'd like to go back momentarily to the
5 street lighting issue. We discussed the
6 additional foot power and the addition of street
7 lights, and I think I've mentioned this before.
8 I'm concerned with the inventory of street lights
9 that we already have. And as I travel throughout
10 the City, I don't think I've ever seen more street
11 lights out at night.

12 Henry Avenue is a perfect example.
13 From Walnut Lane to Andorra, I would say
14 two-thirds of the circuit is off and there are
15 intermittent interruptions of street lights.
16 Again, this is in all neighborhoods of the City,
17 and I'm thinking that the next time I go back,
18 they'll be a repaired and working. But then I go
19 back a month later and the street lights are still
20 out.

21 And I know a little bit about the
22 process that you use, that you have a
23 subcontractor or PECO Energy, a subsidiary company
24 of PECO Energy that maintains the street light
25 system for the City. And I believe as part of

1 3/22/00 - WHOLE - BILLS 000003-000010

2 that contract and responsibility, they're supposed
3 to patrol and identify the street lights that are
4 out.

5 What I'd like you to do, because I'm
6 interested that they're doing what they're
7 supposed to do and if there's some follow-up.
8 And, again, I can identify -- and I won't do it
9 here -- a dozen different locations where street
10 lights have been out for well in excess of a
11 month.

12 I'd like you to provide the Chair the
13 audit that that subcontractor provides for
14 January, February. And when March is completed,
15 I'd like to know how many street lights that we
16 have out at any one time. I'd like -- again, I'd
17 like to see the entire report and I'd like to see
18 once a street light is identified as being a
19 problem, whether it needs to be repaired by the
20 City or a there's a loose connection or whatever,
21 how long it takes to get that street light back.

22 Because again, Joe, I've never seen so
23 many street lights out throughout the City as I
24 have recently. And, again, I understand the
25 problems on Henry Avenue, and Peco Energy tells me

1 3/22/00 - WHOLE - BILLS 000003-000010

2 that they're going to do some major construction
3 there to get that back, but Henry Avenue is
4 obviously a street that cannot be -- especially
5 last night in that rain storm, if there were
6 accidents there, the lack of street lighting
7 contributed to that.

8 So I would like you to provide January,
9 February, and when March is available, the audit
10 that that subcontractor does for the City and how
11 we review that data and respond to it.

12 MR. DOYLE: Councilman, just so you're
13 kind of aware, we have a three-party maintenance
14 system on the street lighting. We have a
15 maintenance contractor, PECO Exelon, which is
16 responsible for basically accepting all complaint
17 calls, investigating the location, and making
18 those repairs that they can. The lamp principally
19 is what they are able to repair.

20 The City forces also play a role in
21 this, that we have our own repair forces that are
22 responsible for taking individual lights that are
23 out. Similar to any individual light, where PECO
24 Exelon cannot make the repair, it's referred back
25 to the City.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 But the larger outages are normally a
3 PECO -- which I will call a "PECO utility
4 problem," Henry Avenue being a perfect example.
5 There are several hundred outstanding repair
6 orders with PECO Energy to make circuit problems,
7 some of which may be as small as one light.
8 Others are several, or maybe many, as on Henry
9 Avenue.

10 And I'll be glad to provide that
11 information to you, but I think we must temper our
12 criticism of them with the understanding that it's
13 been a very difficult January, February -- first
14 with the snow, with all the salt that was spread
15 on the road, with the thaw and the melting and now
16 the rain. Springtime is normally the worst time
17 for the electrical distribution system. Water is
18 the enemy of street lighting.

19 And so I will be glad to provide that
20 information, but I would expect that by the end of
21 April and as we get into May that that problem --
22 you'll see a significant improvement in the larger
23 -- in the number of lights that are out, so you
24 would see it really getting better.

25 COUNCILMAN RIZZO: Henry Avenue is not

1 3/22/00 - WHOLE - BILLS 000003-000010

2 -- and for the people that live in the northwest,
3 Henry Avenue is not just a problem with
4 development. It's been a problem since it's been
5 installed, it's been something that I've pretty
6 much grown up with, this problem on Henry Avenue.

7 But my point being -- you just
8 mentioned salt and the environmental problems.
9 I'm not talking about the underground
10 circumstances. I'll give you an example. I
11 personally reported Shawmont and Ridge. The
12 street light at that intersection is out now for
13 over six weeks, and it is still out. It's a major
14 intersection. And I can give you a list of 20
15 more locations that street lights are out
16 throughout the City and have not been repaired.

17 Just check that one and get back to me.

18 MR. DOYLE: I will.

19 COUNCILMAN RIZZO: I know you will.

20 MR. DOYLE: We have been experiencing
21 our own backlog. Because of the bad weather, we
22 weren't able to make repairs and we did accumulate
23 a backlog, but we will look at this and --

24 COUNCILMAN RIZZO: How many street
25 lights do you have out do you think right today,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 both underground and aerial circuits?

3 MR. DOYLE: There's probably about
4 1,000.

5 COUNCILMAN RIZZO: A thousand street
6 lights.

7 MR. DOYLE: Total, yes. One percent of
8 the system is out of service, and that's a high
9 number. Normally, we're in the 5 to 600 range.

10 COUNCILMAN RIZZO: So you're double?

11 MR. DOYLE: There is a continuing
12 problem. I know 1,000 does sound like a large
13 number of lights, and in a sense it is, but it
14 represents 1 percent of the system, and it's a
15 moving 1 percent. It's not the same 1 percent
16 that's out.

17 COUNCILMAN RIZZO: But I've got a
18 feeling that the problem that we have is -- you
19 mentioned 1,000 street lights out in the City of
20 Philadelphia. We're talking about adding. I
21 would just love you to deal with what we have and
22 get those working, and I'm concerned about the
23 length of time. I think when you check the one at
24 Shawmont and the Ridge, you're going to find out
25 that it's been out and you're not going to be

1 3/22/00 - WHOLE - BILLS 000003-000010

2 happy about the length of time that it's been out.

3 So I think you really need to focus on
4 doing whatever you need to do or revisiting the
5 way you repair these lights. If PECO Energy or
6 Exelon can make this repair and you're referring
7 it back to the City workforce -- and I understand
8 the politics and how you have to do things, but
9 I'd like to see it the most efficient way, the
10 repair completed so the street light can be back.
11 If you have 1,000 street lights, even 1 percent,
12 to someone that lives in that neighborhood, that's
13 a lot of street lights, in my opinion. You just
14 mentioned that's twice the norm.

15 MR. DOYLE: Right. Of course, it's
16 1,000 spread out through the entire City.

17 COUNCILMAN RIZZO: Well, I think I've
18 seen all thousand of them.

19 MR. DOYLE: One of the things that we
20 have done to try to minimize that problem is, as
21 we were discussing earlier, we have replaced the
22 lighting system. Over 60,000 street light lights
23 have been replaced over the past eight years on an
24 ongoing preventive maintenance program to put new
25 equipment up and to keep them from failing. I

1 3/22/00 - WHOLE - BILLS 000003-000010

2 mean, we have been taking significant strides in
3 trying to preempt the problem of lights out, as
4 you would -- we have removed equipment that was
5 over 30 years before it failed and put up a new
6 light.

7 There may -- I can't explain the
8 location at Ridge and Shawmont, but we do -- we're
9 very, very sensitive to the time that lights are
10 out, we appreciate the problem, and we'll be glad
11 to give you that information.

12 COUNCILMAN RIZZO: Yeah, 'cause I think
13 I understand the process, but when they're out for
14 this long a period of time, we need to do
15 something about it.

16 And you know the one that really
17 interests me -- and, again, Kelly Drive is a very,
18 very dangerous roadway, even during the day.
19 Without street lighting at night, and part of that
20 circuit's off also, I really feel bad. You know,
21 part of that circuit's out, Joe. I really feel
22 bad on a night like last night that anyone might
23 be coming up that roadway without illumination.

24 MR. DOYLE: We have worked with PECO,
25 actually. You're saying that part of that circuit

1 3/22/00 - WHOLE - BILLS 000003-000010

2 is out, but we have been making a very concerted
3 effort with PECO over the past month. And I know
4 the Commissioner rides Kelly Drive himself and
5 mentions to me the problems up there.

6 But we -- we are -- we have tried to
7 instill in PECO a timetable for them to make
8 repairs as quickly as possible with the resources
9 that they have to get those lights back up.

10 COUNCILMAN RIZZO: Doesn't the contract
11 with Exelon, isn't it very specific on what
12 they're to do and the timetable that they're to do
13 it? And then when you go back to the PECO
14 utility, it seems like it's very open-ended. The
15 problem with the underground circuit on Kelly
16 Drive -- and I'm sure Bill Mifflin's not pleased.

17 And, again, I don't want to beat that
18 to death 'cause I've been talking to you about it
19 for three years, but you have temporary wires tied
20 off the trees to make the street lights work.
21 That's better than they be out, but to have wires
22 tied off to aluminum -- just north of Hunting Park
23 Avenue, to give you an example, you've got a
24 street light -- Larry's shaking his head, he knows
25 what I'm talking about.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COMMISSIONER MOY: Right, right.

3 COUNCILMAN RIZZO: Commissioner Moy,
4 there's a piece of triplex tied up with a hand
5 line, and a car must have hit that pole and it's
6 leaning over. And I'm telling you, and I've
7 reported it three times, and I can tell you that
8 that aluminum street light stand's going to come
9 over into the roadway, and it's because of the
10 fact that that wire that's been tied off to it
11 temporarily to make those street lights work has
12 contributed to that. It must have got bumped and
13 then the extra weight has pulled it over, and it
14 is really a dangerous situation.

15 So I'm hoping -- and you assured me --
16 and, again, I'm glad the Republican Convention is
17 coming to Philadelphia because everything that
18 I've asked for now is getting done because the
19 Republicans are coming. So I would hope that that
20 project is on track. And I don't know understand
21 how it's tied in with the Republican Convention,
22 but if it is, that's fine, 'cause that's got to be
23 taken care of.

24 MR. DOYLE: Yes. That project is in
25 design and should be going out very soon to

1 3/22/00 - WHOLE - BILLS 000003-000010

2 construction, so you'll see a significant -- by
3 this time next year when we come back for
4 testimony, I would hope you'll be very, very happy
5 with the Kelly Drive lighting system.

6 COUNCILMAN RIZZO: I mean, I hate to --
7 the two of you have had to tolerate me on bringing
8 this up to you every time I see you, but just
9 driving that roadway and realizing what other
10 people older than me and their vision may be not
11 be as good as mine, what they must be dealing with
12 on a bad night, especially with the way that
13 roadway was.

14 So, again, I'm using this as an
15 opportunity to request that something be done
16 quickly before we have people unnecessarily
17 injured -- or worse, killed. Thank you.

18 Thank you, Madam Chair.

19 COUNCIL PRESIDENT VERNA: Thank you.

20 The Chair recognizes Councilman Cohen.

21 COUNCILMAN COHEN: Thank you. Thank
22 you, Madam President.

23 The recycling coordinator, what's the
24 status on that?

25 COUNCIL PRESIDENT VERNA: Excuse me.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Mr. Doyle, before you leave, I just want to say,
3 know you received a lot of questions today, and I
4 want to say that I know that you have worked with
5 my office for many, many years. And I want to
6 publicly thank you for the respect that you always
7 show. And even if you can't get something done,
8 you say it with a smile, and I want you to know
9 publicly how much we appreciate all that you do.
10 Thank you very much.

11 MR. DOYLE: Thank you, Council
12 President.

13 COUNCIL PRESIDENT VERNA: Recycling.

14 COUNCILMAN COHEN: Now that you've had
15 the soft touch comes the contrast. What's with
16 the recycling coordinator?

17 COMMISSIONER MOY: Well, I think as the
18 Managing Director had reported previously, a
19 request had been made of the Administration to
20 advertise for a search -- have a search team,
21 rather, advertise for a recycling coordinator. So
22 it is not in our hands; it's in the
23 Administration's hands there. We can double-check
24 and try and let you know that.

25 COUNCILMAN COHEN: Is it in the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Managing Director's hands?

3 COMMISSIONER MOY: No, no.

4 COUNCILMAN COHEN: It's in the Chief of
5 Staff's hands?

6 COMMISSIONER MOY: I believe so.

7 COUNCILMAN COHEN: And you don't know
8 whether the advertisement has gone out?

9 COMMISSIONER MOY: I don't know the
10 status of it, Councilman, right.

11 COUNCILMAN COHEN: It has gone out.

12 COMMISSIONER MOY: No, I don't know for
13 sure the exact status of that.

14 COUNCILMAN COHEN: Mm-hmm. But the
15 likely resting place of the request is probably in
16 the Chief of Staff's office?

17 COMMISSIONER MOY: I only know what --
18 you know, the Managing Director reported that he
19 had made a request that they initiate the search
20 effort, and I believe they were responding to
21 that, and there's a series, as you know, a series
22 of search efforts that are taking place.

23 COUNCILMAN COHEN: I'm thinking of that
24 memorial stone that refers to "lie in peace," but
25 we hope it won't be that and will go on.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Now, if a school -- Prince Hall School,
3 particularly, at 18th and Godfrey, is very
4 concerned about the fact that the school was built
5 by closing a portion of 18th Street. And many of
6 the children have to cross Godfrey. And they say
7 they've made requests over periods of time for
8 those white lines, crosswalk signs so, that the
9 youngsters can get across Godfrey, which is very
10 wide. And they say they have not had success in
11 getting them painted.

12 Does the Streets Department do the
13 painting?

14 COMMISSIONER MOY: Yes, they do. And
15 we will check, and I'll give you a report on the
16 status of that, you know, why we don't have --

17 COUNCILMAN COHEN: Well, it would seem
18 to be a pretty simple thing.

19 COMMISSIONER MOY: It would sound like
20 that, yes. It's 18th and Godfrey, the Prince Hall
21 School?

22 COUNCILMAN COHEN: Yes, Prince Hall
23 School, at 18th and Godfrey, yes. Because they're
24 talking about doing it themselves, in
25 desperation. And I don't know how good of

1 3/22/00 - WHOLE - BILLS 000003-000010

2 painters they may be, it's an elementary school.

3 COMMISSIONER MOY: It depends what
4 grade they are.

5 COUNCILMAN COHEN: They might make it a
6 class project and --

7 COMMISSIONER MOY: Right. We'll look
8 into that and give you a report.

9 COUNCILMAN COHEN: All right, we'd
10 appreciate it very much.

11 Now, in one of your replies with
12 respect to the pilot weekly recycling program, you
13 make a reference to the marginal increase being
14 400 percent or 500 percent, but you don't explain
15 how that is. And I wonder, have you found some
16 explanation? It doesn't seem to make any sense to
17 me.

18 It's on -- it's in your reply on
19 the. . . and it indicates you were going to check
20 out. . .

21 On Page 5, down toward the bottom of
22 your reply of, I think it's March 15th, you state,
23 "The initial results from the first three months
24 of the recycling pilot program show a 26 percent
25 increase in recycling tonnage in the designated

1 3/22/00 - WHOLE - BILLS 000003-000010

2 pilot area. This increase in tonnage, however,
3 has not come without a cost. The marginal cost
4 per ton of the additional tonnage (which is the
5 cost of each additional ton collected as a result
6 of the pilot program) was extremely high, reaching
7 as high as between \$400 and \$700 per ton. These
8 marginal costs were well above the \$90 to \$100 per
9 ton average during same time period before the
10 pilot program began. In light of these costs, I
11 believe that a more detailed analysis of this
12 program must be completed."

13 Well, I would agree. I'd be very
14 concerned about such an increase and can't figure
15 out why. I could -- you know, as a layman, I
16 could say, Well, if it was a double increase, well
17 I guess you're doing it twice, maybe it's twice as
18 costly as doing it once. I don't know that that
19 would be a correct answer, but I could understand
20 that one. But I can't understand this kind of an
21 increase and I think there must be some mistake in
22 the reporting.

23 MS. TOLSON: Councilman, this is a
24 point of clarification. The marginal cost per ton
25 difference means looking at the additional tonnage

1 3/22/00 - WHOLE - BILLS 000003-000010

2 that we received and the additional cost it took
3 to get that additional tonnage. So just that
4 piece of it.

5 So, for example, if it took us an
6 additional \$15,000, and this is in one of the
7 tables in your package. If it took us an
8 additional \$15,000 to get an additional 25 tons,
9 our marginal cost per ton 25 ton, the cost to get
10 those additional 25 tons, was \$600.

11 If you look at our previous costs in
12 the system to get what we were originally getting,
13 which 121 tons at a cost of \$11, our cost per ton
14 was under \$100 per ton, \$98 per ton.

15 And to get an additional \$25, it costs
16 us an additional \$15,000. Those additional tons
17 cost us \$600 per ton more.

18 COUNCILMAN COHEN: Commissioner, with
19 due respect, all you're doing is giving me how the
20 figures are computed, but I say the figures must
21 be wrong.

22 How could it cost that much more?
23 You're very pleased by the results, as I think you
24 ought to be 'cause it's an increase by 26
25 percent. But I think somehow in the figures,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 there's something very wrong, and I would like to
3 suggest you go back to the basic figures, because
4 it -- it would make no sense whatever to have
5 those kind of results.

6 COMMISSIONER MOY: And we will.

7 COUNCILMAN COHEN: In this world today,
8 we go automatically by, say, what computers tell
9 us or machines tell us, but I think we've got to
10 look at them and see that they make no sense
11 whatever, and somebody's made a mistake somewhere
12 along the line 'cause that cannot be the cost.
13 And if it is, we'd like to know why. Can you
14 actually produce the dollar costs that were
15 involved in it?

16 COMMISSIONER MOY: Right, we will do
17 that.

18 COUNCILMAN COHEN: I mean, why were the
19 cost that high? Because, obviously, you were
20 pleased with the results, and we all ought to be
21 pleased, but they should certainly not cost that
22 kind of dollars.

23 MS. TOLSON: Just if I could give you
24 some indication, Councilman, a significant part of
25 this is, as we got the additional tonnage, our

1 3/22/00 - WHOLE - BILLS 000003-000010

2 demand on truck capacity grew past the number of
3 trucks that we had working in the area, and we had
4 to increase the number of trucks working.

5 However, the tonnage that we got in return may not
6 necessarily have been enough to get us down to our
7 previous cost per ton.

8 We still need more tonnage. In Center
9 City, where we have an average of 20 percent
10 increase in tonnage, we still could use more
11 tonnage. Getting more tonnage will bring our
12 costs down. We have had it as high as \$700 a ton
13 for the incremental tonnage and as low as close to
14 \$90 per ton.

15 COUNCILMAN COHEN: That seems like a
16 reasonable figure.

17 MS. TOLSON: Well, it's based upon the
18 tonnage that comes in because we've had as little
19 as 11 tons more come in in a month's period
20 versus, say, 35 tons or 37 tons in a month's
21 periods. The output or what citizens set out for
22 collection, the tonnage that we get fluctuates
23 that much, which causes a change in the
24 fluctuation in our marginal cost per ton.

25 COUNCILMAN COHEN: Well, then maybe

1 3/22/00 - WHOLE - BILLS 000003-000010

2 you've got to -- I think you've got to go back the
3 beginning. Maybe you're putting out too many
4 trucks on the second collection, you know, on the
5 weekly collection. Maybe you could cut down on
6 the number of trucks.

7 I don't know what it is, but it flat
8 out doesn't make any sense to have an increase of
9 that magnitude on a second by increasing it to
10 twice -- you know, by doing it weekly rather than
11 every two weeks.

12 So I'd like to urge you to go back to
13 the very basics and try to figure out what it is
14 that causes that great disparity.

15 MS. TOLSON: Okay.

16 COMMISSIONER MOY: We will do that.

17 COUNCILMAN COHEN: Because it seems
18 like a good result that you're achieving, the 26
19 percent increase, and that would be a great
20 increase if we could do that throughout the City,
21 show a 26 percent increase. You're arguing here
22 in your statements -- and I'm not ready to deal
23 with it. You indicate a much higher recycling
24 rate for the City, you're saying that the City's
25 recycling rate is about 36 percent. That's not

1 3/22/00 - WHOLE - BILLS 000003-000010

2 the kind of testimony I think we got at the basic
3 hearing. In answer to our questions at the
4 beginning, you listed the recycling rate in the
5 City as 36 percent, that is the fourth highest
6 among 10 major cities?

7 COMMISSIONER MOY: Yes.

8 COUNCILMAN COHEN: And it kind of --
9 I'm stunned by it, but I'm not ready to dispute
10 it. I'd like to accept it, if I could, but I'm
11 just very concerned that it may not be accurate.

12 In response to Councilman Nutter's, is
13 that 35 to 36 the amount, including the commercial
14 rate?

15 MS. TOLSON: Yes, sir.

16 COUNCILMAN COHEN: But the curbside
17 recycling is only -- is less than 7 percent?

18 MS. TOLSON: 6.64.

19 COUNCILMAN COHEN: Well, does the --
20 that pilot program deals with curbside, doesn't
21 it, only curbside?

22 MS. TOLSON: Yes.

23 COUNCILMAN COHEN: How does that affect
24 -- the 26 percent increase is an increase over
25 which figure? Is it an increase over the 6.64

1 3/22/00 - WHOLE - BILLS 000003-000010

2 curbside figure?

3 MS. TOLSON: Yes. The 26 percent
4 increase in the pilot, or the 26 percent in one
5 area and, I think, 20 percent in another is in the
6 pilot areas. However, overall, the City's
7 recycling rate has remained the same because there
8 has been a decrease in recycling in other parts of
9 the City.

10 COUNCILMAN COHEN: I don't want to take
11 the time at the hearing to go into further detail
12 on that, but could we arrange a meeting and
13 discuss that?

14 COMMISSIONER MOY: Sure.

15 COUNCILMAN COHEN: So that we could get
16 clearer on that?

17 MS. TOLSON: Sure.

18 COMMISSIONER MOY: Certainly.

19 COUNCILMAN COHEN: And I think there's
20 one last question I wanted to. . .

21 On the status of the paving effort on
22 Ogontz Avenue, between Chew and Cheltenham, the
23 answer I got may mean that the question was not
24 clear. The Department's plans for paving Ogontz
25 Avenue near the intersection of Chew and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Cheltenham -- well, there is no such intersection.

3 COMMISSIONER MOY: That's why I don't
4 think that was your question.

5 COUNCILMAN COHEN: Includes signal
6 improvements and resurfacing in the 2001
7 construction season. Now, does that mean that
8 Ogontz Avenue is going to be resurfaced from
9 Cheltenham Avenue down to -- south to Chew?
10 That's the area that needs resurfacing.

11 COMMISSIONER MOY: Yes, I think that's
12 what we're saying.

13 COUNCILMAN COHEN: It says it's going
14 to be resurfaced in the next fiscal year, in the
15 year 2001.

16 COMMISSIONER MOY: In 2001, yes, that's
17 correct.

18 COUNCILMAN COHEN: Okay, thank you.

19 Thank you very much, Madam President.
20 I have no further questions.

21 COUNCIL PRESIDENT Verna: Thank you.

22 Are there any further questions from
23 members of the committee?

24 (No further questions.)

25 COUNCIL PRESIDENT Verna: Seeing none,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 is the Managing Director still here?

3 MR. MARTZ: I am.

4 COUNCIL PRESIDENT VERNA: Fine, please
5 approach the witness table.

6 (Managing Director comes forward.)

7 COUNCIL PRESIDENT VERNA: Thank you.

8 Do any of Councilmembers have any
9 questions of the Managing Director? I think it's
10 Mr. Nutter who asked that you be invited back.

11 COUNCILMAN NUTTER: Thank you,
12 gentlemen. Sorry to keep you waiting.

13 Mr. Martz and Mr. Solvibile, we had
14 discussion back at budget time about the issue of
15 fences. And, Mr. Martz, my recollection of when
16 you were here for the Managing Director's budget
17 presentation, was that you were going to try to
18 work on how we address the fencing issue in the
19 City between now and the time of the much-
20 discussed blight elimination program, which L&I,
21 in their testimony, indicated that their budget
22 for fencing has been zeroed out in future years.

23 With the assumption that those dollars
24 are going to be in the blight elimination program,
25 and our conversation has been, what happens in the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 in-between time? We have buildings that come
3 down, I assume, every day in the City, and
4 vacancies are created and the stucco happens, and
5 then people are left with the vacant lot next to
6 them.

7 And there has been one particularly
8 pressing situation, and I would just really like
9 to have a brief opportunity to kind of give you an
10 up-close and personal experience that one of my
11 constituents, Mrs. Parker, in West Philadelphia,
12 is having now. L&I took a building down sometime
13 last year in the 400 block of North Sixth Street.
14 And back at that time, I asked for fences for 423
15 and 417 North 60th Street.

16 I received an e-mail, dated December 6,
17 1999, from Franny Hughs, in the Managing
18 Director's Office, which says, "I do not believe
19 there is any additional funding in my fencing
20 budget at this time. If there is, the 423 address
21 is available for fencing but, unfortunately, the
22 owner for 417 also lives in West Philadelphia and
23 so it's not eligible. I will check with our
24 financial administrator and let you know."

25 Now, this really has nothing to do with

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Miss Hughes. She is responding to the request and
3 expressing on behalf of the Budget Office what the
4 situation is.

5 Then I received a letter from Miss
6 Parker, who I've been talking to about this now
7 for about six months or so, dated December 30,
8 1999. She talks about, "If we're going to stamp
9 out urban blight, we must fence in the vacant
10 lots, lest they become another form of urban
11 blight. And we, the residents in the block, are
12 very concerned about these vacant lots. The
13 houses on either side of the lots cast a dark
14 shady area from the street light, which has become
15 an area for teenage gatherings, drinking, and
16 other drug activity. I've been approached by
17 persons wishing to use the lot for fixing cars,
18 which could lead to having a junk yard of
19 abandoned cars, not to mention illegally dumped
20 trash and garbage right next door to us."

21 I contacted her and said that I'm
22 trying to get a fence, and she writes to me again
23 on March 6, 2000. "With the break in the weather
24 and even warmer weather approaching, I'm very
25 concerned that the gathering of young people and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 the increase of dumping will be on the rise. We
3 continue to pick up bottles and trash daily so
4 that the lot will not become an eyesore. My
5 latest experience was to ask a neighbor for
6 assistance to remove a large piece of discarded
7 furniture that had been left there during the
8 night. Please let me know if and when fences will
9 be available, as it is a real chore for me to
10 continue to keep the lot clean."

11 Now, she's just one of many people out
12 there that are having that kind of experience.
13 Now, what am I supposed to tell her and what is
14 the game plan from now to whenever there is the,
15 quote, new program?

16 MR. SOLVIBILE: Councilman, the
17 Department, along with the Managing Director's
18 Office, put up close to \$2 million of fencing. In
19 the area, the Sunrise area that we toured
20 recently, most of the fences that were put up are
21 no longer there. In other locations when we go by
22 them, there's weeds higher than the fence.

23 A program is not the solution --
24 fencing is not the solution. The solution is an
25 agency -- say, the Horticultural Society -- that

1 3/22/00 - WHOLE - BILLS 000003-000010

2 would work with communities on how to deal with
3 these lots. A fence really creates a problem; it
4 does not solve a problem. It gets stolen from the
5 lot, then no one cares for the lot to clean it.
6 It's just really not an answer to our problem,
7 Councilman.

8 COUNCILMAN NUTTER: Well, I --

9 MR. SOLVIBILE: I might add -- I think
10 I said this in my testimony last time. Along
11 Frankford Avenue, the community there got together
12 along with business and started a New Kensington
13 CDC, and they planted trees without fencing.

14 COUNCILMAN NUTTER: Right.

15 MR. SOLVIBILE: And the people seemed
16 -- the short-dumpers and the community at large
17 leave the lots alone. They look nice, their
18 appearance is a plus for the community. So it's
19 something that needs to be developed with the
20 community, and then they can decide the best form
21 -- whether it be a fence or greening or tree
22 planting -- that would solve the problem for that
23 community.

24 COUNCILMAN NUTTER: I understand that
25 and I've toured the New Kensington area. I

1 3/22/00 - WHOLE - BILLS 000003-000010

2 understand why they did some of the things that
3 they did. And, quite honestly, the impact of that
4 tour has certainly affected, if not shaped, some
5 of my views on this particular problem. At the
6 same time, I am still left to say to you that
7 there are different solutions in different
8 neighborhoods. Some solutions are more
9 appropriate in some places and some are not
10 particularly appropriate in some places.

11 Now, I have heard the discussion about
12 the weeds, I've heard about fences stolen. We had
13 a discussion, I believe, Mr. Solvibile, when L&I
14 was in and we talked about how many of the lots
15 you clean and seal, how many did you have to go
16 back on in subsequent years. I believe the number
17 may have been upwards of 30 percent.

18 My experience in the 4th District -- I
19 can only talk about my own experience -- is that
20 any fence that the City has ever put up, to the
21 best of my knowledge and information, has never
22 been stolen. There have been a couple locations
23 where there has been a request -- specifically the
24 5600 block of Lebanon Avenue, which, I know, Mr.
25 Solvibile, you're very familiar with.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. SOLVIBILE: Yes, Councilman.

3 COUNCILMAN NUTTER: We've had occasion
4 to request either L&I or the Managing Director's
5 Office to give some attention to those locations
6 where we had six homes taken down, which is a
7 somewhat unusual situation and which is why both
8 through previous legislation, I've also talked
9 about the need for vegetation management plans
10 that are environmentally sound.

11 But while we are coming up with the
12 ultimate solution, we still have a situation where
13 a person is living -- one of the locations now
14 actually has a fence because the owner of the
15 property put one up, but you had a dangerous
16 building which L&I felt compelled to knock down.
17 The neighbor's grateful for that, Miss Parker's
18 very happy about that, but what she is not happy
19 about is the people who now have direct access to
20 her back yard because there is now not a building
21 there.

22 I don't have much concern that in the
23 400 block of North Sixth Street, the fencing is
24 going to be stolen. Again, I have no experience
25 with stolen fences.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 But we have left a dangerous condition
3 still. Even though there is no building there,
4 there was a dangerous condition when the building
5 was there. We're glad it was taken down, the
6 stucco work is down, that's wonderful. Now an
7 immediate danger is the immediate access to
8 someone's property, which did not exist before.
9 We can solve that. This is a rowhouse
10 neighborhood. I believe we're talking about 14
11 feet, 16 feet, max, across the front, and I'm not
12 sure whether one is needed behind.

13 And that's the level of fencing in many
14 of the neighborhoods that I represent, at least
15 that we're talking about. And in some of those
16 communities, people do take care of the weeds and
17 all that kind of stuff. I understand that those
18 things continue to happen, but we can't leave
19 people in a more dangerous circumstance and
20 condition by solving it with one problem and then
21 leaving them with another problem.

22 MR. MARTZ: My understanding is that a
23 program is coming and that the community is going
24 to decide how best to solve the problems in those
25 communities. They're going to be involved in the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 process. If they decide that fencing is the
3 appropriate way to deal with the vacant lots, then
4 --

5 COUNCILMAN NUTTER: I think, based on
6 the half a dozen conversations and two letters at
7 least in this situation, the lady would like to
8 have a fence. That's the best solution to her
9 problem.

10 MR. SOLVIBILE: I think, Councilman, I
11 would have to look at it. And I will do that as
12 of tomorrow morning or this afternoon. It might
13 just be the side rear of her yard on the side that
14 needs the fencing. The whole lot doesn't
15 necessarily need to be fenced in to protect her
16 back yard, the building, etc.

17 A lot of times in a lot of cases, the
18 building is acting as the fence to the rear yard,
19 in the rear of the properties. So when the
20 building comes down, the wall that acted as a
21 fence is gone, and yard's no longer protected.
22 That being the case, I could then order our people
23 to put up a fence to protect her property along
24 the rear of her property line.

25 COUNCILMAN NUTTER: And where would the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 money come from?

3 MR. SOLVIBILE: Budget for this.

4 MR. MARTZ: At this point, for this
5 year, there's no more resources available for
6 fencing.

7 COUNCILMAN NUTTER: How is that
8 possible?

9 MR. MARTZ: I've been here for ten
10 weeks, so that's -- I don't have any funding for
11 fences.

12 COUNCILMAN NUTTER: Well, lastly, I
13 guess, there's kind of a philosophy expressed that
14 fencing was not necessarily the solution. But
15 based on everything that I've read, and even, I
16 think, in personal conversations with the Mayor,
17 I've always been left with the impression that one
18 of the primary elements of the blight elimination
19 program was demolition. I'm assuming there would
20 be some level of acquisition, and the Mayor's
21 always talked about fencing.

22 Now, is the fencing that he's talking
23 about different than the fencing that I'm talking
24 about? I don't think we need to debate about
25 whether it's a cyclone fence versus -- I mean,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 fencing is fencing, right?

3 MR. MARTZ: Yes.

4 MR. SOLVIBILE: The blight program is
5 not funded at this point and we're still using
6 last year's funding level for demolition. Any
7 fence would come out of the demolition budget,
8 which, I believe, right now is 1.5 million left
9 for the fiscal year to handle any demolition in
10 the City of Philadelphia.

11 COUNCILMAN NUTTER: So there's no
12 fencing money and the blight program is not yet
13 fully funded or even developed. So for our
14 discussion here today, with the array of great
15 power at the table and behind the rail, what would
16 you like me to tell Mrs. Parker?

17 MR. SOLVIBILE: Right now, there's no
18 funding but the plan is to treat neighborhoods, as
19 the director said, as a whole and put in what the
20 neighborhoods want to bring it down the lots on
21 their blocks.

22 COUNCILMAN NUTTER: I understand that,
23 but we don't have a program yet.

24 MR. SOLVIBILE: That's correct. It's
25 being developed.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: So I'll just tell
3 her to wait and kind of just hold on and hang out
4 and wait and see what happens?

5 MR. SOLVIBILE: We will look at the
6 situation in her back yard and maybe put something
7 there to protect her in the rear.

8 COUNCILMAN NUTTER: And the front of
9 the lot that faces on 60th Street will still be
10 open?

11 MR. SOLVIBILE: Yes, that's right.

12 COUNCILMAN NUTTER: The only fencing
13 would be available through the Managing Director's
14 Office or the Department of L&I?

15 MR. MARTZ: As a matter of fact, I'm
16 sure it's not. I actually administratively am
17 putting fencing requests down to L&I
18 administratively.

19 COUNCILMAN NUTTER: And how many
20 requests are outstanding?

21 MR. SOLVIBILE: I would have to talk to
22 Frankie Hughes, who has a better handle on it, but
23 at the present time, I can guess only.

24 COUNCILMAN NUTTER: Mr. Managing
25 Director, you're saying fencing is going back to

1 3/22/00 - WHOLE - BILLS 000003-000010

2 L&I, even though L&I has no budget to deal with it
3 at this point?

4 MR. MARTZ: At this point, neither do
5 I, but I still don't believe as an operating
6 department that we should be in the business of
7 fencing, Councilman.

8 COUNCILMAN NUTTER: I'm sorry?

9 MR. MARTZ: Administratively, fencing
10 doesn't belong here.

11 COUNCILMAN NUTTER: Okay, okay. Thank
12 you very much.

13 MR. SOLVIBILE: You're welcome.

14 COUNCIL PRESIDENT VERNA: Thank you.

15 The Chair recognizes Councilman Cohen.

16 COUNCILMAN COHEN: First, let me
17 commend the Managing Director very personally for
18 going far beyond the call of duty.

19 On a Saturday afternoon very recently,
20 I received a complaint from a number of distraught
21 neighbors about a vendor that was operating and
22 spreading smoke all over the area at the corner of
23 Belfield and Ogontz Avenue. And I think it was a
24 little after 4 o'clock on a Saturday afternoon
25 when I called the Managing Director's Office. I

1 3/22/00 - WHOLE - BILLS 000003-000010

2 had no idea where he was, but got through to the
3 City Hall switchboards and asked them to have him
4 call at once 'cause I was heading out.

5 And he came, he came with his staff and
6 had apparently alerted others and other
7 departments. He knew better than I what might be
8 involved in such a situation, and we got the
9 matter under control and made the neighbors very
10 happy.

11 The situation isn't all clear but the
12 important thing was that a response was made
13 immediately, and I think it made all the people
14 feel good about the government of the City of
15 Philadelphia to, on a Saturday afternoon, late in
16 the afternoon, to get that kind of a response from
17 City officials. So I wanted to commend you.

18 That's the easy part. Now comes the
19 tough part.

20 MR. MARTZ: Thank you.

21 COUNCILMAN COHEN: An article appears
22 in today's Daily News in the business section, no
23 less, and anybody who knows me would know it's
24 going to provoke a response from me.

25 "Is the City using a double standard?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 When is it okay for one group to tie up traffic in
3 Center City streets and not okay for another?"
4 "When the Republicans are coming" is the answer.
5 Or maybe when one is the Mummers, or any kind of
6 ambassadors of fun and fluff for the City.

7 But for others a bit more on the
8 serious side, who are trying to exercise their
9 first amendment rights, it's different. The City
10 continues to deny Unity 2000 a permit to give the
11 Republicans a real Philly welcome on Sunday, July
12 30th. The GOP convention officially runs from the
13 31st through August 4th, and it goes on and on.

14 Sir, you're the Managing Director, and
15 I don't know where you and the Chief of Staff
16 began or who's officially number two, but I know,
17 under the Home Rule Charter, you're the boss of
18 all the operating departments in the City of
19 Philadelphia, and they must be among the
20 departments that have something to do with
21 deciding on permits.

22 And I'm concerned, because as I
23 mentioned before one commissioner, it's like the
24 City is acting under siege when all you need is a
25 common-sense approach. People obviously have the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 right to demonstrate, they ought to be able to say
3 what they feel they want to say. And the more you
4 make a fuss and make it difficult for folks to
5 express themselves, the more they feel they're
6 going to have to express themselves. Because you
7 create a problem when there is not a problem.

8 Is this in the hands of the City
9 departments or is it somebody outside?

10 MR. MARTZ: It's happening in my
11 office.

12 COUNCILMAN COHEN: What?

13 MR. MARTZ: In my office.

14 COUNCILMAN COHEN: Well, I --

15 MR. MARTZ: It's important for me,
16 because of the resources that are going to be
17 required, before I approve any permit from the
18 City of Philadelphia, it's important for me to try
19 to get a sense of what the requirements are for
20 everything else that has to happen in the City of
21 Philadelphia. Every permit that I look at during
22 that period of time has to fit in the magnitude of
23 everything else that we have to do. Nothing has
24 been denied at this point and nothing has been
25 approved at this point. I just need to get a

1 3/22/00 - WHOLE - BILLS 000003-000010

2 better sense of all the things the City of
3 Philadelphia is being asked to do before we
4 approve or deny anything. It's as simple as that.

5 COUNCILMAN COHEN: Because I gather
6 groups are developing a sense -- I haven't talked
7 with any of them and know no particulars, but it
8 seems as if they're beginning to express doubts as
9 to whether the City is going to have the approach
10 that Lieutenant FencI, you know, made us famous
11 for. He knew how to handle things in a way that
12 accommodated everybody.

13 MR. MARTZ: We first need to have a
14 sense of all of the activities, requirements, and
15 manpower of the resources in the City of
16 Philadelphia before those permits are approved.
17 Nothing has changed here. We're going to be
18 putting on a huge event and we have a lot of other
19 people asking for things. And until I have a
20 sense for everything being asked, I won't approve
21 or deny anything. It's just as simple as that.

22 COUNCILMAN COHEN: Well, I'm not sure.
23 I think groups have to be assured that they're
24 going to have an absolute right to exercise their
25 first amendment rights.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. MARTZ: Our lawyers and other
3 lawyers have been talking about that for
4 sometime. However, the permit process is a
5 process that is in development, it's being
6 developed.

7 COUNCILMAN COHEN: When you say the
8 lawyers, the lawyers from the --

9 MR. MARTZ: The City Solicitor's
10 office, yeah.

11 COUNCILMAN COHEN: Is that not a
12 department under your jurisdiction?

13 MR. MARTZ: It's not but they're in
14 constant consultation with me on these things.
15 Before I can grant anything, I have to have a
16 sense of what all is being asked at that time. We
17 have a lot of responsibilities, including the
18 safety of the people who live here as well, and we
19 just have to have a sense of all of the things
20 that are being asked. That's all.

21 COUNCILMAN COHEN: What I'm suggesting
22 is that it's possible at the same time to give
23 assurances to people that the City is going to
24 have a sensible approach after it works out a
25 process and they're going to seek to secure

1 3/22/00 - WHOLE - BILLS 000003-000010

2 everybody's first-amendment rights. I think what
3 is being developed is the sense that the City may
4 be trying to place obstacles.

5 MR. MARTZ: That's just not a fact.

6 COUNCILMAN COHEN: I'm just suggesting
7 that it would go a long way if assurances could be
8 given, but that's not the case.

9 MR. MARTZ: I appreciate that.

10 COUNCILMAN COHEN: That's all I'm
11 suggesting at this point. Because I think we want
12 to avoid what took place in Seattle, and there's
13 no need for that kind of problem occurring. If
14 people are assured that they're going to have the
15 right to demonstrate -- they'll do the same, I'm
16 sure, at the Democratic Convention when they hold
17 it on the West Coast -- maybe even more so.

18 It's just very important that people --
19 I think Philadelphia has a very special
20 responsibility since this is the place where
21 freedom was born.

22 MR. MARTZ: I appreciate that.

23 COUNCILMAN COHEN: Thanks.

24 COUNCIL PRESIDENT VERNA: Thank you.

25 The Chair recognizes Councilman Nutter.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: Thank you, Madam
3 Chair. Just a quick question.

4 I know it's always difficult when you
5 ask about the average of something, but for the
6 average property, a 24- or 16-foot-wide property,
7 is that about the width of many properties in the
8 City, Mr. Solvibile?

9 MR. SOLVIBILE: Yes, 16 would be a good
10 average, Councilman.

11 COUNCILMAN NUTTER: What does it cost
12 to fence such a property?

13 MR. SOLVIBILE: \$1.64 a square foot, so
14 6 foot times 16 -- help me here.

15 COUNCILMAN NUTTER: That's 96.

16 MR. SOLVIBILE: So 6 times 16 times
17 \$1.16.

18 COUNCILMAN NUTTER: Hold on, I have one
19 of these PECO Energy dual solar calculators what.
20 Were those numbers again?

21 MR. SOLVIBILE: 16 times 6.

22 COUNCILMAN NUTTER: 16 times 6 is 96.

23 MR. SOLVIBILE: Times \$1.64.

24 COUNCILMAN NUTTER: That's \$157.44.

25 MR. SOLVIBILE: How much?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: \$157.44.

3 MR. SOLVIBILE: That can't be. There's
4 a mistake somewhere. The average cost for fence
5 installation runs about \$1,836. And that's
6 counting removal of debris and putting up the
7 concrete that's required to put the post in.

8 COUNCILMAN NUTTER: One thousand what?

9 MR. SOLVIBILE: 1,836.

10 COUNCILMAN NUTTER: 1,836?

11 MR. SOLVIBILE: Yes, sir.

12 COUNCILMAN NUTTER: Okay. So if you
13 did 500 fence jobs like that, the 1836 times \$500
14 is \$817,000.

15 MR. SOLVIBILE: Approximately a million
16 bucks.

17 COUNCILMAN NUTTER: A million bucks.
18 That would give you, if you spread it across the
19 board, 50 fence jobs in the district.

20 MR. SOLVIBILE: Correct. And in a lot
21 of cases, the average should hold, as averages do,
22 but if the lots are heavily laden with debris,
23 that obviously bring up costs.

24 COUNCILMAN NUTTER: And you might not
25 need 50 in each direct.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. SOLVIBILE: Yes.

3 COUNCILMAN NUTTER: Now, do you know
4 what the FY 2000 estimate is on the City surplus?

5 MR. SOLVIBILE: I -- I don't know --
6 for L&I?

7 COUNCILMAN NUTTER: The current year's
8 surplus is anticipated to be \$150 million?

9 MR. MARTZ: (Nods head.)

10 COUNCILMAN NUTTER: And there is no way
11 that we can figure out how to have a million
12 dollars available to get us probably between where
13 we are now and when the big new program comes to
14 us? Either in the current fiscal year with the
15 transfer ordinance or the spending of the
16 resources that you have, can you figure out what
17 your needs are and do a transfer ordinance before
18 the end of the fiscal year?

19 MR. SOLVIBILE: Any money that we would
20 receive -- the money we did receive for this
21 fiscal year, I would rather see it go to
22 demolition in that. There's a critical need out
23 there to get buildings demolished. That's the
24 busiest unit in the department, as far as
25 inspecting buildings.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: What are the
3 present needs of the demolition unit?

4 MR. SOLVIBILE: \$250 million. Right
5 now we have approximately. . . 6500 properties in
6 a backlog with an average cost of \$8,000 a
7 property.

8 COUNCILMAN NUTTER: Okay. And --

9 MR. SOLVIBILE: That's not counting all
10 the vacant -- our vacant properties survey shows
11 that we have approximately 21,000 buildings --
12 22,600 buildings that are vacant in the City.

13 COUNCILMAN NUTTER: Right.

14 MR. SOLVIBILE: We're pretty
15 comfortable with that figure. We've re-audited it
16 and think it's a good figure.

17 COUNCILMAN NUTTER: Right.

18 MR. SOLVIBILE: And probably 90 percent
19 of those properties require --

20 COUNCILMAN NUTTER: Well, have you ever
21 had enough money in your budget to knock down
22 every building that you wanted in that fiscal
23 year?

24 MR. SOLVIBILE: No.

25 COUNCILMAN NUTTER: There's always

1 3/22/00 - WHOLE - BILLS 000003-000010

2 something left over, there are always more
3 buildings to knock down, right?

4 MR. SOLVIBILE: There are always more
5 buildings to knock down, and every week we receive
6 more complaints about imminently dangerous
7 buildings.

8 COUNCILMAN NUTTER: So, I mean, for a
9 whole host of reasons, the department's general
10 view is any money you get, you'd always rather
11 spends it on demolition in a perfect world than on
12 anything else, recognizing that for all these
13 demolitions, the end result of that is a vacant
14 lot?

15 MR. SOLVIBILE: For demolitions, yes.
16 And also, when we receive any extra money, we put
17 it into the stucco program.

18 COUNCILMAN NUTTER: And if you receive
19 money for a particular use, you would always use
20 it the way it was designated, right?

21 MR. SOLVIBILE: For certain purposes,
22 we obviously go with the wishes of the funding
23 source. The biggest problem is the safety issue.
24 I realize that fencing is something someone could
25 consider a public safety issue, but because there

1 3/22/00 - WHOLE - BILLS 000003-000010

2 are many more involved with vacant buildings, it's
3 our preference to remove them.

4 COUNCILMAN NUTTER: Well, as I said
5 before, and I think you generally agree, there are
6 different strategies and techniques and needs in
7 different parts of the City.

8 MR. SOLVIBILE: Absolutely, Councilman.

9 COUNCILMAN NUTTER: Thank you.

10 COUNCIL PRESIDENT VERNA: Are you
11 finished your questioning, Councilman?

12 COUNCILMAN NUTTER: Yes.

13 COUNCIL PRESIDENT VERNA: Do you have
14 any further questions?

15 COUNCILMAN NUTTER: No.

16 COUNCILWOMAN VERNA: Thank you.

17 Any further questions from Members of
18 Council?

19 (No further questions.)

20 COUNCIL PRESIDENT VERNA: Thank you,
21 gentlemen.

22 COUNCIL PRESIDENT VERNA: The next
23 department to be called is OHCD.

24 (John Kromer comes forward.)

25 COUNCIL PRESIDENT VERNA: Good

1 3/22/00 - WHOLE - BILLS 000003-000010

2 afternoon.

3 MR. KROMER: Good afternoon.

4 COUNCIL PRESIDENT Verna: Welcome, Mr.
5 Kromer. I believe Councilman Nutter asked that
6 you be called back and I would like to recognize
7 Councilman Nutter at this time.

8 COUNCILMAN NUTTER: Thank you Madam
9 Chair. Good afternoon Mr. Kromer.

10 Mr. Kromer, I received a copy of your
11 response to questions that were raised at a
12 previous hearing, and the issue was administrative
13 costs of other cities regarding CDBG funds. Your
14 response is provided as Exhibit C, and you also
15 attached the eligibility criteria for the use of
16 CDBG funds relative to a question Councilwoman
17 Tasco asked.

18 First, I appreciate you being so
19 responsive in compiling this chart. Can you tell
20 me what the source is of the information on the
21 top 15 cities?

22 MR. KROMER: Yes. First, my name is
23 John Kromer, Director of the Housing and Community
24 Development.

25 One of my staff members called the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 people in the other cities' departments which
3 prepare each of those cities annual community
4 block grant consolidated plans and obtained the
5 information from the staff who prepared the plan
6 in each city.

7 COUNCILMAN NUTTER: Okay. So let me
8 make sure I understand the chart. In New York
9 City, which receives a CDBG entitlement of
10 apparently \$258 million, is the total of the boxes
11 to the right of that column, Housing, Economic
12 Development, Public Facility/Improvements,
13 Planning, and Administration and Public Services,
14 do those five boxes make the total for the box
15 under the CDBG entitlement?

16 MR. KROMER: Yes, they add up to that
17 figure.

18 COUNCILMAN NUTTER: And then this last
19 box on the far right-hand side is a heading that
20 says "General Funds." Is that the general funds
21 that are used for housing or dedicated to housing
22 by that particular city?

23 MR. KROMER: That box represents
24 funding from each city's general fund that is used
25 for housing and community development activities,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 encompassing both housing, economic development,
3 and other programs in the case of New York City.

4 COUNCILMAN NUTTER: The total of those
5 three boxes should be the general fund box
6 number? Is that how it works?

7 MR. KROMER: Exactly.

8 COUNCILMAN NUTTER: So New York City
9 gets a CDBG entitlement of \$258 million and then
10 spends out of its own general funds \$269 million
11 for housing activities?

12 MR. KROMER: That's right.

13 COUNCILMAN NUTTER: And for the City of
14 Philadelphia, we get \$79 million in CDBG funds and
15 we spend 4 million out of our General Fund; is
16 that correct?

17 MR. KROMER: That's correct.

18 COUNCILMAN NUTTER: They do a lot of
19 housing in New York.

20 MR. KROMER: They do a lot of housing.
21 The economy is different, and I have studied --

22 COUNCILMAN NUTTER: Are their budget
23 deficits attributed to their housing program or --

24 MR. KROMER: In part. Mayor Koch, for
25 example, during the 1980s, spent over \$2 billion

1 3/22/00 - WHOLE - BILLS 000003-000010

2 to develop the South Bronx, so there are examples
3 of that.

4 I think more important is an issue that
5 I really haven't studied thoroughly, and that's
6 the economy of New York City, where there's a
7 substantial housing demand, the housing market
8 values are much higher than in Philadelphia, and
9 an investment of city funds produces some economic
10 development benefit that we couldn't achieve here.
11 As I said, I haven't studied the situation but I
12 think it's more --

13 COUNCILMAN NUTTER: What do you mean by
14 that? You said that their investment in housing,
15 they get some return that is not achievable here.
16 What do you mean by that?

17 MR. KROMER: Well, there's an ability
18 to charge higher prices and higher rents for
19 market rate development and, I think, to leverage
20 more mortgage financing and attract more buyers
21 than there is in Philadelphia, where there is no
22 housing shortage, as there is in New York City.

23 COUNCILMAN NUTTER: It may not
24 necessarily be a pure physical building housing
25 shortage if you're talking about the match-up

1 3/22/00 - WHOLE - BILLS 000003-000010

2 between our population and the number of buildings
3 around, but there apparently is a shortage
4 possibly of a type of housing that some people
5 might want in Philadelphia; is that correct?

6 MR. KROMER: Very much so. There's a
7 shortage of affordable housing and the key problem
8 is there's an affordability gap, absolutely.

9 COUNCILMAN NUTTER: All right. Did it
10 strike you as -- I mean, did you know that New
11 York spent such a large amount of general fund
12 dollars on housing as compared to what we spend?

13 MR. KROMER: Yes, and it seems to be a
14 tradition that some cities and some states,
15 whether under Democratic or Republican
16 administrations, simply fund housing and others
17 don't.

18 COUNCILMAN NUTTER: Mm-hmm. You made
19 reference to the financial condition of New York.
20 Do you know what their finance or fiscal health is
21 presently?

22 MR. KROMER: No, I don't, but I know
23 that during the years in which we've had
24 surpluses, New York has struggled with deficits.

25 COUNCILMAN NUTTER: Okay. And has

1 3/22/00 - WHOLE - BILLS 000003-000010

2 there been any further discussion about the City
3 increasing its General Fund share of support of
4 housing and decreasing the amount of CDBG funds
5 that are expended to cover administrative and
6 programmatic costs?

7 MR. KROMER: Not that I'm aware of.

8 COUNCILMAN NUTTER: If there were, you
9 would be the person aware of it, I'm sure, right?
10 I mean, you're the director of the agency, right?

11 MR. KROMER: Probably, but the chart
12 shows, I believe, that for the 15 cities that were
13 reviewed, the basic planning and administration is
14 funded from the Community Development Block
15 Grant. Now, New York City funds a substantial
16 amount of the administration from -- or
17 substantially less administration in terms of
18 percentage than the other cities.

19 COUNCILMAN NUTTER: Mm-hmm.

20 MR. KROMER: But I expect that that is
21 made up by, in part, the home funds that are spent
22 on administration, and also that a substantial
23 piece of the general funding is spent on admin. as
24 well.

25 COUNCILMAN NUTTER: Well, their home

1 3/22/00 - WHOLE - BILLS 000003-000010

2 fund administration numbers percentage-wise are
3 about the same as everyone else's.

4 MR. KROMER: They're on the high end,
5 but you're right, they're relatively the same.

6 COUNCILMAN NUTTER: No one seems to
7 spend more than about 10 percent. So what do you
8 attribute the higher percentage of CDBG funds that
9 are also used for housing as compared to
10 Philadelphia?

11 MR. KROMER: My conclusion -- and this
12 may be mistaken, but it's my conclusion, based on
13 the information that we're reviewing, is that a
14 substantial portion of the administration is
15 funded through the General Fund commitment, which
16 is slightly larger than the Community Development
17 Block Grant.

18 COUNCILMAN NUTTER: Mm-hmm. Also,
19 there seems to be some fairly decent disparities
20 between what we spend percentage-wise on economic
21 development and public facilities and improvements
22 as compared to their use of those funds, which, I
23 assume, if they're not spending it on that, it
24 ends up on the housing side.

25 MR. KROMER: Yes.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN NUTTER: Is any of this
3 information at least presently, and I know you
4 said you were still reviewing, but do you get the
5 feeling from looking at what other cities are
6 doing that there is any particular need to rethink
7 what we're doing in Philadelphia and how we expend
8 out funds as compared to not only the practice but
9 possibly the results from other cities?

10 MR. KROMER: Yes, I do. I think
11 there's a need to rethink both the Community
12 Development Block Grant funding and also to look
13 more carefully than we have at the issue of
14 support for moderate- and middle-income housing.
15 The Economic Stimulus funding that was made
16 available during the past five years for that
17 purpose was relatively small and relatively
18 restricted, and I think we could learn from New
19 York and other cities about what has been done. I
20 know Chicago has made several efforts to devote
21 funding to middle-income housing, and I think this
22 is a good time to study those efforts and
23 determine whether any of them would work for
24 Philadelphia.

25 COUNCILMAN NUTTER: When you say that

1 3/22/00 - WHOLE - BILLS 000003-000010

2 people have dedicated money to middle-income
3 housing, how do they do that? I mean, what do
4 they do?

5 MR. KROMER: Well, the most direct way
6 that I'm aware of is in cases such as the New York
7 City case, where a substantial amount of the
8 general funds were simply used to construct
9 market-rate housing without income limitations or
10 with more flexible income limitations than those
11 which apply to the federal funds so that moderate-
12 and middle-income people could purchase those
13 homes that are being subsidized with the city
14 funds.

15 COUNCILMAN NUTTER: Okay, interesting.
16 Okay, I'm sure that we will continue some of this
17 discussion between now and CDBG time. But thank
18 you for compiling the information, it's been
19 illuminating. Thank you.

20 MR. KROMER: Thank you.

21 COUNCIL PRESIDENT VERA: The Chair
22 recognizes Councilman Clarke.

23 COUNCILMAN CLARKE: Thank you, Madam
24 Chair.

25 Good afternoon, Mr. Kromer.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. KROMER: Good afternoon.

3 COUNCILMAN CLARKE: Mr. Kromer, I have
4 received the document from your office from Kevin
5 Brooks yesterday. It talked about the
6 participation of residents versus nonresidents on
7 various projects throughout the City. And frankly
8 speaking, I was somewhat amazed at the percentage
9 of nonresidents. A couple of them -- one of them
10 was actually in my district. We had one that's 61
11 percent, others that are 59 percent, and others
12 that are 57 percent of nonresidents.

13 A couple years ago when the Mayor did
14 the Section 3 new hires program administrative
15 order, were the numbers comparable to this, or is
16 this an improvement on those numbers?

17 MR. KROMER: The numbers have improved
18 since the time when that executive order was
19 issued, but they haven't improved across the board
20 and they haven't improved enough. I don't know of
21 anyone who is satisfied.

22 COUNCILMAN CLARKE: Are you saying that
23 we've had -- prior to that executive order, we
24 actually had higher numbers than 59 percent
25 nonresidents?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MR. KROMER: Yes. The numbers were
3 worse before that.

4 COUNCILWOMAN CLARK: You're
5 acknowledging that those numbers are not
6 acceptable.

7 MR. KROMER: Absolutely.

8 COUNCILMAN CLARKE: What else are we
9 going to do as it relates to that? 'Cause this
10 is, frankly speaking, amazing to me.

11 MR. KROMER: This is a big issue and it
12 cuts across some other discussions that we've had
13 in Council -- most recently, the discussion last
14 year of the prevailing wage ordinance and the
15 participation of the building trades.

16 A key issue that we've got to grapple
17 with is the need to get more neighborhood
18 residents employed on these jobs so that we have a
19 percentage of participation that we can be proud
20 of. At the same time, we have to deal with the
21 fact that because of the history of the greater
22 Philadelphia economy over the last 10 to 20 years,
23 most of the members of the building trades happen
24 -- or a substantial portion of the membership of
25 the building trades happen to be nonresidents of

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Philadelphia neighborhoods.

3 Clearly, some significant strides have
4 been made by the building trades -- the
5 carpenters, the union, and others -- in developing
6 training programs apprenticeships for neighborhood
7 residents, and that situation has improved, but I
8 believe there's still a substantial disparity
9 between the level of work that is out there that's
10 being funded through the City of Philadelphia's
11 programs and the availability of members of the
12 building trades who happen to be neighborhood
13 residents.

14 So I think we've got to come to grips
15 with that situation. It's a bigger issue than the
16 issue of the community development program.
17 There's a lot of respect for what the building
18 trades have done for Philadelphia, so I think
19 we've got to get to the table with the building
20 trades as well as with the representatives of the
21 neighborhood interests.

22 And I think there are only a few
23 alternatives available to us. One is to accept
24 that the change will be gradual, there will be a
25 few apprenticeship opportunities periodically, and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 we'll move neighborhood residents into those. We
3 won't be happy with the numbers, but we'll think
4 in terms of the long view and, you know, expect
5 that the numbers will improve over a longer period
6 of time. I don't think most people would be happy
7 with that solution.

8 I think another potential solution is
9 to have some discussion about mixed project
10 workforce teams and project labor agreements in
11 which the developer, the builder, and the unions
12 all agree that in order to advance the goal of
13 neighborhood resident participation, we agree to a
14 mix of labor force in which some trades will be
15 union-represented and will have certain
16 expectations about the level of neighborhood
17 participation there, and others will not, and
18 those that will not will be there because they
19 will be builders and contractors that will be able
20 to -- subcontractors, I'm sorry, that will be able
21 to demonstrate a substantially higher level of
22 resident participation. And that mix will give us
23 numbers that we can be proud of.

24 COUNCILMAN CLARKE: So the reality is
25 that the majority of the skilled trades people are

1 3/22/00 - WHOLE - BILLS 000003-000010

2 nonresidents?

3 MR. KROMER: There's a combination, I
4 believe.

5 COUNCILMAN CLARKE: Or is it that union
6 members are nonresidents?

7 MR. KROMER: And I haven't reviewed the
8 data but I think there's a combination of things.
9 One is that a substantial number of the union
10 members happen to be nonresidents, and the other
11 is that there's a great demand on the building
12 trades. It's a region-wide demand, and the result
13 is that we don't have the level of neighborhood
14 participation that we'd like to see.

15 COUNCILMAN CLARKE: So when the Mayor
16 did the Section 3 executive order, he talked about
17 new hires, am I correct, for a job?

18 MR. KROMER: The executive order
19 related to three areas. One was employment, the
20 second was contracting, and the third was
21 purchasing of supplies and materials. And the
22 executive order simply said that the Mayor expects
23 that every developer that receives funding from
24 the Community Development Block Grant program is
25 expected to work together with City agencies'

1 3/22/00 - WHOLE - BILLS 000003-000010

2 staff and with the community to try to achieve a
3 goal of returning half -- at least half -- of the
4 economic value of the venture to the community in
5 terms of locally purchased-- local hiring, local
6 subcontracting, and local purchasing.

7 And "the community" means first looking
8 to the immediate neighborhood to try to find
9 opportunities to achieve that result. And then to
10 the extent that that result can't be achieved in
11 the immediate zip code where the development site
12 is located, looking at the adjacent zip codes and
13 then going further out, but with the bottom line
14 being to look to the City and the City's
15 neighborhoods before looking outside the City.

16 COUNCILMAN CLARKE: So it was local
17 preference as it relates to the City, not
18 necessarily a zip code.

19 MR. KROMER: But starting -- the
20 highest priority being the location of the
21 development site, yes.

22 COUNCILMAN CLARKE: When you do your
23 RFPs -- it's the Redevelopment Authority that does
24 the RFP process?

25 MR. KROMER: Yes.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN CLARKE: Is there any
3 thought given to putting some local preference in
4 the actual RFP? Meaning that if a developer or a
5 contractor is told that there -- I'm assuming that
6 you rank those by points?

7 MR. KROMER: Yes.

8 COUNCILMAN CLARKE: And if a contractor
9 does "A-B-C" as it relates to local preference in
10 the county of Philadelphia, that they will receive
11 additional points in that ranking system? Have
12 you ever given any thought to that?

13 MR. KROMER: No. And what I've been
14 told -- and, again, I haven't researched this
15 exhaustively, I'm not a member of the Bar, but
16 I've been told that some specific forms of local
17 preferences wouldn't stand up to a challenge.
18 Now, I'm not clear that that would mean that
19 there's no way that in the context of an RFP, we
20 couldn't give some recognition of that.

21 (Unintelligible, parties talking over
22 each other.)

23 COUNCILMAN CLARKE: What was your
24 understanding of that whole issue? Is it more
25 related to MBE/WBE, or is it related to local

1 3/22/00 - WHOLE - BILLS 000003-000010

2 preference? 'Cause I had heard it was more
3 relating to the racial aspect of --

4 MR. KROMER: I had heard both -- that
5 it could be -- a local preference could be a
6 problem as well. What I'd like to do is just
7 consult with the Law Department and get back to
8 you because I know the issue has been looked at,
9 and if we haven't looked at the RFP dimension of
10 this, we definitely should do that.

11 COUNCILMAN CLARKE: Just a couple more,
12 then I'll move ahead, Council President.

13 My understanding is that in a couple of
14 municipalities -- one in Detroit and one in
15 Savannah, Georgia -- there was a local preference
16 ordinance passed. Have you all looked at that?

17 MR. KROMER: I haven't but I know
18 that's been looked at by members of the Law
19 Department, so let me consult with them and get
20 back to you because I know Detroit's has been.
21 Savannah I'm not sure.

22 COUNCILMAN CLARKE: All right, okay.

23 MR. KROMER: But I will check on that
24 and then respond to the Council President.

25 COUNCILMAN CLARKE: You know, it's

1 3/22/00 - WHOLE - BILLS 000003-000010

2 clear that we have to do better and I'm a little
3 amazed at these numbers, and we've obviously not
4 doing a good enough job on it, and I think we need
5 to look at some very creative ways.

6 Can you get that information back to me
7 in the same timeframe as you get Councilman
8 Nutter's information so we can be prepared for the
9 CDBG areas on that?

10 MR. KROMER: Yes, yes.

11 COUNCILMAN CLARKE: All right.

12 MR. KROMER: And I think more -- I
13 think the real issue -- I'm not saying that we
14 know all of the answers to this problem, but I
15 think there has to be some dialogue involving the
16 building trades and the question of project labor
17 forces and mixed labor forces, or some other
18 solution that gives us immediate results that are
19 much better than what you see there.

20 COUNCILWOMAN CLARK: Okay. So you
21 think that -- I mean, I know there was discussions
22 prior to prevailing wage relating to minority
23 participation, women's and disadvantaged
24 participation, but I've never heard any serious
25 discussion about the local preference issue and

1 3/22/00 - WHOLE - BILLS 000003-000010

2 any concerns raised by the building trades on the
3 local preference issue, and that's why I'm
4 wondering, have we given much thought to that as
5 opposed to going the other way?

6 MR. KROMER: The issue of Philadelphia
7 resident employment has come up and I think we
8 should tackle them all, and this is a good time to
9 do that.

10 COUNCILMAN CLARKE: Okay. Thank you,
11 Mr. Kromer.

12 MR. KROMER: Thank you.

13 COUNCILMAN CLARKE: Thank you, Madam
14 Chair.

15 COUNCIL PRESIDENT VERNA: The Chair
16 recognizes.

17 COUNCILMAN NUTTER: Thank you, Madam
18 Chair.

19 I just want to say to my colleague,
20 Councilman, I appreciate the questions and the
21 line that you had taken. I think you and I are
22 probably looking into the same direction and in
23 the same area on this particular issue. I've also
24 had discussions with the Law Department and they
25 have laid out a series of issues and problems,

1 3/22/00 - WHOLE - BILLS 000003-000010

2 although I think there might be some opportunities
3 to work on a couple of things.

4 The one issue I did want to mention,
5 Mr. Kromer was talking about the executive order.
6 I know the Councilman will remember that the
7 executive order that was a part of your earlier
8 discussion is now actually in the Philadelphia
9 Code. Council codified the executive order last
10 year and it is now a law here in the City. And it
11 is at the same 50 percent rate. I would suggest
12 maybe to my colleague one of the more immediate
13 things do that we can do -- I still think we need
14 to deal with the opportunities-for-local-residents
15 issue, but we may now, because it's law, I want to
16 look at the percentage that's in what used to be,
17 I think, Executive Order 295, and see if we might
18 initially want to raise the 50 percent rate to
19 some higher rate while we're still dealing with
20 the opportunity for local residents to participate
21 in some of this work.

22 I mean, I know, Mr. Kromer, you must
23 know this, that it could really kind of burn a
24 person up a little bit when they see all this
25 activity going on in their neighborhood and folks

1 3/22/00 - WHOLE - BILLS 000003-000010

2 arrive at the site by a vehicle often with a
3 registration that is not Pennsylvania and then
4 leave and go wherever they go. I mean, you know,
5 people have a right to work, it's nice that you're
6 working and all of that, but I didn't think that
7 we had solved the unemployment problem in
8 Philadelphia. And when you read the reports that
9 the Councilman makes reference to, we had a big
10 blowup about this last year. I think it involved
11 Loews Hotel. Is Loews the same as PSFS?

12 MR. KROMER: Yes.

13 COUNCILMAN NUTTER: Okay. And there
14 was one other. And they showed, you know, rates
15 of 55 percent of the people were Philadelphia
16 residents. Naturally, the flip of that is, 45
17 percent were not, many of whom were from the four
18 surrounding suburbs, New Jersey, Delaware,
19 Maryland, New York State, and Florida.

20 Now, I know that there's a lot of work
21 out there, but it seems to me that until the folks
22 on whose back the funds that we get are generated
23 -- I mean, CDBG funds are generated to the City
24 based on our population and specifically based on
25 the low- and moderate-income population. We put

1 3/22/00 - WHOLE - BILLS 000003-000010

2 our money into the projects, the people who the
3 money came here for don't participate in the
4 projects and the people who do participate in the
5 projects are obviously not low- and moderate-
6 income and, as matter of fact, are doing well
7 enough to move out of town.

8 I mean, that has got to be on the list
9 of definitions of "crazy," where we have a system
10 that money comes to us that's supposedly for poor
11 people, generating jobs for who are not, and the
12 end result of which is, they make enough money to
13 leave town. I mean, it seems to me that we lose,
14 at some level, all the way around. Now, I know we
15 get wage tax and some various other benefits but,
16 I mean, that cannot have been the intent --

17 MR. KROMER: Absolutely.

18 COUNCILMAN NUTTER: -- of what this
19 program is all about.

20 MR. KROMER: So I will join in a
21 discussion with my colleague about getting some
22 resolution to this particular issue, 'cause it is
23 not going in the right direction.

24 MR. KROMER: I agree.

25 COUNCILMAN NUTTER: Thank you.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Thank you, Madam Chair.

3 COUNCIL PRESIDENT Verna: Thank you.

4 Councilman Clarke, do you have any
5 further questions? Your light's still on.

6 COUNCILMAN CLARKE: I want to say for
7 the record that Councilman Nutter, I understand,
8 sponsored that bill to codify the Section 3 regs,
9 and he is to be congratulated on that.

10 Thank you.

11 COUNCIL PRESIDENT Verna: Fine. Any
12 further questions of Mr. Kromer?

13 (No further questions.)

14 COUNCIL PRESIDENT Verna: Thank you
15 very much, Mr. Kromer.

16 MR. KROMER: Thank you.

17 COUNCIL PRESIDENT Verna: Council will
18 be in recess for 15 minutes.

19 (Council stands in recess.)

20 - - -

21 (Proceedings resume.)

22 COUNCIL PRESIDENT Verna: Will
23 Councilmembers kindly report to the chamber.

24 - - -

25 COUNCIL PRESIDENT Verna: Will all

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Councilmembers kindly report to the chamber.

3 - - -

4 COUNCIL PRESIDENT VERNA: We heard from
5 all of the witnesses before we recessed. Do any
6 Councilmembers have any other questions or
7 comments?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: There being
10 none, this will conclude the public hearing of the
11 Committee of the Whole.

12 - - -

13 COUNCIL PRESIDENT VERNA: We will now
14 go into our public meeting.

15 The first bill to be considered will be
16 Bill No. 000003. Ms. Suber, it's my understanding
17 that you are going to be proposing an amendment?

18 (Stephanie Franklin-Suber and Rob Dubow
19 come forward.)

20 MR. DUBOW: Good afternoon.

21 COUNCIL PRESIDENT VERNA: Good
22 afternoon.

23 MR. DUBOW: Actually, we have
24 amendments for Bills 3 and 4, and I have testimony
25 that goes along with it. I think it's been

1 3/22/00 - WHOLE - BILLS 000003-000010

2 distributed to Council before, but there have been
3 slight revisions, so we have new copies to hand
4 out.

5 COUNCIL PRESIDENT VERNA: Fine. Please
6 proceed.

7 MR. DUBOW: My name's Rob Dubow and I'm
8 the Budget Director for the City of Philadelphia.
9 With me today are Stephanie Franklin-Suber, the
10 City's Chief of Staff, and Cathy Paster, Deputy
11 Budget Director.

12 I appear before you today to offer
13 testimony on Bill No.'s 3 and 4, which propose to
14 establish the City's FY '2001-2006 Capital Program
15 and FY 2001 Capital Budget. These measures were
16 introduced on February 3, 2000. Today we propose
17 to amend these measures to add additional
18 appropriations necessary to carry forward all
19 unobligated funding from FY 2000 appropriations
20 and to include additional appropriations from
21 sources unanticipated at the time these bills were
22 introduced.

23 In this proposed amendment, all
24 unobligated capital appropriations have been
25 carried forward from Fiscal Year 2000, with very

1 3/22/00 - WHOLE - BILLS 000003-000010

2 few exceptions. These few exceptions fall into
3 mainly two categories: unspent PICA or GO
4 appropriations, for which projects have been
5 completed under budget; and federal, state, or
6 private appropriations for which the anticipated
7 grants have not materialized. In those few cases
8 where general obligation funds have not been
9 carried forward, the projects have been completed
10 within budget, leaving a very small balance.

11 There are a large number of projects in
12 the Capital Budget that have been included at the
13 direct request of City Council members. I can
14 assure the members of Council that all remaining
15 funding for these projects has been included in
16 the carry-forward in the amendment proposed
17 today. This recommendation does not include the
18 lapsing of any unencumbered funding for projects
19 of this nature, whether or not those projects have
20 been completed.

21 Other than the addition of the carry-
22 forward appropriations, there are further proposed
23 modifications to Bills 3 and 4, as introduced
24 February 3rd. Those modifications have been
25 recommend in the Fairmount Park and Recreation

1 3/22/00 - WHOLE - BILLS 000003-000010

2 budget and program. An additional \$75,000 State
3 appropriation has been included in Fairmount Park,
4 Line 47, for the restoration of the Livezey
5 House. This is necessary to appropriate funding
6 from a State grant that has been received from the
7 Pennsylvania Historical and Museum Commission. No
8 additional general obligation funds are required
9 to match this grant because previously
10 appropriated general obligation funds will satisfy
11 the match requirement.

12 Additionally, a \$400,000 State
13 appropriation has been recommended in Fairmount
14 Park, Line 49. This appropriation will finance a
15 grant received from the State Department of
16 Conservation and Natural Resources for footway
17 restoration and site improvements in the area
18 around the Fairmount Waterworks, Art Museum,
19 Schuylkill River Park, and Kelly Drive.

20 In Line 101 of the Recreation
21 Department, we are proposing a title change from
22 "Veterans Stadium" to "Veterans Stadium
23 Renovations," in accordance with Bill No. 82 of
24 the Year 2000.

25 That concludes my testimony and I'd be

1 3/22/00 - WHOLE - BILLS 000003-000010

2 happy to answer any specific questions from
3 Council. Thank you.

4 COUNCIL PRESIDENT Verna: Mr. Dubow, I
5 understand from this statement, the amendment,
6 that if the deadlines in Bill 82 are not met, the
7 Mayor will spend the capital funds appropriated
8 for the Veterans Stadium repairs only after
9 submitting a specific list of those repairs to
10 Council and obtaining Council's approval for such
11 repairs? Is that correct?

12 MS. FRANKLIN-SUBER: President Verna,
13 for the record, my name is Stephanie
14 Franklin-Suber. And on behalf of Mayor Street,
15 the answer to your question is yes.

16 COUNCIL PRESIDENT Verna: Thank you.

17 Does anybody have any questions?

18 The Chair recognizes Councilwoman
19 Blackwell.

20 COUNCILMAN NUTTER: Madam Chair?

21 COUNCIL PRESIDENT Verna: Yes?

22 COUNCILMAN NUTTER: Unless Councilwoman
23 Blackwell is asking a question, I assume that you
24 recognize, therefore -- are we about to take a
25 vote on the amendments to Bills 3 --

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCIL PRESIDENT Verna: Bills 3 and

3 4.

4 COUNCILMAN Nutter: -- and 4? And does
5 that include the tail-end of the testimony that
6 Mr. Dubow just gave with regard to Line 101 of the
7 Recreation Department?

8 COUNCIL PRESIDENT Verna: Yes.

9 COUNCILMAN Nutter: And the Veterans
10 Stadium renovations?

11 COUNCIL PRESIDENT Verna: Mm-hmm.

12 COUNCILMAN Nutter: Has there been any
13 discussion about that particular item?

14 COUNCIL PRESIDENT Verna: I think I
15 just asked a question and it was responded to.
16 Were you out of the room?

17 COUNCILMAN Nutter: I think I was but I
18 think I was distracted off to the side. If it
19 was, then. . .

20 COUNCIL PRESIDENT Verna: Miss Suber,
21 apparently, there needs to be just some slight
22 explanation as to what this amendment will do in
23 accordance to Bill No. 82.

24 MS. FRANKLIN-SUBER: Yes.

25 COUNCIL PRESIDENT Verna: So that the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 record is very clear.

3 MS. FRANKLIN-SUBER: Yes, I'd be happy
4 to respond.

5 The purpose of the amendment is to make
6 sure that there is no confusion with regard to the
7 Mayor's authorization under the Capital Budget
8 authorization and Bill 82 by clarifying that in
9 the event that Council approves the Capital Budget
10 and Program, in the event that Council authorizes
11 -- adopts the loan authorization and there are no
12 amendments to the Capital Budget by Council, that
13 the Mayor will spend the capital funds
14 appropriated for the Vets Stadium improvements, in
15 accordance with Bill 82 -- which means that the
16 Mayor, before expending the capital dollars, will
17 submit the specific list of repairs by resolution
18 to City Council, as set forth in Bill 82.

19 COUNCILMAN NUTTER: And that means that
20 it's only under those circumstances that the
21 repairs or the expenditure is made? And are there
22 any other funding sources that can be accessed
23 which don't require this particular process to be
24 followed?

25 MS. FRANKLIN-SUBER: Well, Bill 82

1 3/22/00 - WHOLE - BILLS 000003-000010

2 provides that if -- and I believe we've covered
3 this in a prior testimony, but if we have to
4 implement the contingency plan, the Mayor has said
5 in a written letter to Council President Verna,
6 that we will explore other possible sources of
7 funding to make the Vets Stadium repairs and use
8 capital funds only as a last resort.

9 In the event that we cannot find an
10 alternative source of funding and we are going to
11 use capital funds, then by virtue of Bill 82 and
12 this amendment that has been proposed by the
13 administration, it is clear that a list of repairs
14 and the process set forth in Bill 82 is the
15 process that we will follow before the repairs are
16 made to Vets Stadium under the contingency plan.

17 COUNCILMAN NUTTER: So -- and by
18 offering this -- by the Administration offering
19 this particular amendment, you're saying that the
20 Mayor and the Administration are, in essence,
21 binding themselves to that particular process?
22 Because, I thought in another discussion or in
23 another forum, it was made somewhat clear that
24 with Bill 82 by itself, Council was not able to
25 impose that precondition or restriction; is that

1 3/22/00 - WHOLE - BILLS 000003-000010

2 correct?

3 MS. FRANKLIN-SUBER: I'm not sure I
4 understand your question, I'm sorry. Bill 82 sets
5 forth the process.

6 COUNCILMAN NUTTER: Right.

7 MS. FRANKLIN-SUBER: And what the
8 Mayor, or what the Administration, is trying to
9 clarify with this amendment to the Capital Budget
10 is, we will follow the process in Bill 82.

11 COUNCILMAN NUTTER: Right.

12 MS. FRANKLIN-SUBER: The Mayor made a
13 commitment to City Council that if we implement
14 this contingency plan before we make the repairs,
15 we will submit the list of repairs to City Council
16 for approval by resolution. And to the extent
17 that there is any possibility based on the
18 authorization under the Capital Budget loan
19 authorization by City Council, that somehow the
20 Administration could take the position that we
21 don't have to follow Bill 82, we are closing that
22 possibility by virtue of this amendment, because
23 the Mayor made that commitment to City Council.

24 COUNCILMAN NUTTER: Okay, all right.

25 MS. FRANKLIN-SUBER: That's what the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 amendment is.

3 COUNCILMAN NUTTER: So the amendment is
4 trying to respond to -- there had been a question
5 or some confusion or lack of clarity between the
6 Council and the Administration about what Bill 82
7 was doing. And, I mean, I think it's since
8 apparently been determined that without this type
9 of amendment, the Mayor would have been able, once
10 the Capital Budget was passed and once the loan
11 authorization question was passed, either from a
12 theoretical standpoint or a technical standpoint,
13 the Mayor would have been able, or the
14 Administration. I don't think the Mayor's going
15 to personally be out spending the money, but the
16 Administration would be able to use capital
17 dollars that were authorized by the budget and by
18 the question, without having provided such a list
19 or without Council's approval.

20 That was the issue that was of concern,
21 I guess, last week and that's the purpose for this
22 particular amendment, to clear that up?

23 MS. FRANKLIN-SUBER: Yes. To clear up
24 the relationship between Bill 82 -- and, again, as
25 you pointed out, the authorization that the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Administration would have by virtue of the Capital
3 Budget and the loan authorization.

4 I mean, to the extent that City Council
5 was concerned that under the Charter, the checks
6 and balances, in terms of Council's ability to
7 amend the Capital Budget and Council's ability to
8 deny the loan authorization or modify or impose
9 whatever conditions, were not of sufficient
10 comfort, and there was a question about the
11 relationship to Bill 82. The Administration, the
12 Mayor, made a commitment to submit this list of
13 repairs to Council by resolution, and we are
14 offering this amendment to alleviate any concerns
15 or any possibility that we would do otherwise.

16 COUNCILMAN NUTTER: Okay, all right.

17 Thanks.

18 COUNCIL PRESIDENT VERNA: Councilman
19 Nutter, do you have any further questions?

20 COUNCILMAN NUTTER: Not on -- not on
21 that particular issue, Madam Chair.

22 I did need some -- I don't know whether
23 this is the moment, but I know we're talking about
24 our Capital Budget. There had been an issue some
25 time ago, and I got somewhat of a second- or

1 3/22/00 - WHOLE - BILLS 000003-000010

2 third-hand response with regard to the Robin Hood
3 Dell East. There had been extensive discussion at
4 Capital Budget time with Recreation and, I know,
5 Mr. Dubow.

6 And since the questions were asked on
7 the record, I'd like to make sure the record is
8 clear about the Administration's position with
9 regard to requested or needed capital repairs at
10 Robin Hood Dell East and the prospect of having
11 some funding put in the out-years, not in the
12 Capital Budget for '01, but in '02 to deal with
13 what is apparently a great need at that facility.

14 MR. DUBOW: At this point, there's the
15 \$550,000 carryover in 2001. As you know, we
16 received a consultant's report that said there was
17 a need for, I guess, approximately \$4.5 million in
18 repairs at the Dell. We are looking at that
19 report.

20 There are some questions about the
21 actual extent of repairs that are needed. For
22 example, the \$550,000 would go toward that
23 4.5 million. There are some things that are
24 recommended in the report that we think might be
25 done more cheaply. When we're done reviewing that

1 3/22/00 - WHOLE - BILLS 000003-000010

2 report, we'll have a better sense of what
3 appropriate levels of funding might be.

4 COUNCILMAN NUTTER: Okay, thank you.

5 COUNCIL PRESIDENT VERNA: Thank you.

6 The Chair recognizes Councilman Cohen.

7 COUNCILMAN COHEN: Thank you, Madam
8 President.

9 I am awaiting -- I was under the
10 impression that the discussion between Councilman
11 Nutter and the Chief of Staff dealt with some
12 amendment. Was I wrong?

13 MR. DUBOW: Yes, it deals with an
14 amendment.

15 COUNCILMAN COHEN: Where is the
16 amendment? I'm looking for an amendment.

17 COUNCIL PRESIDENT VERNA: Page 2, in
18 Line 101.

19 MR. DUBOW: It's in the testimony, in
20 the second-to-last paragraph.

21 COUNCIL PRESIDENT VERNA: Do you have
22 the amendments to offer, Mr. Dubow?

23 MR. DUBOW: Yeah.

24 COUNCILMAN COHEN: That's the entire
25 amendment?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCIL PRESIDENT Verna: No. We have
3 -- Mr. Dubow has amendments, copies of the
4 amendments. If it could be circulated please.

5 (Copy of amendments not submitted to
6 stenographer for inclusion notes of testimony.)

7 In COUNCILMAN COHEN: Well, what is the
8 wording of the amendment? Is the amendment
9 contained here? Am I missing something?

10 MR. DUBOW: Yes. That's the whole
11 wording of the amendment. It changes title from
12 "Veterans Stadium" to "Veterans Stadium
13 Renovations," in accordance with Bill 82 of the
14 year 2000.

15 COUNCILMAN COHEN: And that embodied
16 all of that discussion?

17 MR. DUBOW: Yes, it did.

18 COUNCILMAN COHEN: Because I have a
19 question about the discussion but I don't know
20 whether it's going to deal with the amendment or
21 not. I hear the discussion and I hear that the
22 Mayor is going to -- he agrees to a process to
23 send us a list of proposed improvements to
24 Veterans Stadium that we can approve by resolution
25 -- and I'll listen intently and wait for the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 decisive words -- and that he will act accordance
3 therewith with the action of Council, but I don't
4 hear it. I wait for words that indicate that
5 somehow, after he sends us this document, known as
6 "a resolution," submitting the proposed
7 improvements, that we're going to act on it, and
8 somehow, our actions may influence his actions,
9 and I don't get that either.

10 So what does the Mayor agree to other
11 than sending us -- say, he sends us this
12 resolution and we disagreed with the resolution,
13 what happens then?

14 MR. DUBOW: Then those repairs wouldn't
15 be made if because Council didn't approve the
16 resolution.

17 COUNCILMAN COHEN: Say that again?

18 MR. DUBOW: The repairs would not be
19 made if Council didn't approve the resolution.

20 COUNCILMAN COHEN: The repairs would
21 not be made. And that means, then, that if there
22 are changes in the resolution, that the Mayor
23 would abide by the changes? If there were some
24 improvements that we approved and some that we
25 thought were not justified, does your answer also

1 3/22/00 - WHOLE - BILLS 000003-000010

2 apply to that?

3 As a lawyer, it would seem to me that
4 it does, but I want to make sure. I don't want to
5 commit the Mayor to anything the Mayor's not
6 prepared to be committed to, but I also want to
7 know what I'm voting on.

8 COUNCILMAN O'NEILL: Madam President?

9 COUNCILWOMAN VERNA: Yes, Councilman
10 O'Neill.

11 COUNCILMAN O'NEILL: Councilman, I
12 would think -- if you could just take a second.
13 If we are being asked to vote on something which
14 would indicate that only the improvements that we
15 -- Council and the Administration -- have agreed
16 on will be the improvements done, if we made a
17 change, I would think that it wouldn't be any
18 different. The Administration would still have to
19 agree, thereby a situation again occurring where
20 both Council and the Administration agreed.

21 I don't think it's a complicated
22 decision, but I don't think it's going to be just
23 we change and they eat it and we wouldn't want to
24 eat it if we didn't like it. So you still need an
25 agreement. I don't see how it changes if we send

1 3/22/00 - WHOLE - BILLS 000003-000010

2 something back different than the way it came
3 here. There still has to be an agreement, the
4 same way it had to be agreed on when it came up
5 here from downstairs.

6 COUNCILMAN COHEN: Well, you know, is
7 that the official answer of the Administration?
8 Do you accept that? I don't know in what regard
9 Councilman O'Neill was --

10 MS. FRANKLIN-SUBER: Well --

11 COUNCILMAN O'NEILL: It's just logic.
12 I mean I don't know how you're going to have --

13 (Unintelligible, parties talking over
14 each other.)

15 COUNCILMAN COHEN: Well, I'd like an
16 answer. The Administration has witnesses here,
17 Councilman O'Neill. I would just like them to
18 answer 'cause they speak for the Administration.

19 COUNCILMAN O'NEILL: (Inaudible,
20 off-mike.)

21 COUNCIL PRESIDENT VERNA: What is the
22 question, Councilman Cohen? Councilman Cohen,
23 just state your question, please, so it can be
24 answered.

25 COUNCILMAN COHEN: In the event that

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Council acts on a resolution by way of amending it
3 and, say, for example -- it's only an example --
4 that it approves part and disapproves part. Does
5 the Administration agree that it will be committed
6 to the action taken by the Council?

7 What Councilman O'Neill said is always,
8 you know, a possibility of a follow-up statement,
9 we always have to get ultimate agreement. But I
10 want to know, what's the meaning of sending the
11 resolution to us, Mr. Dubow? And I offer him my
12 condolences, 'cause I think he's leaving a very
13 exciting position where action occurs every day.

14 COUNCIL PRESIDENT VERNA: Councilman,
15 isn't that something that City Council asked for,
16 the approval for any repairs to be made?

17 COUNCILMAN COHEN: Yeah. And I don't
18 understand why there's any delay in saying, Yes,
19 we agree to be found --

20 COUNCIL PRESIDENT VERNA: I thought
21 that was our request.

22 COUNCILMAN COHEN: What's that?

23 COUNCIL PRESIDENT VERNA: That was a
24 request that City Council made.

25 COUNCILMAN COHEN: I'm asking the

1 3/22/00 - WHOLE - BILLS 000003-000010

2 question, do they understand that to be an
3 agreement? And I don't understand --

4 COUNCIL PRESIDENT VERNA: Okay, Ms.
5 Suber, I think --

6 COUNCILMAN COHEN: -- why our Chief of
7 Staff is quiet.

8 COUNCIL PRESIDENT VERNA: -- I think
9 Councilman Cohen would like to have your
10 understanding of that. He doesn't know why you're
11 hesitating to answer, so please respond.

12 MS. FRANKLIN-SUBER: The only reason I
13 was hesitating, Councilman Cohen, was because you
14 were talking and I didn't want to talk over you.
15 Now that you've, I think, phrased the question and
16 none of the other members of Council have made
17 statements, I'd be happy to answer your question.

18 The sole purpose of the amendment was
19 to implement the procedure that City Council put
20 into effect in Bill 82. And as we testified, in
21 connection with Bill 82, the teams, both the
22 Phillies and the Eagles, will propose a list of
23 repairs that we have agreed on -- the
24 Administration, the Phillies, the Eagles. Because
25 when we gave the preliminary list, Council

1 3/22/00 - WHOLE - BILLS 000003-000010

2 with repairs until they were approved by City
3 Council.

4 COUNCILMAN COHEN: Well, that's -- the
5 last sentence is what I'm looking for. The rest
6 -- you say that the City Administration will not
7 proceed with the repairs unless Council has
8 approved them.

9 MS. FRANKLIN-SUBER: Correct.

10 COUNCILMAN COHEN: Okay. I -- I -- I
11 think I understand that, that Council has to
12 approve the repairs before they undertaken.

13 MS. FRANKLIN-SUBER: Yes.

14 COUNCILMAN COHEN: And, therefore, I
15 interpret -- now, this is just my interpretation
16 -- that if Council does not approve certain
17 repairs, they will not be done until such time as
18 Council does approve them.

19 MS. FRANKLIN-SUBER: Yes.

20 COUNCILMAN COHEN: And I think that was
21 the point that Councilman O'Neill was making.

22 MS. FRANKLIN-SUBER: Yes.

23 COUNCILMAN O'NEILL: (Inaudible,
24 off-mike.)

25 COUNCILMAN COHEN: What's that?

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCILMAN O'NEILL: (Inaudible,
3 off-mike.)

4 COUNCILMAN COHEN: I just wanted to
5 make sure that we're all agreed that there had to
6 be joint agreement on the repairs before they were
7 made, and I take it that's what the Chief of Staff
8 is saying.

9 MS. FRANKLIN-SUBER: That's what we
10 believe Bill 82 does, yes.

11 COUNCILMAN COHEN: Okay, all right,
12 very good. That clears my mind as of now. I can
13 only live in the hope that the same agreement will
14 apply in the fall as it does in the spring, when
15 the leaves begin to turn brown.

16 COUNCILMAN ORTIZ: Very poetic.

17 COUNCIL PRESIDENT VERNA: Well, it's a
18 great tile of a song, Councilman.

19 COUNCILMAN COHEN: Thank you.

20 COUNCIL PRESIDENT VERNA: The Chair
21 recognizes Councilman Kenney.

22 COUNCILMAN KENNEY: Thank you, Madam
23 President.

24 I want to go back a minute to
25 Councilmember Nutter's line of questioning as to

1 3/22/00 - WHOLE - BILLS 000003-000010

2 the genesis and reason for the amendment in the
3 first place. And I think the Chief of Staff --
4 and I'm paraphrasing her -- indicated some
5 confusion as to Council's level of comfort with
6 the protections provided, or purported to be
7 provided, by Bill 82, as amended.

8 There was really, in my opinion, no
9 confusion and I think it was confirmed by a draft
10 opinion from Kenneth Trujillo relative to our
11 request which I made to Council President and
12 Council President made to her staff, who drafted
13 extremely competent and clear questions to ask the
14 City Solicitor, and I want to read, for the
15 record, the reason why the amendment exists in the
16 first place.

17 "As I read it," Mr. Trujillo writes,
18 "Bill No. 82, as amended, does not purport to
19 restrict the Mayor's ability to expend available
20 capital dollars in any appropriate way he sees fit
21 and is authorized by the Charter. Indeed, any
22 attempt by Council to so restrict the Mayor's
23 spending decisions would likely constitute an
24 improper intrusion into an exclusive
25 administrative prerogative.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 "Bill 82 does authorize the Mayor,
3 subject to further Council approval, to enter into
4 agreements with the tenants of Veterans Stadium,
5 committing the City to make certain specified
6 repairs and improvements, but nothing in Bill 82
7 requires, or could require, the Mayor to enter
8 into such agreements, and nothing in Bill 82
9 prohibits, or could prohibit, the Mayor from
10 expending available capital dollars to make
11 additional repairs or improvements to Veterans
12 Stadium beyond those authorized by Bill 82, or
13 even beyond those committed to by the City in
14 leases or any amendments thereto.

15 "Thus, it is my conclusion that the
16 passage of the Capital Budget and Capital Program
17 will legally authorize the Mayor to expend
18 \$40 million for repairs and improvements to
19 Veterans Stadium either under the terms of the
20 existing leases with the Phillies or Eagles or
21 under the City's own initiative, without regard to
22 the terms of said leases, and that the terms of
23 Bill 82, as amended, do not and cannot restrict
24 this authority.

25 "The Mayor, through the Public

1 3/22/00 - WHOLE - BILLS 000003-000010

2 Property Commission, is the authorized by the Home
3 Rule Charter to make such repairs to City-owned
4 facilities as he deems fit and appropriate,
5 assuming available funds appropriated and
6 authorized by Council. And nothing in Bill 82, as
7 amended, purports to or could restrict his ability
8 to so spend City capital dollars.

9 "Council's role in the Mayor's
10 discretionary use of City funds is in shaping and
11 enacting the budget. If the budget authorizes the
12 expenditure, Council's formal legal role in the
13 process is at an end. And certainly nothing in
14 Bill 82, as amended, suggests to the contrary."

15 I cannot see a clearer, more
16 uncomplicated, unconfusing position on the City
17 Solicitor's part that, in fact, if we had not
18 taken the measures to amend the Capital Budget to
19 discuss and reference Bill 82, that the
20 possibility exists, and would exist, for the Mayor
21 to spend the money in any way he saw fit. And
22 that's -- there's no confusion as far as City
23 Solicitor's concern and there's no confusion as
24 far as this Council's concerned that the actions
25 that we're hoping to take on the Capital Budget

1 3/22/00 - WHOLE - BILLS 000003-000010

2 will, in fact, keep that from happening.

3 MS. FRANKLIN-SUBER: Councilman Kenney,
4 I don't disagree with the City Solicitor's
5 interpretation of Bill 82. I think that,
6 unfortunately, you did not paraphrase my comment
7 correctly, because what I was referring to -- I
8 agree with your analysis of Bill 82. What I said,
9 or what I thought I said, and if I didn't say it
10 clearly and there was a misunderstanding, I would
11 like to say it clearly for the record.

12 What I said was that to the extent that
13 City Council was not comfortable with the checks
14 and balances that exist in the Charter -- not Bill
15 82 -- with regard to City Council's ability, even
16 with the authorization, even with the approval of
17 the Capital Budget, the fact that under the
18 Charter, City Council has the ability and the
19 right to amend the budget subsequently, and also
20 the fact that even with the approval of the
21 budget, City Council has another check and balance
22 in the process to approve the loan authorization.

23 So the issue became looking at it in
24 the entire context. And from a timing standpoint,
25 based on the commitments that had been made by the

1 3/22/00 - WHOLE - BILLS 000003-000010
2 Administration to City Council of an open process,
3 the objective of trying to have a conceptual
4 agreement with the teams by the end of June, the
5 fact that we would anticipate submitting a full
6 and complete legislative package to City Council
7 at the beginning of September, the fact that at
8 that point in time, we would have a clear sense as
9 to whether or not the contingency plan would need
10 to be implemented, because we would know whether
11 or not we were proceeding in the discussions of
12 new stadiums, and the fact that at that point,
13 City Council would have the ability to amend the
14 budget or to modify, restrict, preclude the loan
15 authorization, from the Administration's
16 perspective, we believed that City Council had
17 other checks and balances in addition to Bill 82.

18 But to the extent that -- what I was
19 trying to say was that Council was not comfortable
20 with the checks and balances and the power that it
21 has under the Charter, we propose this amendment,
22 because we do agree that there is a possibility,
23 assuming, assuming, that City Council does not,
24 based on the information it has, amend the budget
25 and does not -- and authorizes, you know, adopts

1 3/22/00 - WHOLE - BILLS 000003-000010

2 the loan authorization, there is that
3 possibility. So to address that possibility, we
4 have offered this amendment.

5 We do not disagree with that analysis
6 at all.

7 COUNCILMAN KENNEY: So, I mean, I'm
8 sure you could understand that upon reading Mr.
9 Trujillo's position on this particular
10 legislation, that an additional level of comfort
11 might be required or at least be suggested and --

12 MS. FRANKLIN-SUBER: And that's why we
13 have proposed the amendment.

14 COUNCILMAN KENNEY: So my point, I
15 guess, getting back to Councilmember Nutter's line
16 of questioning, is the amendment to Bill No. 3,
17 referencing Bill 82, had has much to do with -- or
18 had just about everything to do with the fact that
19 Mr. Trujillo's position on the unimportance of
20 Bill 82 potentially could have been in the event
21 that we didn't reference Bill 82 in the Capital
22 Budget.

23 That's all -- you know, it's just to
24 clear up the confusion that seemed to have been in
25 the beginning of the testimony.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 MS. FRANKLIN-SUBER: As I said -- what
3 I said earlier was that to the extent that Council
4 was not comfortable with the checks and balances
5 that exist in the Charter, we were prepared to
6 offer up the amendment to deal with the
7 possibility.

8 COUNCILMAN KENNEY: Well, I became more
9 uncomfortable after I read Mr. Trujillo's opinion.
10 So, I mean, based on the City Solicitor's
11 position, or at least draft opinion on this thing,
12 I think that we are doing the right thing by
13 moving forward and amending Bill 3.

14 MS. FRANKLIN-SUBER: And we recognize
15 that. And because the Mayor was committed, which
16 was why we agreed to Bill 82 in the first place,
17 and his intent always was to come back to City
18 Council, we have no problem agreeing to and
19 offering up the amendment so that there's no doubt
20 that the Administration will submit the list to
21 Council for its approval by resolution.

22 COUNCILMAN KENNEY: I just wanted to
23 make sure that the record was clear.

24 Thank you.

25 COUNCIL PRESIDENT VERNA: Thank you.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 The Chair recognizes Councilman Cohen.

3 COUNCILMAN COHEN: Thank you, Madam
4 President. Last night, a hypothetical constituent
5 made a hypothetical telephone call to me.

6 (Laughter.)

7 COUNCILMAN COHEN: And said, "What
8 happens if we spend that \$80 million on the Vet
9 that the Mayor talking about wanting to spend and
10 you all agree with it? What happens then? Does
11 that mean that we forget all about stadiums until
12 the end of 2010?"

13 And I said, "That's a good question, I
14 don't know. Tomorrow, I'll ask the Chief of
15 Staff."

16 MS. FRANKLIN-SUBER: The answer is yes.

17 COUNCILMAN COHEN: Still, I'm asking
18 the Chief of Staff --

19 MS. FRANKLIN-SUBER: The answer is yes.

20 COUNCILMAN COHEN: -- to respond to
21 this hypothetical constituent.

22 MS. FRANKLIN-SUBER: The answer is yes.
23 Because if we get to a point where we have made
24 \$80 million worth of repairs to Vets Stadium, that
25 means that we have not gone forward with new

1 3/22/00 - WHOLE - BILLS 000003-000010

2 stadium development, that we have made an
3 investment in Vets Stadium, and that one or both
4 of the teams are going to be playing at Vets
5 Stadium until the end of their lease term, which
6 is 2011.

7 COUNCILMAN COHEN: So that means that
8 we can put the stadium question to bed. One way
9 or the other, by the end of this year, we either
10 will have voted for a new stadium or we will have
11 authorized sufficient repairs and made such a
12 heavy investment in the stadium that we can for
13 the next decade -- I'll be in Council still.

14 MS. FRANKLIN-SUBER: Yes, I know.

15 (Laughter.)

16 MS. FRANKLIN-SUBER: And I'm going with

17 Mr. Dubow.

18 (Laughter.)

19 COUNCILMAN COHEN: Thank you, Madam
20 President.

21 COUNCIL PRESIDENT Verna: You're
22 welcome.

23 Are there any other questions or
24 comments from members of the committee?

25 (No further questions.)

1 3/22/00 - WHOLE - BILLS 000003-000010

2 COUNCIL PRESIDENT Verna: Hearing none,
3 the Chair recognizes Councilwoman Blackwell.

4 COUNCILWOMAN BLACKWELL: Thank you,
5 Madam President. I move that the amendment
6 proposed by the Administration for Bill No. 3 be
7 adopted.

8 (Duly seconded.)

9 COUNCIL PRESIDENT Verna: It has been
10 moved and seconded that the amendment be adopted.

11 All in favor will signify by saying
12 aye.

13 Those opposed?

14 The ayes have it and the amendment is
15 adopted.

16 The Chair recognizes Councilwoman
17 Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank you,
19 Madam President.

20 I move that Bill No. 3, as amended, be
21 approved, with a request for suspension of the
22 rules so as to allow for first reading on City
23 Council's next calendar.

24 (Duly seconded.)

25 COUNCIL PRESIDENT Verna: It has been

1 3/22/00 - WHOLE - BILLS 000003-000010
2 moved and properly seconded that Bill No. 3 be
3 reported out of committee with a favorable
4 recommendation, as amended, and also a
5 recommendation that the rules of Council be
6 suspended so as to permit first reading at our
7 next Council session.

8 All those in favor will signify by
9 saying aye.

10 Those opposed?

11 The ayes have it and the motion is
12 carried.

13 The Chair recognizes Councilwoman
14 Blackwell.

15 COUNCILWOMAN BLACKWELL: Madam
16 President, I move that the amendment proposed by
17 the Administration for Bill No. 4 be adopted.

18 (Duly seconded.)

19 COUNCIL PRESIDENT VERNA: It has been
20 moved and properly seconded that the amendment, as
21 proposed by the Administration, be adopted.

22 All in favor will signify by saying
23 aye.

24 Those opposed?

25 The ayes have it and the motion is

1 3/22/00 - WHOLE - BILLS 000003-000010

2 carried.

3 The Chair recognizes Councilwoman
4 Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank you,
6 Madam President. I move that Bill No. 4, as
7 amended, be approved, and a request be made for a
8 suspension of the rules so as to allow for first
9 reading at our next session of Council.

10 (Duly seconded.)

11 COUNCIL PRESIDENT Verna: It has been
12 moved and properly seconded that Bill No. 4 be
13 reported out of committee with a favorable
14 recommendation, as amended, and further
15 recommendation that the rules of Council be
16 suspended so as to permit first reading at or next
17 Council session.

18 All in favor will signify by saying
19 aye.

20 Those opposed?

21 The ayes have it and the motion is
22 carried.

23 The Chair recognizes Councilwoman
24 Blackwell regarding Bill No. 5.

25 COUNCILWOMAN BLACKWELL: Madam

1 3/22/00 - WHOLE - BILLS 000003-000010

2 President, I move that the amendment proposed --

3 COUNCIL PRESIDENT Verna: No, there's
4 no amendment.

5 COUNCILWOMAN BLACKWELL: I move that
6 Bill No. 5 be approved, that Bill No. 5 be
7 approved, with a request for a suspension of the
8 rules so as to permit first reading at our next
9 session of Council.

10 (Duly seconded.)

11 COUNCIL PRESIDENT Verna: It has been
12 moved and properly seconded that Bill No. 5 be
13 reported out of committee with a favorable
14 recommendation and also a recommendation that the
15 rules of Council be suspended so as to permit
16 first reading at our next Council meeting.

17 All those in favor will signify by
18 saying aye.

19 Those opposed?

20 The ayes have it and the motion is
21 carried.

22 The Chair recognizes Councilwoman
23 regarding Bill No. 6.

24 COUNCILWOMAN BLACKWELL: Madam
25 President, I move that Bill No. 6 be reported out

1 3/22/00 - WHOLE - BILLS 000003-000010
2 of committee with a favorable recommendation and
3 also that the rules of Council be suspended so as
4 to permit first reading at our next session of
5 Council.

6 (Duly seconded.)

7 COUNCIL PRESIDENT VERNA: It has been
8 moved and seconded that Bill No. 6 be reported out
9 of committee with a favorable recommendation and
10 also a recommendation that rules of Council be
11 suspended so as to permit first reading at our
12 next session of Council.

13 All those in favor will signify by
14 saying aye.

15 Those opposed?

16 The ayes have it and the motion is
17 carried.

18 The Chair recognizes Councilwoman
19 Blackwell regarding Bill No. 7.

20 COUNCILWOMAN BLACKWELL: Madam
21 President, I move that Bill No. 7 be reported out
22 of committee with a favorable recommendation and
23 also that the rules of Council be suspended so as
24 to permit first reading at our next session of
25 Council.

1 3/22/00 - WHOLE - BILLS 000003-000010

2 (Duly seconded.)

3 COUNCIL PRESIDENT VERNA: It has been
4 moved and properly seconded that Bill No. 7 be
5 reported out of committee with a favorable
6 recommendation and also a recommendation that the
7 rules of Council be suspended so as to permit
8 first reading at our next Council session.

9 All in favor will signify by saying
10 aye.

11 Those opposed?

12 The ayes have it and the motion is
13 carried.

14 The Chair recognizes Councilwoman
15 Blackwell regarding Bill No. 8.

16 COUNCILWOMAN BLACKWELL: Madam
17 President, I move that Bill No. 8 be reported out
18 of committee with a favorable recommendation and
19 also that the rules of Council be suspended so as
20 to permit first reading at our next session of
21 Council.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It has been
24 moved and properly seconded that Bill No. 8 be
25 reported out of committee with a favorable

1 3/22/00 - WHOLE - BILLS 000003-000010

2 recommendation and also recommendation that the
3 rules of Council be suspended so as to permit
4 first reading at our next Council session.

5 All in favor will signify by saying
6 aye.

7 Those opposed?

8 The ayes have it and the motion is
9 carried.

10 The Chair recognizes Councilwoman
11 Blackwell regarding Bill No. 9.

12 COUNCILWOMAN BLACKWELL: Madam
13 President, I move that Bill No. 9 be reported out
14 of committee with a favorable recommendation and
15 also that the rules of Council be suspended so as
16 to permit first reading at our next session of
17 Council.

18 (Duly seconded.)

19 COUNCIL PRESIDENT VERNA: It has been
20 moved and seconded that Bill No. 9 be voted out of
21 committee with a favorable recommendation and also
22 a recommendation that the rules of Council be
23 suspended so as to permit first reading at our
24 next Council session.

25 All in favor will signify by saying

1 3/22/00 - WHOLE - BILLS 000003-000010

2 aye.

3 Those opposed?

4 The ayes have it and the motion is
5 carried.

6 The Chair recognizes Councilwoman
7 Blackwell regarding Bill No. 10.

8 COUNCILWOMAN BLACKWELL: Madam
9 President, I move that Bill No. 10 be reported out
10 of committee with a favorable recommendation and
11 also that the rules of Council be suspended so as
12 to permit first reading at our next session.

13 (Duly seconded.)

14 COUNCIL PRESIDENT VERNA: It has been
15 moved and properly seconded that Bill No. 10 be
16 reported out of committee with a favorable
17 recommendation and also a recommendation that the
18 rules of Council be suspended so as to permit
19 first reading at our next Council session meeting.

20 All those in favor will signify by
21 saying aye.

22 Those opposed?

23 The ayes have it and the motion is
24 carried.

25 This concludes the public meeting of

1 3/22/00 - WHOLE - BILLS 000003-000010

2 the Committee of the Whole.

3 (Adjourned at 3:23 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Wednesday, March 22, 2000, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE OF THE WHOLE

BILL NO.'S 000003, 000004, 000005, 000006,
000007, 000008, 000009, 000010

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter