

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING BEFORE COUNCIL
4 COMMITTEE ON LICENSES & INSPECTIONS

5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Wednesday, June 14, 2000
9 10:28 a.m.
10 - - -

11 BILL 000217 - Amending sections in Philadelphia
12 Code related to animal-drawn carriages and rental
13 and carriage horses.

14 BILL 000348 - Amending Subcode A, Administrative
15 Code, within Building Construction and Occupancy
16 Code.

17 BILL 000350 - Amending Zoning Code section of the
18 Philadelphia Code.

19 (Full title and text of all bills attached
20 hereto.)

21
22 PRESENT: COUNCILMAN RICHARD T. MARIANO, Chair
23 COUNCILMAN FRANK DICICCO
24 COUNCILMAN MICHAEL A. NUTTER
25 COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO

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

3 COUNCILMAN MARIANO: This is the public
4 hearing for Licenses and Inspections. We're going
5 to open the hearing. I have Councilman Nutter;
6 Councilman DiCicco; myself, Councilman Mariano;
7 Councilman Ortiz; and Councilman Rizzo.

8 We're going to work on the
9 administration bills first, so you guys can go and
10 make the City more money, all right?

11 THE CLERK: Bill 000350 an, ordinance
12 amending Title 14 of the Philadelphia Code
13 ("Zoning Code") by raising various fees related
14 to permits and miscellaneous administration
15 functions performed by the Department of Licenses
16 and Inspections.

17 Any witnesses?

18 (Witnesses come forward.)

19 COUNCILMAN MARIANO: Would you state
20 your name for the record and spell it.

21 MR. HAIGLER: Good day, Councilman
22 Mariano and members of the committee of Licenses
23 and Inspections. I am Otis Haigler, Jr.,
24 Legislative and Regulatory Affairs Manager for the
25 Department of Licenses and Inspections.

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2 Accompanying me today are Administrative Services
3 Director Richard Felgus; and our Director of
4 Planning Code Development, David Wismer.

5 Bill No. 000350 is the companion bill
6 to Bill 000348 and will revise various fees,
7 which, we believe, will simplify our zoning fee
8 charges. The Zoning Code fees are currently
9 scattered throughout the Code in the various
10 sections that address the item related to the
11 fee. This bill places all Zoning Code fees in
12 Section 14-706, which is already titled "Schedule
13 of Fees." Reference to this section from the
14 other affected sections are included as part of
15 our proposal. We have removed the fixed filing
16 fee and inserted language similar to that proposed
17 in the Building Construction and Occupancy Code
18 that will allow us to establish the fee by
19 regulation with the eventual intent of eliminating
20 them.

21 We are proposing a scale of zoning
22 permit fees based on the scope of the property in
23 question, rather than the current one-size-fits-
24 all fee of \$80. For example, zoning permit fees
25 for properties containing 1- or 2-family dwellings

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2 are reduced to \$25. Currently, the Zoning Board
3 of Adjustment fees are confusing. The proposed
4 fees are simplified and offer a reduced fee to 1-
5 and 2-family dwellings.

6 A number of miscellaneous sign fees are
7 randomly located in sections special controls for
8 various efforts. These fees, which we consider
9 nuisance fees, have not been changed for many
10 years and cost more to collect than the revenue
11 generated. We are proposing to eliminate those
12 fees and have established a single uniform fee in
13 Section 14-706.

14 We are requesting a suspension of the
15 rules of Council to allow a first reading of this
16 bill at the next session of Council. We'll be
17 happy to answer any questions may have concerning
18 this legislation at this time.

19 Thank you.

20 COUNCILMAN MARIANO: Thank you, Mr.
21 Haigler.

22 Any questions from members of the
23 committee for this witness?

24 (No questions.)

25 COUNCILMAN MARIANO: Seeing none, we'll

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2 go into the next witness. Do you want to testify
3 too? You're here just to keep each other company?
4 All right, thank you.

5 Anybody opposed to this?

6 (No response.)

7 COUNCILMAN MARIANO: Seeing none, we'll
8 go to the next bill. You know, I should have did
9 this bill first 'cause it's actually the companion
10 one but Councilman Nutter told me it doesn't make
11 a difference, and I believe him.

12 000348, an ordinance amending Title 4
13 of the Philadelphia Code ("The Building
14 Construction Occupancy Code) Subcode A
15 Administrative Code, by revising various fees
16 related to permits and miscellaneous
17 administrative functions performed by the
18 Department of Licenses and Inspections; and
19 further amending Title 11, "Streets," of
20 Philadelphia Code by revising certain sections
21 related to fees for permits issued by the
22 Department of Licenses and Inspections.

23 Mr. Haigler?

24 MR. HAIGLER: Good day, Councilman
25 Mariano and members of the committee of Licenses

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2 and Inspections. I am Otis Haigler, Jr.,
3 Legislative Regulatory Affairs Manager for the
4 Department of Licenses and Inspections.
5 Accompanying me today are Administrative Services
6 Director, Richard L. Felgus; and our Director of
7 Planning and Code Development, David L. Wismer.

8 The Department is proposing Bill No.
9 000348, which amends various building permit fees
10 to meet the complaints that have been frequently
11 voiced by many persons in the building and
12 development community concerning department fees
13 for rehabilitating and renovating of existing
14 buildings.

15 Our primary purpose of Bill 000348 is
16 to bring equity to the building permit fees
17 related to new constructions versus alterations.
18 Historically, the fees for new construction have
19 been based on the floor area type of construction
20 and use of the building. Fees for alterations
21 have been based on the cost of the work. Typical
22 periodic fee increases are generally percentage
23 increases across the board. The net result of
24 this, over several decades, is that the fees for
25 alterations have risen to three to six times those

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2 for new construction. This is due, for the most
3 part, to the fact that the cost of alteration
4 rises with the cost of living as a base for the
5 additional percentage increases, while the new
6 construction based on floor area saw only periodic
7 increases.

8 We believe that our new fee structure
9 will be more user-friendly to those persons
10 wishing to renovate or rehabilitate existing
11 buildings within the City. While we are
12 addressing the major revisions listed above, the
13 Department took the opportunity to simplify the
14 whole permit fee process by establishing set fees
15 for many items that are frequently requested by
16 homeowners and other small properties. We reduced
17 the fees for most permits related to 1- and
18 2-family dwellings.

19 Other significant changes which have
20 been included in this bill are:

21 - We established language for the
22 following fees that allows the Department to set
23 them by regulation with the ultimate goal of
24 limiting.

25 - We have provided language that

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2 allows the Department to issue prepaid permits for
3 a broad range of projects. This will greatly
4 simplify the permit process for many small jobs
5 and omit the need for applicants to come to the
6 municipal services building to obtain the
7 permits.

8 - We have provided uniformity between
9 the fees for electrical and contractor license
10 fees and eliminated examination fees charged by
11 the City. The applicant already pays an
12 examination fee to the examining agency.

13 - The Streets Code, Title 11, sets an
14 initial fee and an annual fee to be charged by L&I
15 for the erection and maintenance of canopies.
16 This fee has not been changed for 27 years.
17 Similarly, Title 11 sets a fee for marquees to be
18 charged by L&I. This fee has not changed for 21
19 years. We have removed the fees from Title 11 and
20 established a simple unit in Title 4 for the
21 permit to erect these items and eliminate the
22 annual fee.

23 Since the major construction fee
24 affects the building and contract process, we have
25 established these fees in Section 2 of the bill to

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2 take effect January 2, 2001. This will allow us
3 to notify the design-build community of the change
4 and allow them to account for the changes in their
5 bidding and contract awards. The remainder of the
6 bill has an effective date of July 1, 2000.

7 We will be happy to answer any
8 questions concerning this bill at this time, and
9 we request a suspension of the rules to allow for
10 first reading at the next Council session on this
11 bill. And also, I forgot to ask that for the
12 previous bill as well.

13 COUNCILMAN MARIANO: Councilman
14 Nutter?

15 COUNCILMAN NUTTER: Thank you, Mr.
16 Chairman.

17 Mr. Haigler, I did have a couple
18 questions about Bill 348. I have a document
19 permit fee cost comparisons, a two-page sheet.
20 I'm going to assume that this was developed by the
21 Department? Do you know what document I'm
22 referring to?

23 MR. HAIGLER: Yes, I do.

24 COUNCILMAN NUTTER: This was a part of
25 the materials.

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2 You give some hypotheticals, and on
3 project three, it stands out to me that it appears
4 that what you're trying to do is to make it less
5 costly to make this conversion in this
6 hypothetical project three from the 1-family
7 dwelling to the 3-family dwelling, the current
8 building permit fee for those alterations would be
9 \$1,035; and under your proposal, it would go to
10 550. Is that a correct reading of your
11 documents?

12 MR. HAIGLER: I'm going to defer to
13 David Wismer, who developed that document.

14 MR. WISMER: That's correct,
15 Councilman.

16 COUNCILMAN NUTTER: My concern about
17 this is, in many neighborhoods throughout the
18 City, the conversion of single-family dwellings to
19 multifamily dwellings is a serious problem, which
20 has a number of compounding factors: One, more
21 oftentimes than not -- and I'm now speaking more
22 for situations in my own district, the 4th
23 District -- the conversions are made illegally;
24 secondly, there's virtually no enforcement -- and
25 I'm not complaining about you guys, you're not on

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2 the enforcement side of the house, but there's
3 virtually no enforcement on the more than three
4 unrelated people in the household.

5 And so what I have tremendous negative
6 experience in my district is -- oftentimes than
7 not with students, but in some instances, not with
8 students -- people are using the property outside
9 of the Zoning Code. The inspection process is not
10 working particularly well. They don't apply for
11 any permits for anything, and end up, in many
12 instances, destroying the neighborhood either
13 because of their behavioral activity, or because a
14 single-family dwelling, more oftentimes than not,
15 maybe had one car associated with that particular
16 property, three, four, five students or other
17 people, all of them have cars with nowhere to park
18 them, and they basically take over what's going on
19 in the neighborhood and they create a tremendous
20 amount of disruption and negative activity.

21 So my concern, having laid that out, is
22 that we, by our fee structure, are in fact
23 encouraging this kind of conversion, which creates
24 a transient mindset and level of activity in a
25 number of neighborhoods throughout the City, which

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2 should certainly be addressed by the Zoning Code,
3 but in reality, is not.

4 Can you tell me why we would be trying
5 to encourage from a financial perspective more
6 conversions from a single-family dwelling to a
7 three-family dwelling?

8 MR. WISMER: Councilman, the example
9 that was given in number three none of the fees
10 are specific user-related. That was given as an
11 example because that's something that is rather
12 common. None of the fee tables, or fee formulas,
13 identify that conversion specifically. If you
14 took that same size of building and considered it
15 opposite, as being converted to a store, the same
16 holds true. It's a general case of alteration
17 fees being reduced overall from their current
18 state. There's nothing peculiar that would
19 encourage conversion to multiple-family or
20 anything else; the alteration fees are across the
21 board.

22 COUNCILMAN NUTTER: Okay. I appreciate
23 the explanation. You understand my concern,
24 though --

25 MR. WISMER: Yes, I do.

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2 COUNCILMAN NUTTER: -- based on what

3 I've laid out.

4 MR. WISMER: Yes, sir.

5 COUNCILMAN NUTTER: And what I would
6 ask is if you could take that information back to
7 the Department. This conversion issue is a very,
8 very serious issue, I believe, not only in the 4th
9 District but throughout the City. We are not
10 paying good attention to it and we are driving
11 some people out of communities because, in the
12 usual case, what happens is, that single-family
13 dwelling is turned into a three- or four-unit
14 apartment building, in essence, for which fairly
15 sizeable dollars are charged, the owner does not
16 stay at the premises, and then you have all that
17 goes with that right under our nose. We then ask
18 people to come out and make the inspection. They
19 can't figure out whether there are three unrelated
20 adults because there's only one person on the
21 lease, you have a number of bedrooms, you've got
22 all kinds of stuff all around, but no one can seem
23 to figure out what's really going on in the
24 premises.

25 Now, it does not take a rocket

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2 scientist to figure out whether or not you have a
3 family, whether, you know, it's Ozzie and Harriet
4 or a single parent, or whatever, with kids versus,
5 five 20 year-old's from the activity that's going
6 on in the premises, and the place is not zoned for
7 the latter use.

8 MR. FELGUS: Councilman, I am Richard
9 Felgus, Administrative Services Director from the
10 Department.

11 COUNCILMAN NUTTER: I'm having trouble
12 hearing you.

13 MR. FELGUS: I am Richard Felgus,
14 Administrative Services Director for the
15 Department.

16 I can tell you the Department has been
17 gathering information from all of the local
18 colleges, and we are intending to do an extensive
19 inspection program of all of the housing
20 surrounding the local colleges where there's a lot
21 of college students just for this purpose to make
22 sure that those buildings, one, have not been
23 illegally converted from one-family to
24 multiple-use properties; and, two fire, that
25 they're fire-safe. We've had a lot of problems

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2 not necessarily in Philadelphia but in other
3 college towns where they've had some fires and
4 loss of life and things like that.

5 COUNCILMAN NUTTER: Right, I
6 understand.

7 MR. FELGUS: So we are now in the
8 process of setting up an inspection program, and
9 that should be happening probably in the early
10 fall, to make sure that we can start cracking down
11 on some of this from an enforcement standpoint.

12 COUNCILMAN NUTTER: I would be glad to
13 lend any assistance to that, and I can also share
14 with you that I am probably about 95 percent done
15 with the legislative initiative to respond to this
16 explosion of off-campus housing as it relates to
17 some of our colleges and universities, which, I
18 don't have anything against them -- they have to
19 find spaces for their students, but what they are
20 also doing, in many instances, is going to
21 apartment buildings and signing long-term
22 contracts, three years, five years, and
23 guaranteeing occupancy in those places for 100,
24 200-some-odd students at inflated market-rate
25 rents.

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2 And, again, most of those places were
3 not built for multiple people of adult age in
4 those places; they were usually family-type
5 apartment buildings -- mom, dad, a couple kids,
6 maybe one car. Now you have four students in one
7 apartment, all of whom have cars, the place
8 nowhere near meets any kind of Zoning Code for
9 parking requirements. And that's going on
10 presently in Wynnefield, Overbrook, and in the
11 Manayunk section. So that's that issue.

12 On the bill, on Page 2, down in
13 A-901.9, under "Administrative Fees," one of these
14 reads, "For processing a request to have a
15 scheduled hearing before an Advisory Board
16 continued, \$50."

17 What I'd like to get is a better
18 understanding of what is your definition of, or
19 what qualifies as, an advisory board, and
20 specifically, is the Zoning Board of Adjustment or
21 the Board of L&I Review considered one of these
22 advisory boards?

23 MR. WISMER: No. The two advisory
24 boards are the Board of Building Standards and the
25 Board of Safety and Fire Prevention.

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2 COUNCILMAN NUTTER: Okay. If I picked
3 this up in the code next year, when the supplement
4 is done, how would I know that?

5 MR. WISMER: They are identified in the
6 section in the Administrative Code that talks
7 about appeals and variances. The terminology used
8 in that section clearly identifies these as
9 advisory boards.

10 COUNCILMAN NUTTER: Okay. On Page 3,
11 under A-901.10, "Reinspection Fee," the language
12 is, "An overtime fee of \$50 per hour, with a
13 minimum charge of 4 hours, shall be charged to any
14 person requesting an inspection at any time other
15 than normal working inspection hours."

16 Now, do I read this to mean you're
17 talking about inspections of work that someone is
18 doing, for which an inspection is required versus
19 when I call over to the Department or my
20 constituents call and they want a place
21 inspected? Again, for the previous example, maybe
22 they believe that there are more than three
23 unrelated people on the premises, and they want
24 someone to come out and inspect it?

25 MR. FELGUS: What we're talking about

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2 here, Councilman, these are the situations that
3 typically come up. A plumber is working on a
4 weekend and he wants a permit finaied out, and
5 he's making a request of our people to come out.
6 This is something that we've never had the ability
7 to do. This is going to be something that we're
8 going to be offering as a service to those
9 people. They're doing an emergency job, they need
10 an inspection.

11 The Department is now willing to do it,
12 but we feel the City has to be compensated.

13 COUNCILMAN NUTTER: I understand.

14 MR. FELGUS: SO those are the
15 circumstances under which we would be charging
16 that fee.

17 COUNCILMAN NUTTER: Right.

18 MR. FELGUS: This would be a voluntary
19 thing, it would be to help the contractor. And,
20 typically, it's to meet a need that we have seen
21 in the Department for a long time, where
22 contractors have requested us to do these special
23 inspections for them.

24 COUNCILMAN NUTTER: Let me just
25 understand, though, what -- again, if I were to

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2 pick this up somewhere, what is the definition of
3 "normal working inspection hours"?

4 MR. FELGUS: Our normal hours would be
5 considered from 8 a.m. to 5 p.m., Monday through
6 Friday.

7 COUNCILMAN NUTTER: Okay. And how
8 would I know that?

9 MR. FELGUS: What's that?

10 COUNCILMAN NUTTER: And if I were
11 trying to get you to come out to do something, how
12 would I know that? Where would I read that?

13 MR. FELGUS: We have those posted in
14 the Department. We notified contractors of that
15 in our -- when they've requested inspections, that
16 those are our normal hours.

17 COUNCILMAN NUTTER: Maybe I'm being too
18 subtle.

19 Does it assist anyone when people get
20 our documents if they've read in here what normal
21 working hours were?

22 MR. FELGUS: I think it probably is on
23 the permit documents that those would be our
24 normal inspection hours. It's on the permits.

25 COUNCILMAN NUTTER: It's on the

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2 permits?

3 MR. FELGUS: Yeah.

4 COUNCILMAN NUTTER: Okay. On Page 5,
5 it reads, "Exception for use group R3 structures,
6 the minimum fee shall be \$55." There's a bracket
7 at the end of that sentence. I could not find the
8 starting bracket.

9 MR. WISMER: That's a typo.

10 COUNCILMAN NUTTER: All right. So
11 you're not trying to delete anything, it's a
12 mistake.

13 And I believe lastly, Mr. Chairman,
14 you're very accommodating. On Page 7, which is
15 coming out of A-902.2.5 "Miscellaneous Items," but
16 on Page 7, it says, "Outdoor advertising devices
17 \$250." What is an outdoor advertising device
18 under this and where is that defined?

19 MR. WISMER: Those are non-accessory
20 signs, non-accessory to the premises on which they
21 are located.

22 COUNCILMAN NUTTER: What does that
23 mean?

24 MR. WISMER: Defined in the Zoning
25 Code.

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2 COUNCILMAN NUTTER: What does that
3 mean?

4 MR. WISMER: If you own a piece of
5 property and conduct a business on that property
6 and you have a sign that advertises your business,
7 that's accessory. If you advertise some general
8 product that's not related to your property
9 function, that's an outdoor advertising.

10 COUNCILMAN NUTTER: Okay. And does
11 that cover billboards?

12 MR. WISMER: Yes. There's no change in
13 this fee. It was reordered into this table from
14 its previous location and amount.

15 COUNCILMAN NUTTER: Okay, so this is
16 the same language, same fee, but it's put in a
17 different location.

18 MR. WISMER: Correct.

19 COUNCILMAN NUTTER: Okay, all right
20 thank you.

21 Thank you, Mr. Chairman.

22 COUNCILMAN MARIANO: Thank you,
23 Councilman Nutter.

24 Councilman Rizzo.

25 COUNCILMAN RIZZO: Are there any new --

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2 in this synopsis of proposed revisions, is there
3 anything new in here? are there any fees that
4 didn't exist prior to this revision that you've
5 introduced that you could identify, please?

6 MR. FELGUS: The answer to your
7 question is yes.

8 COUNCILMAN RIZZO: Okay. We'd like to
9 know what they are, please.

10 MR. WISMER: There are a few minor
11 items that we put in. The one that was mentioned
12 on the rescheduling hearing before an advisory
13 board, for instance, that's a new fee. Some of
14 the administrative fees, processing permanent
15 extension requests. There aren't any real
16 significant ones. Related to the fast-form permit
17 fees, a flat fee for roll-down security gates and
18 for duct work in a single-tenant space, a
19 simplified fee rather than relying on an overall
20 alteration fee.

21 COUNCILMAN RIZZO: It would be very
22 helpful to me if you would provide to the Chair a
23 list of all new fees that will be applicable and
24 what particular date. So if you could provide to
25 the Chair all of the fees, the administrative

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2 fees, anything that is not currently existing that
3 will become a fee.

4 Second, demolition contractors that are
5 contracted by the Department of Licenses and
6 Inspections, are they required to have permits for
7 their demolition?

8 MR. WISMER: No. Several years ago, a
9 change was made that the contract that the City
10 makes with the demolition contractor was the
11 permit to proceed rather than processing
12 additional paperwork.

13 COUNCILMAN RIZZO: The purpose of -- I
14 think one of the purposes of a -- of a permit is
15 also to protect the community, to make the
16 community, in some cases, aware of what is going
17 on. In that case, does that take away, in your
18 opinion, anything, including the permit in the
19 contract? Is there something that is missing that
20 a normal permit process would afford?

21 MR. FELGUS: No. Because all of the
22 provisions that would be required by the permit
23 are required in the contractual language. So in
24 fact, actually, we have greater control over our
25 contractors because we're actually paying them.

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2 But the posting of the building and all of the
3 notices to the community would be given.

4 The Department is out there inspecting
5 to make that sure all of the work is being done
6 properly. Moreover, what happens in those
7 situations, if there's anything that does not
8 happen properly, the contractor has to be insured
9 and bonded so that we can go against that so that
10 there's added protection. And that's the reason
11 we went to the contract being the document that we
12 would issue rather than the permit, because the
13 contract does provide us and the City and the
14 community with greater protection than a permit
15 would provide.

16 COUNCILMAN RIZZO: So a contractor
17 performing a private demolition versus one
18 providing a service for the Department of L&I, the
19 L&I contractor would be even more scrutinized than
20 --

21 MR. FELGUS: Absolutely.

22 COUNCILMAN RIZZO: -- a contractor
23 working for -- and the communication to the
24 community --

25 MR. FELGUS: That's correct.

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2 COUNCILMAN RIZZO: -- is -- absolutely
3 mirrors what we already have in existence.

4 MR. FELGUS: Yes, that's correct.

5 COUNCILMAN RIZZO: That's good to know.

6 Thank you very much for that.

7 Thank you, Mr. Chairman.

8 COUNCILMAN MARIANO: Thank you.

9 I got a couple questions for you
10 gentlemen.

11 Okay, I'm sorry. Councilman Nutter?
12 Go ahead.

13 COUNCILMAN NUTTER: Mr. Chairman, I
14 will have to leave the chambers at this time.
15 There's a graduation taking place in my district.

16 I wish to be recorded as voting aye on
17 all of the bills that are voted out of the L&I
18 Committee today.

19 In addition, it is my understanding
20 that Councilman DiCicco may put forward amendments
21 to Bill No. 000217. If Councilman DiCicco puts
22 forward amendments to Bill 217, I wish to be
23 recorded as voting aye on the adopting of those
24 amendments as well as voting aye on the
25 then-amended Bill 217 and voting all of those

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2 bills out of committee with any rules suspension.

3 Mr. Chairman, it's also my
4 understanding that the Fire Department may request
5 amendments to Bill No. 348. If the Fire
6 Department puts forward those amendments, I'd like
7 to be recorded as voting in favor of the
8 amendments as well as the amended bill, as well as
9 voting that bill out of committee.

10 COUNCILMAN MARIANO: Thank you,
11 Councilman. That will be duly noted in the
12 record.

13 I have a couple questions, if we can go
14 on. What, if any, effect would this legislation
15 have on L&I's annual revenue collection? Will it
16 be the same, less, or will it be revenue-neutral?

17 MR. FELGUS: We've conducted, over the
18 past number of months, some pilot studies of
19 this. We believe -- our intent is to have this
20 bill revenue-neutral. We believe that through
21 this legislation that, if anything, we might see a
22 slight increase in revenue because of the fact
23 that the estimated amounts that we sometime get
24 from persons are, let's say, not fully elaborative
25 of the costs, so that they're understated and

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2 they're trying to get around the fee.

3 Under the system we're now adopting,
4 we're using square footage and arbitrary
5 measurements so that they won't be able to do
6 that, but at the same time, the honest people will
7 see a reduction in their fees. So that we really
8 anticipate, based on the pilot studies that we've
9 done, that this language is very good towards
10 making this a revenue-neutral bill.

11 COUNCILMAN MARIANO: On that question,
12 do you see any scenario in which additional
13 resources will have to be used to collect these
14 fees to enforce it actually?

15 MR. FELGUS: Actually, we see lesser
16 resources because the fees are more cut-and-dried,
17 easier to apply, it will be easier for the
18 business people, the industry to know what the
19 fees are. They'll be able to calculate them
20 easily. Our people will likewise be able to do
21 this on an easy measurement thing that we won't
22 have to chase after.

23 We had established an audit unit in the
24 Department, who had as its sole purpose chasing
25 after people and checking up to make sure they

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2 weren't giving us fraudulent information. Their
3 function will diminish as a result of this role.
4 Those people will not be geared towards checking
5 to make sure people have permits rather than to
6 see that the people who applied for permits gave
7 us bad information.

8 COUNCILMAN MARIANO: And this is my
9 last question. With this legislation, I know from
10 what you told Councilman Nutter about the plumbers
11 and the things on the weekends, that's just going
12 to make -- those guys will pay because they're
13 just passing it onto their customers. But what
14 about the homeowners? I'm concerned about
15 homeowners seeking to renovate their property. Do
16 you think this system -- the way it sounds, it
17 should make them be a little more honest and want
18 to do more renovation, right?

19 MR. FELGUS: We would hope so, and
20 that's one of the reasons why we decreased some of
21 the fees for those type of occupancies.

22 COUNCILMAN MARIANO: So we still don't
23 have to stand outside of Home Depot and take
24 license numbers plate? I know you do that.

25 MR. FELGUS: Well, I think there was

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2 more made of that than actually went on.

3 COUNCILMAN MARIANO: I seen Dave Perri
4 there dressed as a guy selling hot dogs the other
5 day --

6 (Laughter.)

7 COUNCILMAN MARIANO: All right. Thank
8 you.

9 Any other questions for these
10 witnesses?

11 (No further questions.)

12 COUNCILMAN MARIANO: Anyone else?

13 (No response.)

14 COUNCILMAN MARIANO: Seeing none, we're
15 going to 351 now.

16 000351, an ordinance amending Section
17 9-1004 of the Philadelphia Code entitled
18 "Contractors," to provide for the renewal of
19 licenses issued pursuant to this section, under
20 certain terms and conditions.

21 Mr. Haigler?

22 MR. HAIGLER: Good Day, Councilman
23 Mariano and members of the committee of Licenses
24 and Inspections. I am Otis Haigler, Jr.,
25 Legislative and Regulatory Affairs Manager for the

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2 Department of Licenses and Inspections.

3 Bill No. 000351 will amend Section
4 9-1004 related to contractors' licensing. When
5 the Department submitted legislation to Council
6 establishing a contractor's license, we omitted a
7 provision in the legislation for the renewal of
8 licenses issued under this section. This
9 legislation will provide for the renewal of
10 contractors' licenses with a three-year license
11 period.

12 Of special note in the change in this
13 license renewal period is that we are reducing the
14 need for business to have to get annual license
15 bills from the City, thereby making us a little
16 more business-friendly.

17 We are requesting a suspension of the
18 rules of Council to allow for a first reading of
19 this bill at the next session of Council.

20 We will be happy to answer any
21 questions you may have at this time.

22 COUNCILMAN MARIANO: Any of the members
23 of the committee have any questions?

24 (No questions.)

25 COUNCILMAN MARIANO: Seeing none,

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2 gentlemen, you're dismissed.

3 Thank you.

4 MR. HAIGLER: Thank you.

5 Bill No. 000217, amending Section 9-402
6 of the Philadelphia Code, entitled "Animal-Drawn
7 Carriages," and Section 10-108, entitled "Rental
8 and Carriage Horses," by making various changes to
9 the provisions governing the animal-drawn carriage
10 business and the use of horses in such businesses,
11 and amending the approved routes for animal-drawn
12 carriages, all under certain terms and conditions.

13 We have some witnesses.

14 Mr. Goldsmith, is he still here?

15 MR. GOLDSMITH: Yes, I'm here.

16 COUNCILMAN MARIANO: Do you want to go
17 first?

18 (Witness comes forward.)

19 MR. GOLDSMITH: Thank you, Councilman
20 Mariano.

21 COUNCILMAN MARIANO: Mr. Goldsmith,
22 state your name and spell it for the stenographer
23 Edwin M. Goldsmith, G-O-L-D-S-M-I-T-H. I
24 represent the Philadelphia Carriage Company.
25 Sitting next to me is Mr. Bashir Ahmed, who is the

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2 President of Philadelphia Carriage Company.

3 That's spelled B-A-S-H-I-R, A-H-M-E-D.

4 And what we'd like to do is to
5 supplement the testimony that we had previously
6 given by directing our comments to the carriage
7 routes, the proposed carriage routes under this
8 proposed ordinance, and the carriage stands.

9 Now, I would like -- if I may be
10 permitted to hand out two pieces of material.
11 Number one, a letter which I sent to members of
12 this committee on May 19, 2000; and, secondly, a
13 map which will be used as part of the testimony to
14 illustrate what the impact of this ordinance on
15 the routes. Here are the letters and here are the
16 maps.

17 (Copies of letters distributed.)

18 COUNCILMAN MARIANO: We'll put this in
19 the record, okay?.

20 MR. GOLDSMITH: I appreciate that.
21 Thank you.

22 The letter, of course, was sent to all
23 members of the committee on May the 19th. And the
24 map -- let's talk about this map for a minute.
25 You will notice that it's colored in four

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2 different colors: black, pink, yellow, and
3 green. This is a blowup of the route map, which
4 is attached to the 1993 regulations, which sets
5 forth the carriage routes that can be taken by the
6 various horse carriage companies.

7 I have made a few changes on this map
8 that I'll point out. First of all, you'll notice
9 arrows on the various streets, which I thought
10 would be helpful in showing which way these
11 streets run because it's highly relevant, these
12 route changes, to understand what that does in
13 terms of the one-way streets and how that throws
14 the traffic onto different streets.

15 Number two, the pink area, which you'll
16 see in the center of the map, that is Independence
17 Hall. North of that, or above that, are the two
18 areas of the mall between Walnut -- between
19 Chestnut Street and Market Street and Market
20 Street and Arch Street.

21 You will notice that there is an area
22 marked in green. That is Third Street. That is
23 the area which this ordinance proposes to
24 eliminate as part of the route. The areas marked
25 in yellow would be the result of the ordinance, as

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2 we have it now, as has been drafted, which
3 dramatizes the fact that these routes, that the
4 northbound streets, which is a major northbound
5 street on this route, on the carriage route is
6 Third Street. That is where much of the historic
7 material is located for discussion by the carriage
8 drivers.

9 The impact of this ordinance is to move
10 the traffic over to Fifth Street, which is not a
11 particularly interesting street. It, secondly, as
12 you can see dramatically from this, makes the
13 route areas longer. And that seems to be, in our
14 view, self-defeating because the horses are going
15 to be working longer, there is more area of
16 traffic with the horse carriages. I mean, if the
17 goal here is to have the horses work less, or if
18 the goal here is to make the area less -- more
19 confined, that certainly is counterproductive on
20 where these routes are being chosen.

21 Secondly, I would like to address the
22 carriage stand restrictions. At present, because
23 of the construction and based on what is in this
24 ordinance, the original that were stands in front
25 of Independence Hall, on the north side on

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2 Chestnut Street, have been eliminated. So the
3 areas now for the coaches to wait for customers
4 are on the east side of Sixth Street and on the
5 west side of Fifth Street, which, you can see, is
6 the area directly above the pink block.

7 Now, observation of these areas
8 indicates the following -- that -- and another
9 important fact needs to be added on here the.
10 Average size, or length, of a carriage and horse
11 is approximately 22 feet, give or take. So what
12 the ordinance has done is staged down the staging
13 -- marked down the staging areas so that, for
14 example, on Sixth Street where it was virtually
15 the entire one side between Walnut and Chestnut
16 Street -- I'm sorry, between Chestnut Street and
17 Market Street -- yes, Chestnut and Market, Street
18 it's now down to 150 feet. Well, we can do some
19 simple mathematics to understand that for every
20 100 feet, you have approximately four and a half
21 carriages. In essence, it's about six carriages.

22 If you cut down the staging area, as
23 what this ordinance does, to 150 feet, you're
24 cutting it down to a point where either the
25 carriages are going to be backed up on one another

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2 or they're going to have to keep moving constantly
3 which, against, is not something that's in the
4 best -- it's not in the best interest of the
5 horses. Speaking on behalf of the horses, it's
6 not in their best interests, and it's not in the
7 best interest of traffic because the horse traffic
8 has to keep moving because the stands have been
9 brought down in size.

10 Now, we have a similar problem down in
11 the South Street area, which is the -- that's more
12 of the nighttime, that's where the crowds are at
13 nighttime and where these routes start in the
14 evening hours. And, again, you have a problem by
15 eliminating an entire area between Lombard and
16 Pine, which is the Headhouse Square -- which is
17 right where the Headhouse Market is. If you
18 eliminate that and you bring only 150 feet or so
19 between Lombard and South, again, the staging area
20 is so small that everybody is going to be backed
21 up, horses are going to be out in the street that
22 should be standing, waiting.

23 So it just seems -- the reason I --

24 COUNCILMAN DICICCO: That's to assume
25 that everyone would use the staging area, which

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2 they're not using today.

3 MR. GOLDSMITH: Well, I thought,
4 Councilman DiCicco, that the idea of this
5 ordinance, or what would seem to be the positive
6 idea of this ordinance, is to provide an
7 ordinarily manner for the horses to be standing
8 when they're not being used, for the horses to be
9 in an area where the traffic is in terms of
10 pedestrians. And that's why I'm suggesting that
11 maybe we need to think through these routes a
12 little more carefully, think through the staging
13 areas more carefully, because if the idea is that
14 we don't want backups of carriages, we don't want
15 to create more traffic than necessary on the
16 street.

17 One other point that I do want to raise
18 is that the hours of operation, as pointed out by
19 numerous persons involved in this business, that
20 if you close down the horse traffic at 3:30 in the
21 afternoon, everybody's going to be going back to
22 the stables at 3:30, just at the time when you
23 don't want traffic on the street.

24 See, these are the kinds of things that
25 need attention and analysis so that the ordinance

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2 can -- everyone, I know, wants to do the best for
3 the City and the best for the City residents, and
4 these are kinds of the things that need some
5 further analysis and attention.

6 Mr. Ahmed, do you affirm the testimony
7 I've just given.

8 MR. AHMED: Yes.

9 MR. GOLDSMITH: Was that a "yes"?

10 MR. AHMED: Yes.

11 MR. GOLDSMITH: Okay, thank you.

12 COUNCILMAN MARIANO: Any questions for
13 these witnesses?

14 Councilman DiCicco?

15 COUNCILMAN DICICCO: I'm not going to
16 have any questions.

17 COUNCILMAN MARIANO: No questions,
18 gentlemen. Thank you.

19 MR. GOLDSMITH: Thank you very much.

20 COUNCILMAN MARIANO: Do we have some
21 more witnesses? Mr. Hawkins, right?

22 (Witness comes forward.)

23 COUNCILMAN MARIANO: Could you state
24 your name.

25 MR. HAWKINS: My name is William

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2 Hawkins.

3 COUNCILMAN MARIANO: All right, Mr.

4 Hawkins, go ahead.

5 MR. HAWKINS: I'm here in two
6 capacities: one as a consultant to the Mayor's
7 Animal Advisory Committee, and also as a member of
8 the Society Hill Civic Association, in which --
9 the area in which most of the carriage trade takes
10 place.

11 I'd like to say that the carriage
12 companies media (unintelligible) so far has been
13 that the legislation will put them out of
14 business, which is not true at all. In fact, the
15 new legislation will ensure that the well-managed,
16 well- taken-care-of companies will prosper very
17 well.

18 Instead, one company has asked that the
19 hours be extended until midnight -- obviously for
20 tourist reasons. And from experience, I would
21 like to say that the residents wouldn't want to
22 see that. If I were a tourist, I wouldn't want to
23 be in a carriage after the bars have closed and
24 I've got a bunch of drivers who are driving at
25 breakneck speed pass me.

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2 The sanitation of business hours issue
3 directly addressed in the bill -- currently
4 addressed in the bill are positive steps for the
5 carriage industry. However, I must agree with
6 Mr. Goldsmith that Lombard Street and the Fifth
7 Street additions do not make sense from a
8 residential point of view. There is nothing of
9 historic interest on those routes, there's a lot
10 of traffic. Fifth Street is an arterial street
11 out of the City, and it's between Locust and
12 Spruce and it gets backed up in the afternoons
13 anyway, so it would be a big mistake. So I would
14 concur that taking Lombard and Fifth Street off
15 the route would make sense.

16 And I assume that would mean that Third
17 Street would be put back into the routes. And
18 that's where there's an awful lot of historic
19 interest anyway, so that would make a lot of
20 sense, too.

21 We firmly believe that if Bill 217, as
22 currently written, is not passed, the tourism
23 industry is going to get a black eye. It will say
24 that we as a city do not care about the welfare of
25 animals used in tourism, and that the safety of

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2 tourists is second to revenue generated by the
3 carriage companies. We've been in touch with all
4 of the major tourism groups in Philadelphia and
5 they too want our horse carriage industry to be
6 exemplary, they want it to be the best in the
7 nation. And with the RNC coming in in a few
8 weeks, that makes it all the more important. I've
9 spoken directly with the heads of some of those
10 tourist groups, and they support what we're asking
11 for.

12 A large number of residents are putting
13 in many uncompensated hours over a long period of
14 time to get to this point. We don't have the
15 clout or the influence or the contacts that some
16 of the carriages companies have, which is why we
17 look to you, the L&I Committee. It's up to you to
18 help us help the City do what is right, not only
19 for the residents or the tourists, but equally as
20 important for the horses, who are the core of the
21 horse carriage trade.

22 Councilmembers, thank you very much for
23 your support.

24 COUNCILMAN MARIANO: One question.

25 Fair hearing today Mr. Hawkins? Is that, you

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2 know, in your group of vocabulary, fair?

3 MR. HAWKINS: Yes, it was, Councilman.

4 COUNCILMAN MARIANO: 'Cause last time
5 you didn't think it was fair, and I was personally
6 insulted.

7 MR. HAWKINS: No, I think you --

8 COUNCILMAN MARIANO: And you hurt my
9 feelings, and I never not want to be.

10 MR. HAWKINS: I appreciate it.

11 COUNCILMAN MARIANO: I mean, you can
12 talk some more if you want to be fair.

13 MR. HAWKINS: If you any questions --

14 COUNCILMAN MARIANO: No, no.

15 MR. HAWKINS: No questions?

16 COUNCILMAN MARIANO: Any questions from
17 this committee?

18 Councilman Rizzo? He's at a loss for
19 words.

20 Councilman DiCicco?

21 COUNCILMAN RIZZO: I'm never at a loss
22 for words, just no questions.

23 (No questions.)

24 COUNCILMAN MARIANO: All right, thank
25 you.

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2 MR. HAWKINS: Thank you.

3 COUNCILMAN MARIANO: Anyone else here
4 to testify.

5 (Witnesses come forward.)

6 MR. PELUSO: Good morning, Chairman,
7 Council. My name is Lou Peluso, P-E-L-U-S-O. I
8 am a Philadelphia teacher of 26 years and an
9 animal advocate for 20 years.

10 On February 18, 1986, I sat before
11 Philadelphia City Council and testified for better
12 working conditions for the carriage horses of this
13 city. What animal activists wanted 14 years ago
14 was defeated by a strictly business-oriented City
15 administration, led by former Councilman and felon
16 Jimmy Tayoun. I hope this present City Council
17 will go beyond line and pass legislation that will
18 benefit the horses foremost and have these laws
19 actively and strictly enforced.

20 I will not mince words here as I speak
21 for Bishop, Baby, Lucky, and the rest of the
22 carriage horses that were abused and neglected by
23 the Society Hill Carriage Company. The fact that
24 Bastawe Ali (ph.) and Harry Beck made Bishop work
25 for one year six days a week, ten hours a day,

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2 with a lame leg, then took this horse to a torture
3 chamber of a stable speaks volumes of these two
4 characters and exposes the failures of our City
5 government concerning animal abuse.

6 The City agencies empowered to inspect
7 and enforce the minimal standards governing this
8 business failed these horses. Then our judicial
9 system fails these horses through Judge Francis
10 Cosgrove's asinine decision that the horses be
11 returned to their abusers.

12 Be they the carriage horses, the geese
13 on Kelly Drive, the stray cats of Valley Green,
14 the abused and abandoned dogs of Fairmount Park,
15 or the deer which inhabit our City parks, it's
16 time this city changes its callous, "they're-just-
17 animals" attitude. Bastawe Ali and Harry Beck are
18 reflexes of this city's indifference when it
19 concerns the humane treatment of animals. Is it
20 any wonder that we are witnessing an explosion of
21 dog and cock-fighting rings in our city. Felons
22 are aware of how the City downplays animal
23 cruelty, as Judge Cosgrove has once again proven.

24 The Chinese have a saying: Beware the
25 wrath of the patient man. Animal activists have

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2 been very patient here in Philadelphia regarding
3 the indifference shown towards our animal
4 neighbors. Our patience is wearing thin. Bastawe
5 Ali calls Councilman DiCicco's concern for these
6 horses "harassment." Ali should be grateful he's
7 not doing time for his cowardly treatment of these
8 horses.

9 Concerning the maximum temperature
10 limit of 94 degrees in which a horse can work, it
11 was inhumane in 1986, and it's inhumane today.
12 There should be incorporated into this legislation
13 a humidity index and a frigid. When horses are to
14 work during the winter season, they must be
15 properly blanketed and protected from the
16 elements. All of these aspects should be factored
17 into the temperature requirement.

18 The working day for these horses should
19 not exceed six hours, with ten-minute rest periods
20 per hour. These horses should be rested in shaded
21 areas, away from the exhaust of autos, buses, and
22 trucks. Clean drinking water must be available at
23 all time when resting.

24 There should be unannounced stable
25 checks monthly. In 1986, the Women's Humane

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2 Society called for medical exams of these horses
3 to take place every six months, biannually, as
4 opposed to the present annual exam. I support the
5 six-month veterinary exam, and I urge this Council
6 to do likewise, particular with recent findings of
7 negligence and abuse.

8 These stable and veterinary records
9 should be made public and available to the public
10 upon request. If the public is made aware of any
11 of these carriage companies being negligent and/or
12 abusive to their horses, the public will refuse to
13 patronize that carriage company.

14 Now, if these proposals seem extreme to
15 these carriage operators, then I suggest they
16 retire their horses and go out and find real jobs
17 and stop living off the backs of their horse
18 slaves. This city did fine without this inhumane
19 business prior to 1976 and it will do fine without
20 the carriage trade today.

21 This summer promises to be profitable
22 for Philadelphia's businesses if the economy
23 doesn't take a downturn. If we find evidence that
24 these horses are being neglected and/or abused, we
25 will organize an active boycott of this industry.

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2 If we witness the City agencies empowered to
3 enforce these regulations become complacent, then
4 we will take the appropriate measures to make sure
5 our concerns for these horses are heard and acted
6 upon. If Ali and Beck continue their abusive
7 ways, then the entire carriage trade will have to
8 suffer consequences.

9 In closing, I want to thank Councilman
10 DiCicco, D.A. Lynne Abraham, Mr. Randall
11 Hirschorn, Joe Donahue, Mr. Tim Blivins, and
12 especially Miss Sherry Holt and Miss Carol
13 Mattea. Your compassion and fervor to do right by
14 these horses is only surpassed by Judge Frances
15 Cosgrove's callousness and stupidity.

16 Thank you, Councilman DiCicco, for
17 allowing me to speak for these magnificent and
18 beautiful horses.

19 COUNCILMAN MARIANO: DiCicco's the
20 smaller one, I'm Mariano, I'm the chairman of the
21 committee.

22 I just -- I just have to say this and
23 it's probably going to get me in trouble. You
24 can't threaten us to do things. I mean, we're
25 here -- and I really believe -- thank you for your

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2 testimony, by the way, and, you know, I really
3 believe you believe in this.

4 MR. PELUSO: I'm not threatening,
5 Councilman.

6 COUNCILMAN MARIANO: I mean, what
7 Cosgrove does -- write him a letter and tell him.
8 You know, you mentioned a couple things at the
9 beginning that I'll talk to you off the record
10 that I don't think was necessary.

11 We do legislation by an open line of
12 process. And, believe me, no one's going to be
13 happy when they walk out of here today. You'll be
14 a little happy, you'll be a little said.

15 MR. PELUSO: I want the horses to be
16 happy, Chairman. To be.

17 COUNCILMAN MARIANO: So do, so do I.

18 MR. PELUSO: Okay? I don't care about
19 myself.

20 COUNCILMAN MARIANO: Well, I do. I
21 care about everybody and the horses and the
22 people, and I'm sure Councilman DiCicco and
23 Councilman Ortiz cares about all those cowboys he
24 was telling me about.

25 MR. PELUSO: Chairman, chairman, you

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2 know, we --

3 COUNCILMAN MARIANO: But that's not how
4 you get anything done. You said you were a school
5 teacher?

6 MR. PELUSO: That's right.

7 COUNCILMAN MARIANO: You come in here,
8 you give us the information, and we make an
9 intelligent decision. Your comments were very
10 threatening at the committee. I mean, what
11 Cosgrove does, he does. That's his thing, he's a
12 judge. And what we do, we do. You're not going
13 to be happy, I assure you this. You won't be mad,
14 but you won't be happy.

15 MR. PELUSO: There are a lot of people
16 in this city that are not happy about going on in
17 this city, Chairman, okay? I was talking about
18 the animals in this city, all right?

19 COUNCILMAN MARIANO: I understand.

20 MR. PELUSO: I just gave you a whole
21 list of how the animals in this city are
22 neglected, okay?

23 COUNCILMAN MARIANO: But you should
24 teach political science and --

25 MR. PELUSO: I do, I do.

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2 COUNCILMAN MARIANO: Then you should
3 people you get more out of being nice than by
4 coming in and veiling a threat on a committee.

5 MR. PELUSO: Well, Chairman, if you
6 took it as a threat, I didn't mean it as a threat.

7 COUNCILMAN MARIANO: That's how it
8 sounded.

9 MR. PELUSO: All of this is the truth,
10 Chairman, I'm speaking the truth.

11 COUNCILMAN MARIANO: The way you see
12 it, sir.

13 MR. PELUSO: Okay?

14 COUNCILMAN MARIANO: Thank you, thank
15 you very much.

16 MR. PELUSO: Thank you.

17 COUNCILMAN MARIANO: Mr. Peluso, I'm
18 sorry, Councilman Rizzo had a question for you.
19 I'm sorry.

20 MR. PELUSO: Yes.

21 COUNCILMAN RIZZO: Mr. Peluso, in an
22 effort to keep the record straight, at least keep
23 me straight, is the fact that you reported on an
24 issue about a stable operator, and you named two
25 gentlemen that were, in your opinion, neglectful

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2 of their animals.

3 I understand that this was a tenant-
4 landlord issue that led to the neglect of the
5 animals, where the owner of the facility would not
6 allow the operator of the facility -- the owner of
7 the horses to get access to that facility, and
8 that led to the neglect.

9 And you said some other things about
10 the horse being lame, but I'd appreciate you
11 telling me more because I don't know the story
12 that way.

13 MR. PELUSO: It was in the newspapers,
14 Councilman.

15 COUNCILMAN RIZZO: I knew the story
16 that the reason the person couldn't get to take
17 care of the horses was because he wasn't allowed
18 to get to the horses. Is that not a correct
19 portrayal of the story?

20 MR. PELUSO: According to the
21 newspapers, yes.

22 COUNCILMAN RIZZO: So you're quoting --
23 in other words, you're quoting a written report in
24 the newspaper rather than what might -- may be
25 accurate.

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2 MR. PELUSO: Well, I think the pictures
3 on the news media and in the papers speak for
4 themselves, of the horse Bishop.

5 COUNCILMAN RIZZO: But is it the
6 chicken or the egg here? What was really the
7 cause of the neglect of the horses? Was it
8 because the tenant --

9 MR. PELUSO: Well, Councilman, if I
10 can, I think the cause of all of the negligence
11 here stems from City agencies that are empowered
12 to inspect these stables were not doing their
13 job. Why is it that employees of the stable
14 company have to go to the news media to get the
15 results of what we see here today? Where are the
16 City agencies that are tax-funded to do these
17 empowerment jobs and inspections? Where are they
18 at?

19 COUNCILMAN RIZZO: I hear you. But,
20 again, I just wanted to make sure that I
21 understood the real story here, whether it was
22 what I described or what you described, and I'm
23 not sure.

24 MR. PELUSO: I guess the real story
25 here is that what the City has witnessed on TV and

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2 in the papers was negligence, and the negligence
3 led to abuse, and it was brought out by to
4 employees; it was not brought out by the tax-
5 funded agencies that are supposed to do these
6 jobs.

7 COUNCILMAN RIZZO: Thank you for your
8 testimony.

9 MR. PELUSO: Okay, thank you.

10 COUNCILMAN DICICCO: I just want to
11 make a comment about your comments. City agencies
12 always are under criticism, as are most political
13 people. It is my experience in the 33 years that
14 I've been involved in politics that the vast
15 majority of City employees do their job and do it
16 rather well.

17 There are times that I would assume
18 that you would take exception and other people
19 would take exception to think that because these
20 conditions continue to exist or they existed for a
21 certain amount of time that someone from the City
22 was not doing his or her job. I certainly don't
23 think that's the case. I'm not offering this as a
24 debate; just want to make a statement that we have
25 limited resources, and priorities are priorities.

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2 And if the Health Department needs to go out to
3 see if some senior citizen facility or some senior
4 citizen is in dire need of some health care and
5 making the choice between that and the stable, I
6 would think that, with all due respect to animals,
7 'cause I'm an animal lover, I had chickens in my
8 yard in South Philadelphia as a kid, and so I know
9 about animals. And I had goats and ducks, so I
10 was raised --

11 MR. PELUSO: And what did you do with
12 those animals, Councilman?

13 COUNCILMAN MARIANO: And I mean that
14 sincerely. I've been an animal lover, I took
15 stray dogs off the street as a kid, to the point
16 where my father was going to get rid of me and not
17 the dogs.

18 But I just want to say in defense of
19 the City, these folks who are out there day and
20 night do a marvelous job, given the fact that
21 given limited resources -- it's a tax-driven
22 thing, we can do better, I'm sure.

23 MR. PELUSO: I'm sure.

24 COUNCILMAN DICICCO: We could hire more
25 people and that would require higher taxes.

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2 MR. PELUSO: Maybe, Councilman, we can
3 allocate some of the hundreds of millions of
4 dollars that are going to be fought for the
5 stadiums --

6 COUNCILMAN DICICCO: Let me say that
7 that money has already been absorbed by five other
8 issues that people think the money should go to
9 other than stadiums, so you're about a week late,
10 unfortunately. Every place I've been to in the
11 last two weeks says, Use the money for this as
12 opposed to the stadiums, so that money has already
13 been exhausted.

14 MR. PELUSO: Councilman, all I'm saying
15 is, and I speak on behalf of the animal advocates
16 in this city, that when you look at the history
17 and how it treats or how it neglects the animal
18 problems in the City, we need a change of mind in
19 this city, okay? We have an excessive amount --
20 we have an overpopulation of stray dogs and cats,
21 we have pit bull fights growing by leaps --

22 COUNCILMAN DICICCO: None of us here
23 condone that type of behavior. There are lots of
24 problems with animals in this city, and a lot of
25 it has to do with the owners who take their pets

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2 into public parks and recreation facilities and
3 let them defecate with no regard to the health of
4 the general public. That isn't because the City
5 isn't doing their job, that's not because people
6 are irresponsible.

7 MR. PELUSO: Sure, ignorant.

8 COUNCILMAN DICICCO: So there's a whole
9 host of things that are always going on at the
10 same time, and to try and stamp out all of these
11 problems is a rather difficult and a very
12 extraordinary problem for us.

13 We are addressing the issue on horse
14 carriages. I've been dealing with this bill
15 since, I think, April of 1998, and it's going to
16 be brought to closure today in some shape or form.

17 MR. PELUSO: And, Councilman, and
18 that's my point today. This began back in 1985,
19 '86, this issue. And from what I've heard,
20 you've had about four or five hearings already on
21 this issue. I feel that if we were listened to
22 back in 1986, then this time would not be --

23 COUNCILMAN DICICCO: I can't answer for
24 what didn't occur in 1986. I'm here, and I
25 started this thing in 1998.

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2 MR. PELUSO: All right, thank you.

3 COUNCILMAN MARIANO: Any more
4 witnesses?

5 COUNCILMAN DICICCO: I just would like
6 to make a brief comment, Mr. Chairman.

7 COUNCILMAN MARIANO: Go ahead,
8 Councilman.

9 COUNCILMAN DICICCO: I've been dealing
10 with this issue for the last two-plus years.
11 There have been a number of people who have been
12 involved in this process. I'm probably going to
13 get into trouble 'cause I'm certain I will leave
14 someone out, but I just want to recognize for the
15 record the help and input and the concern raised
16 by lots of folks in helping to deal with creating
17 a better piece of legislation, not only for the
18 horse carriage industry and the tourism industry,
19 but also for the general welfare of horses as it
20 relates to the carriage industry.

21 Mr. Bill Hawkins; Mr. Slocum; Mr.
22 Smith, on behalf of the Philadelphia Carriage
23 Company; the Streets Department; the Health
24 Department; the Police Department; and any other
25 department that I've been dealing with for the

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2 last two years.

3 I really do appreciate your help. All
4 the cards and letters I was sent from as far out
5 as Colorado, all those people -- and France, we
6 had them from Paris, France. I did take the time
7 to read all of those letters, and for those of you
8 who had been at prior meetings, I actually took
9 the time on a couple of occasions to go out to
10 farms and visit people and talk to experts in the
11 field of animal care.

12 I think we have today a piece of
13 legislation that will accommodate as many of the
14 needs as we possibly could. I took under
15 consideration the tourism and hospitality
16 industry. I've listened to the hotel operators
17 and the Convention and Visitors Bureau. I've
18 listened to the horse carriage industry and the
19 impact that this legislation will have on them.
20 Veterinarians and other folks.

21 One of the biggest issues that I had to
22 deal with was temperature. Every time I talked to
23 someone, I got one answer, and the next day, I got
24 a rebuttal on that answer. There was just never
25 any consensus on the folks that I talked to as to

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2 what the magic number of the temperature should
3 be.

4 The one thing I will say to the
5 industry is, I think a lot of the problems that we
6 have out there are generated -- and it may not be
7 for the guys that are in this room, but you can
8 take it or leave it for what it's worth. Most of
9 the problems that are out there today are caused
10 by the folks you have working for you, their total
11 disregard for the regulations and the Code as it
12 exists today, even before we get into this bill.

13 I was out in Washington Square
14 yesterday with Bill Hawkins and some other people
15 looking at some of the conditions in Washington
16 Square. It was well past 4 o'clock. Carriages
17 were going up Walnut Street, tying up traffic on
18 Seventh Street. There is a total disregard for
19 the rules and regulations.

20 A lot of time goes into the things that
21 we do in City Council. A better part of two years
22 of my life in City Council has been dedicated to
23 this issue. I can assure you, whether you're
24 happy with what we present today or not, this is
25 -- these will be the new regulations. And if we

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2 continue to see the blatant violation for this new
3 bill, I have no problem coming back here in
4 September and making some drastic changes to this
5 bill. And that's not a threat. I am not going to
6 deal with this ever again, and if I have to deal
7 with it, it will be so such an extent that some of
8 the things that you all think will happen will
9 eventually happen.

10 I want to see it exist, I think it adds
11 a certain amount of charm, even though if you live
12 on Lombard Street or Third Street and a horse
13 urinates at 90 degrees, or whatever the new
14 temperature will, that may not be so charming.
15 But I understand that. And it's something that's
16 been here, and I think we can work together.

17 I implore you to educate the people who
18 work for you to follow the rules, as any other
19 person who uses the streets of Philadelphia is
20 expected to do. And if a violation occurs, there
21 will be strict enforcement. Same way, a motor
22 vehicle operator who goes through a red light and
23 is observed by a police officer is written up for
24 a citation for going through a red light, those
25 same kinds of enforcement efforts will be

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2 undertaken. A lot of time, as I said, has gone
3 into this -- not only in my office with me, but
4 all of the people I mentioned and all of the
5 departments -- to try and craft something that we
6 can all live with.

7 Thank you, Mr. Chairman.

8 COUNCILMAN MARIANO: Thank you,
9 Councilman DiCicco.

10 And on behalf of City Council, we thank
11 you for all of the time you put into this, and I'm
12 sure the citizens -- not just in your district,
13 the City. I mean, he really did put a lot more
14 time than I could ever put into it, so whatever
15 happens here, everyone should thank him on both
16 sides.

17 We're going to read the amendment to
18 000348.

19 THE CLERK: On Bill 000348, the first
20 two amendments are technical amendments from the
21 Department of Licenses and Inspections. On Page
22 3, subsection A-902.2, construction, second line,
23 brackets before and after s, in the word sections,
24 delete brackets. The section currently reads:
25 "Permit fees for new construction, additions,

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2 alterations, demolition, occupancy and repairs
3 shall be set forth in Section A-902.2.1 through
4 A-902.2.14, except as otherwise specified in
5 Sections A-902.2.2 through A-902.2.10. The
6 section will now read: "Permit fees for new
7 construction, additions, alterations, demolition,
8 occupancy, and repairs shall be as set forth in
9 sections A-902.2.1.1 through A-902.2.1.4, except
10 as orders specified sections A-902.2.2 through
11 A-902.2.10.

12 The second is on Page 5, subsection
13 A-902.2.1.4, Minimum Fee. Under the exception,
14 delete the bracket at the end of the sentence. It
15 currently reads: "Exception for use group R3
16 structures, the minimum fee shall be 55.]" It
17 will now read: "Exception for use group R3
18 structures, the minimum fine shall be \$55."

19 Final amendment is Page 11, under
20 subsection A-904.3, Assisted Operation Permit.
21 Subsection 3, Fire works display. "\$50 plus cost
22 to be assessed by the Fire Department per event"
23 will be deleted, that section will be bracketed.
24 As requested by the Fire Department, and that
25 material is in your materials.

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2 That's the final amendment for Bill No.

3 000348.

4 COUNCILMAN MARIANO: Do I hear a motion
5 to approve the amendments.

6 COUNCILMAN ORTIZ: I move that the
7 amendments be approved.

8 (Duly seconded.)

9 COUNCILMAN MARIANO: The bill has been
10 amended and properly seconded.

11 All those in favor of the amendment?

12 Okay, the amendment is approved.

13 Okay, now we're going to go -- do you
14 have anymore for the L&I bills?

15 THE CLERK: There's no more amendments.

16 COUNCILMAN DICICCO: Okay. The
17 following amendments I'm offering to Bill No.
18 000217:

19 On Page 2 (3)(f) Routes and hours of
20 operation. (.1) Carriages shall be operated only
21 on the carriage routes approved by ordinance
22 pursuant to subsection 9402(4), except that a
23 carriage operator may apply for a special permit
24 from the Department of Streets to use other routes
25 on a trip-by-trip basis to accommodate a special

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2 event. An application for such special event
3 setting forth the date, time and nature of the
4 special event and the exact route requested must
5 be filed with the Department of Streets on a form
6 provided by that department at least -- strike ten
7 days, add five business days.

8 Page 3 (.2)(a)(i) Monday through
9 Friday from 7 a.m. to 9:30 a.m., from 3:30 p.m.,
10 to 6 p.m. or after. Strike 9 p.m., add 10:30 p.m.

11 (ii) On Saturdays and Sundays after,
12 strike 9 p.m., add 10:30 p.m.

13 (.2)(b)(i) Monday through Friday from
14 7 a.m. to 9:30 a.m., strike "or after," add from
15 3:30 p.m. to 6 p.m., or after 9 p.m.

16 (ii) On Saturdays and Sundays after,
17 strike 3:30 p.m., add 9 p.m.

18 On Page 5, (2)(b) Owners shall not
19 allow a horse to be worked on a public highway,
20 path or street when the temperature is over --
21 strike 94, strike 90, add 91 degrees Fahrenheit.

22 Page 6. Delete on Page 6, delete
23 (a)(i).

24 Page 6. Delete (b)(ii), (b)(vi).

25 That last amendment addresses the

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2 routes that were discussed and offered by the
3 attorney, Mr. Goldsmith, this morning.

4 I move for the adoption of the
5 amendments, Mr. Chairman.

6 (Duly seconded.)

7 COUNCILMAN MARIANO: It has been
8 amended and seconded.

9 How about a vote.

10 The amendment has been approved.

11 Now we're going to close the public
12 hearing and go into the public meeting.

13 COUNCILMAN DICICCO: We will have
14 copies of the amendments, a cleaner version,
15 'cause we did make a last-minute adjustment, so
16 for those -- you can call our at office 686-3458,
17 and we will make copies of the amendment available
18 to everyone.

19 COUNCILMAN MARIANO: First we're going
20 to go into the public hearing. We just have some
21 technical stuff with the Fire Department's
22 amendment.

23 The public hearing's closed, we're
24 going to open the public meeting.

25 Now, 000348, that's the amendment,

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2 right?

3 THE CLERK: One last technical
4 amendment on behalf of the Fire Department,
5 through the wonderful Mr. Otis Haigler, from the
6 Department of Licenses and Inspections.

7 COUNCILMAN MARIANO: We're going to
8 close the meeting go back into the hearing.

9 The public hearing is back on, and
10 we're at 000348.

11 THE CLERK: All right. Again, an
12 amendment to be offered on behalf of the Fire
13 Department. Through Otis Haigler of the
14 Department of Licenses and Inspections.

15 On Page 11, again, Subsection A-904.3,
16 Assisted Operation Permit. The fee for an
17 assisted operation permit shall be 300 per item.
18 300 per item is currently bracketed, remove the
19 brackets. The section will now read: "The fee for
20 an assisted operation permit shall be \$300 per
21 item as follows. . . "

22 Under 904.3, subsection 1, Fire
23 Department assistant testing fire pumps. The item
24 in italics, 300 per pump, is removed. The same
25 under subsection 2, 300 per movement is also

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2 deleted.

3 COUNCILMAN DICICCO: I move for the
4 adoption of the amendments that have just been
5 read into the record.

6 (Duly seconded.)

7 COUNCILMAN MARIANO: The amendment has
8 been read and adopted and properly seconded.

9 All those in favor say aye.

10 The amendment passes.

11 Now we can definitely close the public
12 hearing and go into the public meeting.

13 We're going to go to the bills.

14 The Chair recognizes Councilman DiCicco
15 for a motion on Bill 000348, as amended.

16 COUNCILMAN DICICCO: Thank you, Mr.
17 Chairman. I move that Bill No. 000348, as
18 amended, be reported out of this committee with a
19 favorable recommendation and that the rules of
20 Council be suspended.

21 (Duly seconded.)

22 COUNCILMAN MARIANO: It has been
23 properly seconded.

24 All those in favor.

25 Opposed?

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2 The bill is approved.

3 Councilman DiCicco, I'll recognize you
4 for Bill No. 000350.

5 COUNCILMAN DICICCO: Thank you, Mr.
6 Chairman. I move that 000350 be reported out of
7 this committee with a favorable recommendation and
8 a further recommendation that the rules of Council
9 be suspended so as to permit first reading at the
10 next session.

11 (Duly seconded.)

12 COUNCILMAN MARIANO: The bill has been
13 properly read and seconded.

14 All those in favor?

15 All those against?

16 Nobody, okay, the bill passes.

17 Bill No. 000351. The Chair recognizes
18 Councilman DiCicco for a motion on this bill.

19 COUNCILMAN DICICCO: Thank you, Mr.
20 Chairman. I move that Bill No. 000351 be reported
21 out of this committee with a favorable
22 recommendation and that the rules of Council be
23 suspended so as to permit first reading at our
24 next session of City Council.

25 COUNCILMAN MARIANO: So moved. Do I

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2 hear a second?

3 (Duly seconded.)

4 COUNCILMAN MARIANO: The bill has been
5 properly moved and seconded.

6 All those in favor, aye?

7 Against, nay?

8 The bill passes.

9 I recognize Councilman DiCicco on a
10 motion on Bill No 000217.

11 COUNCILMAN DICICCO: Thank you,
12 Mr. Chairman. I move that Bill No. 000217, as
13 amended, be reported out of this committee with a
14 favorable recommendation and that the rules of
15 Council be suspended so as to permit first reading
16 at our next session of City Council.

17 (Duly seconded.)

18 COUNCILMAN MARIANO: So moved and
19 properly seconded.

20 All those in favor of this bill, as
21 amended?

22 Against, nay?

23 The bill is approved.

24 That's it. Now that concludes the
25 public meeting for Licenses and Inspections.

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2 Thank you for your patience.

3 (Adjourned at 11:50 a.m.)

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RE: COUNCIL COMMITTEE ON LICENSES AND INSPECTIONS

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BILL NO. 000217, 000348, 000351, 000350,

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JOSEPHINE CARDILLO,

Registered Professional Reporter