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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON PUBLIC HEALTH AND

4

HUMAN SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 15, 2010
1:35 a.m.

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PRESENT:

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COUNCILWOMAN MARIAN B. TASCO

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN W. WILSON GOODE, JR.

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COUNCILWOMAN MARIA QUINONES-SANCHEZ

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COUNCILWOMAN DONNA REED MILLER

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BILL 100185 - An ordinance amending Section
10-602 of The Philadelphia Code, known as the
"Clean Indoor Air Worker Protection Law," by
providing a limited period of time, expiring
June 30, 2010, during which a Private Club, as
defined, may apply for and obtain a waiver...

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COUNCILWOMAN TASC0: The

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Committee on Public Health and Human

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Services will come to order.

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Let me note that we have a

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quorum in the presence of Councilwoman

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Miller, Councilman Goode and Councilman

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Clarke, who is the Majority Whip and has

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been appointed by Councilwoman Verna to

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sit at this hearing.

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Would the Clerk please read the

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bill.

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THE CLERK: Bill No. 100185,

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amending Section 10-602 of The

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Philadelphia Code, known as the "Clean

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Indoor Air Worker Protection Law," by

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providing a limited period of time,

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expiring June 30, 2010, during which a

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Private Club, as defined, may apply for

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and obtain a waiver of the provisions of

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the Section prohibiting smoking in

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certain places, under certain terms and

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conditions.

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COUNCILWOMAN TASC0: Thank you.

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Is there anyone here to testify

1 4/15/10- PUBLIC HEALTH - BILL 100185

2 on this bill from the Administration?

3 (Witness approached witness
4 table.)

5 COUNCILWOMAN TASC0: Good
6 afternoon.

7 DR. RAVAL-NELSON: Good
8 afternoon, Councilwoman Tasco and members
9 of the Committee on Public Health and
10 Human Services. My name is Dr. Palak
11 Raval-Nelson. I'm the Director of
12 Environmental Health Services, and I am
13 here today to present the testimony on
14 behalf of Dr. Donald Schwarz, the
15 Commissioner of the Health Department,
16 who is out of town today.

17 COUNCILWOMAN TASC0: Proceed.

18 DR. RAVAL-NELSON: Thank you
19 for this opportunity to present testimony
20 today on Bill No. 100185, which was
21 introduced by Council President Verna.
22 The bill would amend the Section 10-602
23 of The Philadelphia Code, known as the
24 "Clean Air Worker Protection Law," by
25 providing a limited period of time,

1 4/15/10- PUBLIC HEALTH - BILL 100185
2 expiring June 30, 2010, during which a
3 Private Club, as defined, may apply for
4 and obtain a waiver of the provisions of
5 the Section prohibiting smoking in
6 certain places, under certain terms and
7 conditions.

8 On September 14, 2006, Mayor
9 Street signed then-Councilman Nutter's
10 Bill No. 050063-A, which established a
11 broad ban on smoking in work and public
12 places in Philadelphia. The intent of
13 the bill was to protect not only the
14 customers who may patronize the eating
15 and drinking establishments and other
16 public locations, but also to protect the
17 employees that work at the establishments
18 who would be exposed to the second-hand
19 smoke. The health effects of second-hand
20 smoke are significant, well documented,
21 and it should be noted these health
22 effects can cost billions of dollars
23 annually in healthcare. There was a
24 waiver process that was put in place for
25 a limited time period after the original

1 4/15/10- PUBLIC HEALTH - BILL 100185
2 ordinance was signed to allow Private
3 Clubs, based on the nature of their
4 operation, to apply for a waiver. The
5 timeframe for submitting a waiver has
6 since passed.

7 The purpose of the amendment to
8 Section 10-602 of The Philadelphia Code
9 proposed in this bill is to provide an
10 additional limited time period for
11 Private Clubs to obtain a waiver to allow
12 smoking in their establishments. The
13 Department of Public Health presents no
14 objection to this amendment going
15 forward, provided that, as stated in the
16 bill, the period of time for a waiver
17 application expires June 30, 2010, the
18 Private Club is in legal operation and
19 has a valid certificate of occupancy and
20 business privilege license at the time it
21 applies for the waiver, and that the
22 Private Club submits with its waiver
23 request a document signed by at least
24 two-thirds of the employees of the club
25 indicating their approval of the waiver

1 4/15/10- PUBLIC HEALTH - BILL 100185

2 request.

3 Thank you for allowing me to
4 present the testimony on this important
5 issue.

6 COUNCILWOMAN TASC0: Thank you
7 very much.

8 Are there any questions from
9 members of the Committee?

10 (No response.)

11 COUNCILWOMAN TASC0: Thank you
12 very much for your testimony.

13 DR. RAVAL-NELSON: You're
14 welcome. Thank you.

15 COUNCILWOMAN TASC0: Ms. Susan
16 Garrity.

17 (Witness approached witness
18 table.)

19 MS. GARRITY: Good afternoon.
20 I'm Susan Garrity and I appreciate the
21 opportunity to speak before City Council
22 this afternoon in support of the
23 ordinance that is before you requesting
24 the granting of an exemption on behalf of
25 the Vesper Club to the smoking ban

1 4/15/10- PUBLIC HEALTH - BILL 100185

2 prohibition.

3 Members of Council, as to my
4 background, I have been an employee of
5 the Vesper Club for 23 years and I have
6 been a member for at least ten of those
7 23. Briefly, I would like to tell you a
8 little bit about the history of the Club
9 and in its place the history of -- and
10 its place in the history of Philadelphia.

11 The Club was chartered in 1904,
12 making it over 100 years old, and it was
13 initially chartered as "The Vesper New
14 Year Association." Our Club has been in
15 its current location on Sydenham Street
16 in Center City since 1941, and we have
17 operated continuously in that location
18 since then. Our members have and still
19 do come from a cross section of
20 Philadelphia. This ordinance will help
21 the Vesper Club remain viable and remain
22 what it is today, a Philadelphia
23 institution.

24 The Vesper Club has in the
25 past, and also continues to this day, to

1 4/15/10- PUBLIC HEALTH - BILL 100185
2 provide its members with a positive
3 cultural experience. Unfortunately, the
4 Club did not take advantage of the
5 exception when it was initially offered,
6 and we appreciate this opportunity.

7 Consistent with the
8 requirements of the ordinance, all
9 employees of the Vesper Club have signed
10 a letter evidencing their support for the
11 exemption, and I would like to hand up at
12 the conclusion of my testimony a copy of
13 this document, along with a written copy
14 of my remarks.

15 In addition, please be advised
16 that we have scheduled a meeting of the
17 Vesper Club membership, and the meeting
18 is scheduled for April 22nd, 2010 at 5
19 o'clock. Feedback so far from the
20 membership with respect to the position
21 on the request of the exemption has been
22 overwhelming in favor of the request. At
23 the conclusion of the April 22nd
24 membership meeting, should there be a
25 need to supplement this record, we would

1 4/15/10- PUBLIC HEALTH - BILL 100185

2 like to have the opportunity to do so.

3 While my remarks here today are
4 short, the need for this exemption in
5 order to maintain our viability in the
6 Philadelphia community as a private club
7 is great. Both the employees of the
8 Vesper Club as well as its members are in
9 support of the request for the exemption
10 from the prohibition allowing us to allow
11 smoking in the bar area only, segregated
12 from the dining area.

13 Thank you very much for your
14 kind attention, and I stand ready to
15 answer any questions that you might have
16 for me at this time.

17 COUNCILWOMAN TASC0: Thank you
18 very much for your testimony.

19 Any comments or questions from
20 the Committee?

21 (No response.)

22 COUNCILWOMAN TASC0: We
23 certainly thank you for coming to
24 testify. I think once we go through this
25 process, if you can communicate with

1 4/15/10- PUBLIC HEALTH - BILL 100185
2 Councilwoman Verna if she thinks you need
3 to submit additional information. She's
4 the sponsor of this bill.

5 MS. GARRITY: Thank you very
6 much.

7 COUNCILWOMAN TASC0: Is there
8 anyone else here to testify on this bill?

9 (No response.)

10 COUNCILWOMAN TASC0: There
11 being no one else to testify on this
12 bill, we will now adjourn our public
13 hearing and go into our public meeting.

14 The Chair recognizes
15 Councilwoman Miller for a motion to move
16 the bill.

17 COUNCILWOMAN MILLER: Thank
18 you, Madam Chair. I move that Bill No.
19 100185 be reported out of this Committee
20 with a favorable recommendation and
21 further move that the rules of Council be
22 suspended so as to permit first reading
23 at our next session.

24 (Duly seconded.)

25 COUNCILWOMAN TASC0: It has

1 4/15/10- PUBLIC HEALTH - BILL 100185
2 been moved that Bill No. 100185 be
3 reported out of Committee with a
4 favorable recommendation and that the
5 rules of Council be suspended so that
6 this bill will have its first reading at
7 Council's next session.

8 All in favor will say aye.

9 (Aye.)

10 COUNCILWOMAN TASC0: Is there
11 any opposition?

12 (No response.)

13 COUNCILWOMAN TASC0: There
14 being none, the vote is carried.

15 Thank you very much. Any other
16 business?

17 (No response.)

18 COUNCILWOMAN TASC0: None.

19 This meeting is adjourned.

20 (Committee on Public Health and
21 Human Services concluded at 1:45 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on April 15, 2010, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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