

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

COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC HEARING

COMMITTEE ON LICENSES AND INSPECTIONS

- - -

Room 696, City Hall
Philadelphia, Pennsylvania
May 28, 2003
1:30 p.m.

- - -

BILL 030243 - An Ordinance enacting a new Section 10-1611 of Chapter 10-1600 of the Philadelphia Code, entitled "Discontinuance of Proceedings," to provide for the discontinuance of proceedings before the Bureau of Administrative Adjudication under certain terms and conditions.
BILL 030254 - An Ordinance amending Title 9 of the Philadelphia Code ("Regulation of Businesses, Trades and Professions"), by amending Section 9-208 relating to sidewalk cafes by amending and adding certain provisions for regulating sidewalk cafes; all under certain terms and conditions.

- - -

PRESENT:
COUNCILMAN RICHARD MARIANO, Chair
COUNCILMAN DARRELL CLARKE
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN FRANK RIZZO
COUNCILMAN FRANK DICICCO

- - -

V A R A L L O, INCORPORATED
LITIGATION SUPPORT SERVICES
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
215.561.2220 215.567.2670

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

I N D E X

BILL 030254	PAGE
OTIS HAIGLER, JR., L&I	3
CARLA MCCOLLUM, Delaware Valley Chapter of Council of Citizens with Low Vision	25
LENORA BERSON, Center City Residents Association Legislative Committee	35

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 COUNCILMAN MARIANO: This is the public
3 hearing of the Committee of Licenses and
4 Inspections.

5 Bill No. 030243 is being held at the
6 request of the sponsor.

7 The Clerk will read the title of Bill
8 030254.

9 THE CLERK: Bill 030254, an Ordinance
10 amending Title 9 of the Philadelphia Code by
11 amending Section 9-208 relating to sidewalk cafes by
12 amending and adding certain provisions for
13 regulating sidewalk cafes; all under certain terms
14 and conditions.

15 COUNCILMAN MARIANO: Testimony of Otis
16 Haigler.

17 Go ahead, Otis.

18 MR. HAIGLER: Good day, Councilman
19 Mariano and Members of the Committee. I am Otis
20 Haigler, Jr., Legislator of the Regulatory Affairs,
21 Manager for the Department of Licenses and
22 Inspections. Today, I'm here to provide testimony
23 on Bill 030254, which if enacted will amend Section
24 9-208 of the Philadelphia Code governing sidewalk
25 cafes.

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 The Department fully supports Bill
3 030254, which will streamline the process for
4 obtaining a license to maintain a sidewalk cafe and
5 provide certain safeguards governing its location in
6 the public right-of-way. Section 9-208, Subsection
7 1, Subsection D, of the proposed Ordinance makes
8 clear that permission for a sidewalk cafe can only
9 be granted to restaurants or those establishments
10 which have a license issued by the Pennsylvania
11 Liquor Control Board, where food is served at tables
12 and chairs.

13 The key component of this amendment is
14 that food has to be served at tables and chairs in
15 order to be classified as a sidewalk cafe, as
16 defined by Section 9-208. This will restrict
17 sidewalk cafes to restaurants or establishments with
18 waiter or waitress service where food is delivered
19 directly to the table of the patron.

20 Additionally, the sidewalk cafe must be
21 open air and not part of an addition that will
22 require the enactment of a specific ordinance for
23 its construction and encroachment on the public
24 right-of-way.

25 By adding this amendment to the

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 definition for sidewalk cafes, many of the community
3 concerns regarding illegal structures, debris and
4 extensions of fast food or take-out restaurants onto
5 the public right-of-way have been addressed and will
6 be alleviated.

7 Additionally, in accordance with Section
8 7.21 of Title 40 of the Pennsylvania Code, all
9 establishments having a liquor license must have
10 Liquor Control Board approval prior to extending
11 their operation to the sidewalk area of the licensed
12 establishment.

13 Other provisions of Bill 030254
14 governing clearances to other structures and the
15 location of the sidewalk cafe on the public
16 right-of-way will ensure that pedestrian access
17 remains unobstructed and public safety is protected.

18 Bill 030254, as sponsored by Councilman
19 Clarke, is also in line with the goals of the
20 Administration and mandate of Council to streamline
21 the licensing and approval process for businesses
22 wishing to operate in the City and comply with the
23 requirements of the Philadelphia Code. Bill 030254
24 does this and also preserves regulatory controls
25 over the manner in which the public right-of-way is

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 used for the protection and pleasure for all
3 persons.

4 In closing, the Department wishes to
5 recognize the work of the Redesigning Government
6 Initiative, consisting of the Mayor's Office of
7 Labor Relations, members of L&I, the Department of
8 Streets, and the municipal unions, AFSCME District
9 Councils 33 and 47, and also I would like to add
10 Johanna Bowman (ph), who's director of the RDI.
11 This group met regularly during this legislative
12 cycle to review the requirements governing sidewalk
13 cafes and recommend changes that would enhance the
14 service provided to the public. Many of the
15 recommendations of this group have been incorporated
16 in Bill 030254, and they have asked that I pass
17 along their appreciation to Councilman Clarke for
18 his support and sponsorship of this Bill.

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

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

23 First of all, I just want to say we have
24 Councilman Rizzo, Councilman Goode, Councilman
25 Clarke, myself and Councilman DiCicco.

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 Councilman Clarke.

3 COUNCILMAN CLARKE: Thank you, Mr.

4 Chairman.

5 Mr. Chairman, I just want to make a
6 brief statement with respect to the introduction of
7 the Bill. I too would like to thank the members of
8 government and other individuals from the
9 participating organization, Reinventing Government,
10 on this particular Bill.

11 I got involved in this issue as a result
12 of several concerns raised by constituents. I had
13 difficulty in various locations throughout Center
14 City as it related to pedestrian footway as a result
15 of sidewalk cafes. Getting involved in the process,
16 it was understood that there were problems across
17 the City of Philadelphia in various locations.

18 Subsequently, I contacted a couple of
19 Members of Council who had a substantial amount of
20 sidewalk cafes in their district to ensure that they
21 would be in the loop as it relates to any
22 implementation of this program. And I want to go on
23 the record in stating that I'm very supportive of
24 sidewalk cafes. I think it brings an amenity to the
25 City and some synergy, particularly to Center City,

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 that has enhanced our ability to do business and
3 attract people to our fine restaurants and want to
4 continue to be supportive of those efforts.

5 But at the end of the day, I think that
6 it's appropriate to ensure that pedestrians have the
7 ability to walk down the sidewalk unimpeded by
8 chairs, tables or waiters or waitresses holding food
9 and things of such, or plants or trees or whatever
10 may find its way on the sidewalk. As a result of
11 that particular problem, we incorporated some of the
12 proposals by the Reinventing Government Committee
13 into the Bill, and hopefully this Bill will be
14 supported by the Members of this Committee.

15 I just want to thank you for your
16 support on this, Mr. Haigler.

17 MR. HAIGLER: Thank you, Councilman.

18 COUNCILMAN MARIANO: Thank you,
19 Councilman.

20 Any questions for Mr. Haigler?

21 Councilman DiCicco.

22 COUNCILMAN DICICCO: Thank you, Mr.
23 Chairman.

24 Good afternoon, Mr. Haigler.

25 Earlier in the Streets and Services

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 Committee I had asked you some questions that would
3 be germane to this legislation. One of the
4 questions had to do with, what are the fees that
5 vendors pay today to the City of Philadelphia in
6 order to vend, use the sidewalk for sales?

7 MR. HAIGLER: For vending -- which is
8 different from this Bill because we're talking about
9 not an extension of an existing business -- but for
10 vending, fees are, in Center City particularly, \$250
11 for the vending license, \$250 for the business
12 privilege license. They are also required to get a
13 license from the Health Department for food.

14 COUNCILMAN DICICCO: I understand that
15 the vending is not necessarily directly related to
16 this Bill, but there is some connection in terms
17 of -- I think the purpose of this Bill was to
18 provide better access to the public for the purpose
19 of traversing the sidewalk and enable both the
20 restaurant businesses to provide this amenity, which
21 we all agree is a wonderful thing, but not limit the
22 pedestrian access to be able to move on that same
23 side, because we're sharing a very limited amount of
24 space.

25 MR. HAIGLER: That's correct. The

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 difference also is that this Bill with sidewalk
3 cafes, sidewalk cafes have to abut the building
4 line; whereas the vending, there has to be a
5 distance between the vending operation and the
6 property line.

7 COUNCILMAN DICICCO: I guess that's
8 where I was going earlier today, and I'll go back to
9 that today. There is some relationship, even though
10 the nature of the business may be somewhat different
11 because one is an extension of an existing business
12 and the other is kind of a free-standing business,
13 meaning a vendor. But the relationship is similar
14 in the sense that both of them have an effect,
15 either negative or positive, depending on how you
16 look at it, but have an effect on the area that
17 pedestrians are able to use without being totally
18 obstructed or prohibited from using that sidewalk.

19 So I guess where I am going with this
20 thing is, I've been dealing with vendors off and on
21 for the eight years I've been here. There are a
22 number of locations where vendors are operating
23 today, that the distance from the property line to
24 the vending cart is much less than 10 feet, and in
25 some cases probably three feet or even less.

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 MR. HAIGLER: I'm not aware of that.

3 COUNCILMAN DICICCO: I'll give you some
4 locations. 7th and Chestnut.

5 COUNCILMAN GOODE: Point of information.

6 COUNCILMAN MARIANO: Go ahead.

7 Your point, Councilman Goode.

8 COUNCILMAN GOODE: Vending generally
9 happens on public property that allows vending to
10 take place there; is that not true?

11 MR. HAIGLER: That's correct. It's in
12 public right-of-way.

13 COUNCILMAN GOODE: So there's also a
14 difference between activities happening on public
15 property or private property. So this legislation
16 actually deals with what's allowed on private
17 property, because the public sector can always
18 control what's going to happen because they're
19 licensing people to vend there.

20 MR. HAIGLER: Not necessarily,
21 Councilman. I have to correct you a little bit.

22 The sidewalk cafes is in the public
23 right-of-way. It's on the sidewalk. It's the
24 sidewalk abutting the licensed business. So it's
25 still in the public right-of-way. The difference is

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 that the sidewalk cafe is an extension of a licensed
3 legal business that's already there; whereas the
4 vending operation is a stand-alone business that's
5 occupying the public right-of-way. There are
6 certain requirements of the licensed business that's
7 already there, that they have to meet certain
8 provisions of the Philadelphia Code just by virtue
9 of them being there already. But this is only an
10 extension of that operation to the sidewalk abutting
11 their business.

12 COUNCILMAN GOODE: So vendors have no
13 permanent rights there. The rights are extended to
14 them on an annual basis?

15 MR. HAIGLER: There is no deeded portion
16 of the public right-of-way to vending. There's
17 licensing provisions, specifically under Section
18 9-204 of the Philadelphia Code relating to Center
19 City specifically, there are 300 vending locations
20 that were allocated in 1991, specifically in Center
21 City, and that was allocated to vendors. And they
22 were given those locations by virtue of a lottery
23 where they had to get those locations from our
24 Business Compliance Unit. And those are the only
25 locations where they're allowed to vend in Center

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 City. They're not allowed to vend anywhere else
3 besides that location. So it's not a deeded right,
4 but because they have a license, they have the
5 privilege to vend there because they have a license
6 to vend there.

7 COUNCILMAN DICICCO: Within the
8 boundaries of the Center City District?

9 MR. HAIGLER: That's correct.

10 COUNCILMAN DICICCO: For the purposes of
11 Councilman Goode's question, there are a number of
12 locations in commercial corridors where Council has
13 approved legislation that will allow for the
14 business managers or owners, operators to use part
15 of the sidewalk, which is the public sidewalk,
16 within 40 inches of the property line going out. So
17 -- not necessarily for sidewalk cafes. It could be
18 for any accessory sales can be extended out 40
19 inches, where legislation provides. We do have
20 cases where sales are allowed, not only for the sale
21 of food and beverages, but also for products.

22 MR. HAIGLER: Well, that's primarily
23 specifically Center City. Center City only allows
24 300 vending locations. So even if the property
25 owner wanted to vend outside of their property in

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 Center City, they would need a special Ordinance to
3 do that in Center City. Elsewhere, they wouldn't
4 need that.

5 COUNCILMAN DICICCO: I beg to differ
6 with you. I just did legislation for Pine Street.
7 I've done in the past East Passyunk Avenue where
8 special Ordinances were required to permit sidewalk
9 sales within 40 inches of the --

10 COUNCILMAN GOODE: My understanding of
11 the Code is that it is prohibited except where
12 allowed.

13 MR. HAIGLER: Except where not allowed
14 by the Councilperson. Also, you have provisions --
15 when you talk about East Passyunk Avenue, you may
16 also have had some Ordinance already in place that
17 prohibited sidewalk sales. Periodically, the
18 Councilpersons can offer an amendment to Section
19 9-205 of the Code to prohibit sidewalk sales in an
20 area all together, within certain boundaries of an
21 area all together. Once you prohibit it, you're
22 going to have to come up with an Ordinance to allow
23 that business to now vend back in that area. But
24 normally, they're given permission to extend their
25 businesses onto the sidewalk, if it's not part of

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 Center City, or if there's no other prohibitions to
3 prohibit sidewalk sales in area.

4 COUNCILMAN DICICCO: East Passyunk
5 Avenue, there's actually two Ordinances; one to
6 allow sidewalk cafes and the other to allow sidewalk
7 sales. We actually did two separate Bills.

8 MR. HAIGLER: And you would have to do
9 that because there are two separate sections of the
10 Philadelphia Code that governs it.

11 COUNCILMAN DICICCO: Is it safe to say
12 that there are certain sidewalk cafes that are in
13 operation today that may be, as a result of this
14 legislation, would be prohibited in the future?

15 MR. HAIGLER: If they're not in
16 compliance with the requirements. But the
17 requirements are obtainable in most cases. It could
18 be an issue there may be something somewhere -- I'm
19 not exactly sure how to answer that. But the
20 requirements in most cases are obtainable by most
21 businesses. They're not that restrictive. They're
22 provisions that are in place that makes it a little
23 bit easier for certain business to comply.

24 COUNCILMAN DICICCO: Isn't there a
25 distance requirement in this legislation, 10 feet,

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 if I'm mistaken?

3 MR. HAIGLER: No, it's not. The
4 pedestrian access is five feet.

5 COUNCILMAN DICICCO: Pedestrian access.
6 But there is something, if I recall from earlier
7 this morning --

8 MR. HAIGLER: You have a 10 foot
9 requirement -- I'm looking at page 6 where it talks
10 about the sidewalk located at a street intersection
11 shall provide a corner clearance of 10 feet clear
12 space from a point of tangency of the curb line.
13 But that's a unique situation. Where you have a
14 corner property, you have to have some sort of
15 clearance of 10 feet tangent to the curb line in
16 that situation. But the general requirement is five
17 feet.

18 COUNCILMAN DICICCO: Five feet of
19 pedestrian access?

20 MR. HAIGLER: That's correct. It's five
21 feet of pedestrian access. But there's also another
22 provision in here also that takes into account when
23 you have a sidewalk that's more than 13 feet, then
24 it's half of the confirmed sidewalk --

25 COUNCILMAN DICICCO: What happens in the

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 case where you have a sidewalk that is less than,
3 say, 10 feet or less, and you need 5 feet for
4 pedestrian access -- the combination between
5 pedestrian access and the requirement doesn't meet
6 the Code, where if you have three feet of sidewalk
7 cafe and you have a seven-foot sidewalk in total,
8 you're below the five-foot requirement?

9 MR. HAIGLER: Then he can't operate.
10 They can't operate.

11 COUNCILMAN DICICCO: Do you understand
12 my question? At least in Old City -- I'm not
13 opposed to this legislation. I'm just trying to
14 clear this because I got a feeling I'm going to get
15 some calls on this. In Old City, especially the
16 sidewalks on Second Street and Third Street, you're
17 not going to have five feet of space for public
18 access.

19 COUNCILMAN CLARKE: Councilman, if I
20 can.

21 Councilman Nutter, who is going to be
22 here a little later, expressed some concerns about
23 some locations in Manayunk where that issue may be
24 problematic. But I guess the question is, should
25 that sidewalk cafe have been granted initially, if

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 it did not allow proper access for pedestrians. And
3 I'm not looking to take that business privilege away
4 from anybody. I think -- Councilman DiCicco just
5 mentioned the word grandfathered. There could
6 potentially be some discussions. But one of the
7 problems associated with the Bill, that it is a
8 citywide Bill and it takes into account different
9 locations.

10 But at the end of the day I think that
11 there should be a set number as it relates to
12 pedestrian footway, regardless of where the location
13 is or what the size of the sidewalk is. If a person
14 needs five feet or four feet or whatever it is, it
15 doesn't matter what section of town that they're in,
16 they need four feet or five feet to walk, regardless
17 as to whether or not it's in Old City or Manayunk or
18 North Philly. That was the purpose of the Bill, in
19 terms of providing access for pedestrians, not
20 necessarily creating a problem for any particular
21 operator.

22 COUNCILMAN DICICCO: I'm not suggesting
23 that there was any hostility in the creation of the
24 Bill, but there are issues, and I think a lot of
25 this, I think, started back with the issue --

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 COUNCILMAN RIZZO: Point of information.

3 COUNCILMAN MARIANO: Councilman Rizzo.

4 COUNCILMAN RIZZO: I just want to make
5 sure that I understood the conversation that just
6 occurred.

7 If L&I has identified an outdoor cafe
8 that has encroached or moved into an area that now
9 is identified as problematic, I couldn't be
10 supportive of grandfathering something that appears
11 to be inappropriate, for lack of a better word. So
12 I'm hoping I'm not hearing that we're going to allow
13 something to continue that L&I has said isn't a good
14 situation.

15 COUNCILMAN MARIANO: Point of
16 information on his point of information.

17 Are you grandfathering anything here,
18 Otis, or not?

19 MR. HAIGLER: The Ordinance doesn't
20 indicate any grandfathering. There are no
21 grandfathering provisions in the Ordinance to
22 grandfather something in --

23 COUNCILMAN RIZZO: So what I'm hearing
24 is, if this Ordinance passes and someone doesn't
25 meet the dimensions or the measurements in that

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 Bill, they've got to fix it?

3 MR. HAIGLER: That's correct.

4 COUNCILMAN RIZZO: That's good enough
5 for me.

6 COUNCILMAN DICICCO: Well, you can only
7 fix it if you extend the sidewalk out in some cases,
8 and that's not going to happen.

9 MR. HAIGLER: Or you may have to limit
10 your tables and chairs.

11 COUNCILMAN RIZZO: You can move the
12 tables, correct.

13 COUNCILMAN DICICCO: But there are cases
14 where even one table -- I'll refer to it as a deuce
15 from my old days when I owned a restaurant -- where
16 the sidewalk is that narrow, that even the deuce,
17 the small little table, may not allow for that five
18 foot distance for pedestrian access. And in many
19 cases, I think that will create -- and I understand
20 the public's issue, because the public is both the
21 people who walk the streets and the people who
22 operate the businesses. I mean, everyone is part of
23 the public. That's the only concern I have.

24 Again, I'm not springing this up at the
25 last minute. I just had a concern because when I

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 read this this morning a little bit more thoroughly,
3 I started visualizing some of the restaurants that
4 may actually be prohibited from doing any sidewalk
5 cafe completely.

6 COUNCILMAN MARIANO: Councilman Clarke
7 also stated that Councilman Nutter had a few
8 concerns, but it's not in the Bill. So if we're
9 voting the Bill -- plus I think we should let the
10 public testify. They may have something that's very
11 germane --

12 MR. HAIGLER: I'd just like to put on
13 the record that this really is a Streets Department
14 issue, the transversing of the public right-of-way.
15 I think when the Bill passes, L&I and the Streets
16 Department will be getting together to work out
17 jurisdictional responsibilities for enforcement of
18 certain issues. Because the public right-of-way is
19 the Streets Department.

20 COUNCILMAN MARIANO: If this Bill passes
21 and there's a particular one that either of the
22 Councilmen has a concern about, they can still get
23 an encroachment Ordinance written by the particular
24 District Councilperson?

25 MR. HAIGLER: That's correct. That's

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 correct. And that specific Ordinance will supersede
3 any general Ordinance, I believe.

4 COUNCILMAN CLARKE: Point of order.

5 COUNCILMAN MARIANO: Councilman Clarke.

6 COUNCILMAN CLARKE: One of the concerns,
7 and I guess to some degree frustration I had when
8 we got involved in this issue, that there was
9 conflicting information relating to what L&I
10 required and the Streets Department required, which
11 is why we felt it was appropriate to get involved in
12 the issue and have one set of regs for pedestrian
13 footway. Because I think at one time it was three
14 feet for one department and five feet for another
15 department, and I think the community wanted 10
16 feet. It was, like, all over the place. So what
17 we're trying to do is get one set of standards for
18 pedestrian footway.

19 Councilman, I understand your concerns.

20 COUNCILMAN DICICCO: And I agree with
21 you, Councilman. And I think my concern goes back
22 to something that I attempted a few years ago with
23 honor boxes and other forms of street furniture, as
24 it's referred to, and how that impacts on the
25 inability in many cases for pedestrians to move

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 about in a safe and free access environment.

3 So there are a number of -- there's a
4 lot of stuff out on the sidewalks, if you will, that
5 probably have just as much, if not even a more
6 adverse on the public access than sidewalk cafes.

7 And I'm not picking on the vendors who
8 always think that I am. But I can point to some
9 vendors -- if you take the hot dog cart, as an
10 example, the canopy, which is really part of the
11 vending cart that opens up, I know places where that
12 is probably three to six inches from the property
13 line, where people literally have to duck to get
14 under that to walk. Why do they get the free ride,
15 I guess, when they are creating probably as much, if
16 not in many cases more of a public hazard than
17 sidewalk cafes are?

18 Again, I don't want to reinvent the
19 wheel, but I was of the impression a while back when
20 I tried to do the honor box legislation, which I
21 couldn't get moved at all, and some of the other
22 vending things that I received some criticism
23 about -- I remember about 400 vendors wanted to
24 string me up by the rafters in the Council Chambers
25 on the fourth floor, that I was against private

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 enterprise and capitalism and all that stuff.

3 I think that we need, in addition to
4 this, a more comprehensive understanding and
5 regulations as it relates to street furniture,
6 sidewalk furniture in general, because I don't see
7 how a vendor who can stand there and pay \$250 a year
8 not having to adhere to the 10 foot and the 5 foot
9 and all that other stuff, gets to continue to
10 operate, but a restaurateur who pays many, many more
11 taxes and other fees, in addition to the wage taxes
12 and everything else that they can't escape, is now
13 going to be limited and possibly prohibited from
14 having a sidewalk cafe when 30 feet away or 10 feet
15 away, literally in some cases right in front of that
16 establishment, someone is going to be able to open
17 up a hot dog cart if it's within the zone that
18 allows for vending. What's the difference?

19 COUNCILMAN MARIANO: Thank you,
20 Councilman.

21 Can we have the public testimony now? I
22 see there's some people that took great time to get
23 up here.

24 Public testimony. Who's here to
25 testify?

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 Ma'am.

3 MS. MCCOLLUM: Hello. My name is Carla
4 McCollum. I am Resource Director of the Delaware
5 Valley Chapter of Council of Citizens with Low
6 Vision.

7 A lot of the concerns that Councilman
8 DiCicco had mentioned with vendors and honor boxes,
9 I am very well aware of. I do not have to go
10 anywhere for excitement, except out to the streets
11 to walk because of all the obstructions and
12 construction and ill placed items. Public life is
13 lived on the streets. I'm well aware of that. But
14 there are certain things that are definitely
15 dangerous, most of which we will not be discussing.

16 Sidewalk cafes are a pleasant part of
17 City living. We are all amenable to them, but
18 certain restrictions, I think, are wise to at least
19 consider and try to come to a consensus with all the
20 conflicting requirements. Those of us with severe
21 vision impairment or no vision do need an extra wide
22 walkway for cane swing, especially on narrow
23 sidewalks where curb-side tables are also allowed.
24 You've got to be aware of people on both sides. And
25 people who are sitting at tables enjoying meals with

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 waiters scurrying around them present an interesting
3 labyrinth to try to negotiate when you're using a
4 cane. The problem with tables on both sides of the
5 walkway, if you're visually impaired is, you could
6 whack somebody in ankle or knock over something they
7 have sitting next to them on the ground, like a
8 briefcase, get caught in a chair leg or a table leg,
9 or bump into a waiter who is trying to maneuver
10 himself.

11 Overhead obstructions are another
12 possibility if they have awnings, low hanging tree
13 branches, anything that is within, I would say, a
14 four-foot zone. You're supposed to have at least,
15 walking in the City, swinging a cane from left to
16 right, you usually have to -- to be safe -- have it
17 past your shoulder width. But in crowded
18 situations, you do have to narrow it down.

19 Some streets are so obstructed that you
20 cannot get off the crosswalk onto the sidewalk.
21 Other places where there are sidewalk cafes even
22 egress into an area where there is a railing
23 dividing the cafe from the sidewalk. Sometimes
24 there is a foot traffic jam there from people trying
25 to gain access. All of these are problems that

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 sometimes you just have to stand there and wait for
3 things to thin out. People tend to cluster and talk
4 on sidewalks as well, oblivious to other people.
5 All of these are obstructions that have to be
6 negotiated.

7 Sometimes with instant decision making,
8 as in crossing streets, badly maintained sidewalks,
9 uneven, unlevel sidewalks, are a hazard for those
10 who cannot use visual cues to help balance
11 themselves, and have to use their feet and the cane.
12 I understand canted sidewalks are necessary for rain
13 runoff, but some of the angles are very steep, and
14 it definitely is a little more disorienting.

15 COUNCILMAN MARIANO: Excuse me, ma'am.
16 So this Bill -- to get this in a nutshell -- this
17 would be a good Bill for someone who's
18 sight-impaired? I mean, it's a start, right? This
19 is good?

20 MS. MCCOLLUM: Yes. I think all of
21 these other possibilities have to be worked into the
22 Bill. I think getting in touch with anyone who
23 teaches mobility, as at Pennsylvania College of
24 Optometry or at Associated Services for the Blind,
25 their mobility instructors would definitely have

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 more pointers about these things that must also be
3 considered.

4 You have other considerations for people
5 who are in manual and electric wheelchairs, people
6 who use scooters. They all have slightly different
7 requirements. But I would also make a suggestion --
8 you were discussing some sidewalks are simply too
9 narrow. Would it not behoove you to make the
10 Ordinance read, where the sidewalk is a certain
11 width, eight feet or less, have only a certain
12 proportionate amount of that sidewalk, one-third or
13 less, be accessible to outside usage, you know, one
14 table or less?

15 COUNCILMAN MARIANO: That's a good
16 point. Mr. Haigler either wants to take me out
17 tonight, or he's making eyes at me that he has an
18 amendment. He's sitting next to you over there and
19 he's making eyes.

20 Do you have something on that, Mr.
21 Haigler, on her point, percentage-wise where the
22 streets are smaller?

23 MR. HAIGLER: Some of the issues that my
24 table person raised related to the wait staff and
25 visitors. Those are good points and good issues.

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 Those issues were addressed in the Ordinance. If I
3 might just read that provision. There's a provision
4 in the Ordinance that addresses some of these issues
5 that she just raised.

6 There's a provision here that says, that
7 the licensee shall be responsible for keeping all
8 visitors, patrons, employees and cafe fixtures,
9 including without limitations, tables, chairs and
10 heaters from occupying or encroaching into the
11 required clear sidewalk space.

12 So the issue with the employees being in
13 the area to impede the pedestrian access, that was
14 addressed in the amendments to this Bill.

15 We're going to offer a slight amendment
16 a little later to deal with that issue about the
17 curb-side. Understanding that the employees do have
18 to get to the curb-side in order to serve the
19 patrons at the tables at the curb. But the
20 curb-side requirements only kick in after 7:00 p.m.
21 They don't kick in before 7:00 p.m. They only kick
22 in after 7:00 p.m. Before 7:00 p.m. you're not
23 allowed to have tables and chairs at the curb-side.
24 That's also only if you have a parking lane near the
25 curb-side. So if you don't have a parking lane at

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 the curb-side, then you wouldn't be allowed to have
3 a sidewalk cafe at all at curb-side. The curb-side,
4 the distance from the curb, has to be a foot and a
5 half from the curb. So we've taken into account
6 some of the concerns of the public and the
7 community. We studied a lot of those concerns and
8 we tried to incorporate as much as we could in the
9 recommendations that we submitted that were put into
10 the proposed Ordinance.

11 COUNCILMAN MARIANO: Thanks, Mr.
12 Haigler.

13 Councilman Rizzo has a point.

14 COUNCILMAN RIZZO: I need to understand.
15 After 7 o'clock, if there's a parking lane, you'll
16 be able to put out a table at curb-side. Are you
17 suggesting that the back set has to be a foot and a
18 half from the curb line?

19 MR. HAIGLER: That's correct. Only
20 movable tables and/or chairs shall be permitted and
21 must be at least 1 1/2 feet from the curb line.

22 COUNCILMAN RIZZO: Just a couple
23 questions here. Many areas that have parking also
24 have parking meters, right?

25 MR. HAIGLER: Some areas, yes, that's

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 correct.

3 COUNCILMAN RIZZO: The Parking Authority
4 needs to squeeze in between that foot and a half to
5 issue a parking ticket?

6 MR. HAIGLER: Well, also, that's
7 considered an obstruction. And there's certain
8 other requirements where you have to be a certain
9 distance from obstructions. So in essence, in that
10 area you may not be able to place your sidewalk cafe
11 at the curb in that area. But in other areas where
12 you don't have that impediment, there may not be a
13 problem there. It depends on a site evaluation by
14 the Streets Department to determine whether or not
15 it's permissible, including with other issues,
16 obstructions, appurtenances, anything else that
17 might be there. You have to do a complete site
18 evaluation to determine whether or not it's
19 permitted for the sidewalk cafe to be there.

20 COUNCILMAN RIZZO: But, Mr. Haigler,
21 that's why it's an Ordinance. Because either it's
22 okay to put a table there or it's not. Now, you put
23 that other human factor in it where it's going to be
24 the Streets Department's call whether the table
25 should be there or should not be there. My question

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 is -- part two of the question -- you have a foot
3 and a half between the table and the curb; is that
4 correct?

5 MR. HAIGLER: That's correct.

6 COUNCILMAN RIZZO: So you park your car
7 there, and a passenger wants to get out of the
8 vehicle. The passenger gets out and all of sudden
9 joins someone for cocktails or dinner right at their
10 table?

11 COUNCILMAN CLARKE: Point of order, Mr.
12 Chair.

13 COUNCILMAN MARIANO: Councilman Clarke,
14 your point?

15 COUNCILMAN CLARKE: Councilman, if I can
16 respond to that issue. And we probably do have the
17 human factor into the ultimate outcome of this
18 particular aspect of the Bill.

19 In conversations with some of the
20 operators, there were some concerns that we could
21 potentially limit their ability to make a living,
22 frankly speaking. And some individuals did not want
23 to have curb-side seating at all. And we took into
24 account the need for people to have a viable
25 business. And what we tried to do is look at time

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 frames that the pedestrian traffic wasn't the
3 heaviest. And we thought that after 7:00,
4 particularly in certain areas of Center City, where
5 the workday pedestrian traffic is pretty much
6 dwindled. So we reached somewhat of a compromise to
7 accommodate the restaurateur because we do want to
8 have viable restaurants. So we thought that having
9 them have the ability to have curb-sides after 7:00
10 was the appropriate compromise on that issue.

11 With respect to those curb-side tables
12 impacting the ability of the Parking Authority or
13 any other access to any -- be it a newsstand or a
14 utility-related impediment on the sidewalk, I'm sure
15 that we can craft something that can address that.
16 But the reality is that we did want to reach some
17 sort of a compromise to allow them to have an
18 opportunity to have cafes curb-side, but have enough
19 of an easement from the curb that we didn't think
20 that people would create a safety hazard.

21 COUNCILMAN RIZZO: Fair enough. I
22 didn't realize it was an accomodation. So it's an
23 accommodation --

24 COUNCILMAN CLARKE: We were trying to
25 work with people on that.

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 COUNCILMAN MARIANO: Ma'am, do you have
3 anything else?

4 MS. MCCOLLUM: I just wanted to say that
5 the City is where we all live and work. We all
6 become pedestrians at various times and places. And
7 problem-solving is a common thing that, if we all
8 communicate, will happen. So I just wanted to add
9 my information to the information available on this
10 Bill and others, just to say please be aware of
11 this. This does impede on people's ease of
12 mobility. Some things are hard enough. The world
13 is not made for me specifically, but a little
14 adjustment would be helpful.

15 Thank you.

16 COUNCILMAN MARIANO: Thank you very
17 much.

18 People to testify, please come up.

19 COUNCILMAN DICICCO: Mr. Chair, as the
20 lady's approaching, may I ask Mr. Haigler another
21 question?

22 COUNCILMAN MARIANO: Sure. Thank you.

23 COUNCILMAN DICICCO: Mr. Haigler, I
24 don't want to beat a dead horse, but I want to ask
25 you a question by way of example.

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 If I have a restaurant that wishes to
3 either continue to operate a sidewalk cafe or would
4 like to begin to operate a sidewalk cafe, and the
5 distance of the sidewalk with the sidewalk cafe
6 would be less than the five feet required in the
7 Ordinance, what can I, as a District Councilperson,
8 what can I do to assist that person? Would I have
9 to come back and do a separate Ordinance for that
10 property?

11 MR. HAIGLER: I believe so. You
12 probably would have to put in a special encroachment
13 Ordinance just for that location.

14 COUNCILMAN DICICCO: I'm not suggesting
15 I would approve something that gives you two feet of
16 space, but if you're within a couple of inches.

17 MR. HAIGLER: I believe you would have
18 to do that.

19 COUNCILMAN DICICCO: Thank you.

20 Thank you, Mr. Chair.

21 COUNCILMAN MARIANO: Ma'am, state your
22 name.

23 MS. BERSON: My name is Lenora Berson,
24 and I'm the Legislative Chair of the Center City
25 Residents Association Legislative Committee. I'm

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 here to testify in favor of the City Council Bill
3 030254, which relates to sidewalk cafes. But I
4 would like before I read my testimony -- and I have
5 copies of it -- to join the colloquy.

6 We are utterly opposed to making Swiss
7 cheese of this new law, and we oppose any
8 encroachments, or we're going to come back to
9 Council when I hope you pass this, and say, don't
10 pass that special Bill. Don't take up our
11 sidewalks.

12 Now, I wanted to get that in first. The
13 Center City Residents Association has interest in
14 this Bill. Their existence and success add
15 immeasurably to the quality of life in our
16 neighborhood. But their unregulated sprawl can and
17 has created great difficulty for pedestrians in
18 general, and for those who are blind and for those
19 who need walkers or canes or those pushing
20 strollers. There is a fine line between sidewalk
21 cafes as an asset or as a debit to Center City. We
22 believe that this Bill, sponsored by Councilman
23 Clarke, if it stands as written, walks that fine
24 line.

25 Bill No. 030254 more clearly defines the

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 meaning of sidewalk space than the present
3 unenforced law. Although it allows somewhat less
4 sidewalk space for pedestrians, in its favor is the
5 proposed legislation allows the erection of
6 collapsible or removable handrails to maintain the
7 required public space, which should ease problems
8 for both proprietors and pedestrians.

9 In addition, the Bill happily restricts
10 curb-side tables to evening hours, and then on curbs
11 as has been described where the parking lane is.
12 However, we were the people that raised the question
13 because the legislation was written that kept sacred
14 that five feet. There was no way for the employees
15 to get into that five feet at night. So they either
16 had to fly or change the law. That's why we brought
17 that up.

18 This Bill, unlike the Bill it will
19 supersede, will provide that applicants for sidewalk
20 cafes post notices for 10 days before a license is
21 issued. I don't have that quite right in my written
22 testimony, but I know better now. It will make it
23 easier for neighbors and neighborhoods and community
24 organizations to oppose issuance of cafes, new
25 cafes. It is our hope that the L&I will be

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 proactive in making sure that these postings go up.

3 Because we have people walk down the street and look
4 for them.

5 Unfortunately, the Bill does nothing to
6 ease the burden of enforcement on citizens who wish
7 to complain about legislative violations; in
8 particular, encroachments by cafes on designated
9 public space. It remains the same, is my
10 understanding, as in the current unenforced law.
11 Again, we see the best remedy is to be proactive,
12 action by the Department of Licenses and Inspection,
13 and I guess by the Department of Streets.
14 Therefore, we are pleased with the provision for an
15 L&I inspector to oversee sidewalk cafe regulations.

16 We are in favor and in support of the
17 Bill. But I warn you, we will come to Council to
18 see that Council exercises its oversight and its
19 enforcement and to stop grandfathering,
20 brother-in-lawing and other such exceptions.

21 Thank you.

22 COUNCILMAN MARIANO: Thank you, ma'am.

23 Great testimony.

24 Any questions from the Committee of this
25 witness?

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 Any for Mr. Haigler?

3 Anyone else want to testify?

4 COUNCILMAN DICICCO: I have a question
5 for Ms. Berson.

6 Thank you for your testimony, and I know
7 the hard work that you put into it. I think prior
8 to Councilman Clarke getting elected to office, we
9 engaged in some of this conversation way back when I
10 did the first sidewalk Bill. What is your position,
11 what is Center City Residents Association's position
12 on the issue concerning sidewalk furniture in
13 general, particularly vending and honor boxes?

14 MS. BERSON: Well, I think we look at it
15 case by case. Our predilection is to keep it as
16 minimal as possible. I know we've been interested
17 in -- I'm not the expert on it -- we've been
18 interested in trying to herd together some of those
19 corrals. We certainly are interested in what
20 sidewalk furniture looks like. You know, we do care
21 about it. I'm not the right person to testify
22 because I don't have anything to testify about. But
23 we care about it. We think it makes an enormous
24 difference when the sidewalk furniture is controlled
25 and when it's attractive.

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 COUNCILMAN DICICCO: Because I may be
3 looking to work with my colleague, Councilman
4 Clarke, and Council President Verna to revisit that
5 whole issue of vendors and other sidewalk or
6 sidewalk furniture issues that we have to deal with.
7 Because although I have some reservations about this
8 because it will affect some existing businesses, I
9 think I generally agree with the intent of the
10 legislation, that we've got to figure a way in which
11 we can both live, in a way in which we can both
12 accommodate the needs of the pedestrians and the
13 business community, because they do go hand in hand.

14 But I do have a real serious problem
15 that we are not able to limit or regulate to the
16 degree in which vendors are setting up on our
17 sidewalks as we are with this legislation for
18 restaurant businesses. I think we need to go
19 another step. As I said earlier in my testimony, I
20 got pretty much criticized -- and that's okay,
21 because they pay us a lot of money to be criticized,
22 they tell us. There was a suggestion that I was
23 trying to eliminate vendors throughout the City,
24 which was not accurate. I just can't understand how
25 we can allow a vendor of any type to occupy the

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254
2 majority of the sidewalk and limit the space to --
3 even under five feet.

4 I did a couple of Bills, and one Bill
5 would have required any vendor to get permission of
6 the owner of the property before L&I could issue a
7 license to that vendor. That was the Bill that
8 became the unconstitutional Bill, that William Penn
9 didn't mean it to be that way and all that other
10 stuff. Mr. Haigler is laughing. The attorney who
11 represents the Vendors' Association just thought
12 that that was my way of eliminating them, and it
13 wasn't. No one has the right to decide to drop
14 something on your sidewalk, I don't think.

15 MS. BERSON: I remember when that came
16 up. I wasn't head of the Legislative Committee
17 then. We are interested in that issue, and I think
18 that you could come to us, and we would certainly
19 have people that are very expert that would be very
20 happy to work with you. It is a very vexed
21 question. It does affect us in Center City. I
22 can't say where we'd come down on it. But we'd like
23 to be part of the process of legislation on it.

24 COUNCILMAN DICICCO: Thank you very
25 much.

1 05/28/03 - LICENCES AND INSPECTIONS - BILL 030254

2 COUNCILMAN MARIANO: Thank you, ma'am.

3 Thank you, Councilman.

4 Any other people to testify on this?

5 MR. HAIGLER: I just have one minor
6 amendment, if I can offer it now, if that's okay. I
7 talked to the Councilman about this previously, if
8 that's okay. Or do you want me to hold off until
9 the public meeting?

10 COUNCILMAN MARIANO: Wait until the
11 public meeting.

12 This concludes the public hearing.

13 - - -

14

15

16

17

18

19

20

21

22

23

24

25

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC MEETING

4

COMMITTEE ON LICENSES AND INSPECTIONS

5

- - -

6

May 28, 2003

7

- - -

8

Public Meeting conducted by the
Committee on Licenses and Inspections, held in Room
696, City Hall, Philadelphia, Pennsylvania, on the
above date, to consider action on the following:
BILLS 030243, 030254.

10

11

- - -

12

13

PRESENT:

14

COUNCILMAN RICHARD MARIANO, Chair

15

COUNCILMAN DARRELL CLARKE

COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN MICHAEL A. NUTTER

16

COUNCILMAN FRANK RIZZO

COUNCILMAN FRANK DICICCO

17

18

- - -

19

20

21

22

23

24

25

1 05/28/03 - LICENSES & INSPECTIONS - PUBLIC MEETING

2 COUNCILMAN MARIANO: We're going to go
3 right into the public meeting of the Committee on
4 Licenses and Inspections.

5 The Chair recognizes Councilman Clarke
6 for a motion on Bill 030254.

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

9 I make a motion on the amendment to Bill
10 030254.

11 COUNCILMAN MARIANO: Give us the
12 amendment, Otis.

13 MR. HAIGLER: I just wrote it real
14 quick.

15 COUNCILMAN MARIANO: Mr. Haigler is
16 going to read it.

17 Go ahead, Mr. Haigler.

18 Councilman Nutter. As much as I regret
19 that, I know he has something to say.

20 COUNCILMAN NUTTER: Thank you, Mr.
21 Chairman. I'll be brief.

22 Mr. Chairman, my understanding is -- and
23 I know that Councilman Clarke has been working with
24 a number of other Members. I may have some general
25 concerns about some of the provisions of the Bill

1 05/28/03 - LICENSES & INSPECTIONS - PUBLIC MEETING
2 related to sidewalk cafes. I'm in full support of
3 making sure that we have good regulations that work
4 on sidewalk cafes. I have a couple of areas that
5 are most interested in them. I just want to make
6 sure that if I have any issues, I can figure out
7 what they are, seek to have them addressed, and that
8 Councilman Clarke is working with all of us to put
9 together any additional amendments that may need to
10 be made which we can offer at the hearing on the
11 5th.

12 So with that, I look forward to working
13 on this and to make sure that the sidewalk cafe
14 folks can have their enjoyment, as well pedestrians
15 can navigate the sidewalks without stilts.

16 So thank you, Mr. Chairman.

17 COUNCILMAN MARIANO: Thank you,
18 Councilman Nutter.

19 And in the spirit of us all getting
20 along, I wholeheartedly agree with you. And I am
21 happy to hear that you are taking the head coaching
22 job with the Philadelphia 76ers. It's a rumor I
23 just heard.

24 COUNCILMAN CLARKE: Councilman, I would
25 hope that you would allow me a tryout since you have

1 05/28/03 - LICENSES & INSPECTIONS - PUBLIC MEETING

2 that lofty position, because I think I still have at
3 least 20 points in me.

4 COUNCILMAN NUTTER: Tryouts will be held
5 next week at the Pennsylvania Convention Center.

6 COUNCILMAN MARIANO: Mr. Haigler, do you
7 want to try to wing that?

8 MR. HAIGLER: Yes, I think I can do
9 that.

10 It's on page 7, right before number 7.
11 It would be Subsection .4, "The minimum clear
12 sidewalk space required pursuant to this subsection
13 must be maintained at all times." And this is to
14 incorporate for employees that would have to wait at
15 the tables at the curb-side after 7:00 p.m. So
16 except for employees --

17 COUNCILMAN NUTTER: Mr. Haigler, I'm
18 sorry. You're in sub 6, aren't you?

19 MR. HAIGLER: Subsection 6, L.4.

20 COUNCILMAN NUTTER: Top of page 7.
21 Could you say that again? I'm sorry.

22 MR. HAIGLER: Top of page 7, where we
23 have, "The minimum clear sidewalk space required
24 pursuant to this subsection must be maintained at
25 all times." We remove the period and -- I'll wait

1 05/28/03 - LICENSES & INSPECTIONS - PUBLIC MEETING
2 for Mr. Allan to give me my copy. I'd probably be
3 better off reading it from my copy.

4 You remove the period and insert a
5 comma, and to also include the wording, "except
6 employees of the licensee, are permitted to serve
7 tables at the curb-line of cafe in compliance with
8 other provisions of this subsection."

9 COUNCILMAN MARIANO: There's your
10 amendment.

11 Councilman Clarke.

12 COUNCILMAN CLARKE: Mr. Chairman, I'd
13 like to make a motion on the amendment to Bill
14 030254.

15 (Duly seconded.)

16 COUNCILMAN MARIANO: The amendment has
17 been read, moved and seconded.

18 All those in favor of the amendment?

19 (Aye.)

20 COUNCILMAN MARIANO: Opposed?

21 (No response.)

22 COUNCILMAN MARIANO: The ayes have it.
23 The amendment passes.

24 Do you want to read the Bill?

25 COUNCILMAN CLARKE: Thank you, Mr.

1 05/28/03 - LICENSES & INSPECTIONS - PUBLIC MEETING

2 Chairman.

3 I make a motion that Bill No. 030254 be
4 reported out of Committee with a favorable
5 recommendation.

6 For the record, I'd just like to state
7 that there are a couple of issues that were brought
8 up today, that hopefully we will resolve before the
9 second reading. In the event that there needs to be
10 any additional amendments, that will give us time.

11 Suspension of the rules.

12 COUNCILMAN MARIANO: The Bill as amended
13 with a suspension of the rules has been seconded.

14 All those in favor say aye.

15 (Aye.)

16 COUNCILMAN MARIANO: Opposed?

17 (No response.)

18 COUNCILMAN MARIANO: The ayes have it.

19 And the Bill passes as amended out of the Committee.

20 This concludes the public meeting of the
21 Committee on Licenses and Inspections.

22 Thank you very much.

23 (Council adjourned at 2:30 p.m.)

24

25

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

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of May 28, 2003, were reported fully
and accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE ON LICENCES AND INSPECTIONS

Lisa C. Bradley, RPR
and Notary Public

- - -