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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
Tuesday, October 5, 2010
10:25 a.m.

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PRESENT:

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COUNCILWOMAN MARIAN B. TASCO, CHAIR

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COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN CURTIS JONES, JR.

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COUNCILMAN JAMES KENNEY

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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BILL 100537 - An ordinance amending Chapter
10-400 of The Philadelphia Code, entitled
"Noise and Excessive Vibration," by providing
for certain exceptions, including, but not
limited to, sounds created by school bells,
church bells, and similar devices; all under
certain terms and conditions.

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COUNCILWOMAN TASCO: Good

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morning. Is there anyone here to testify

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on this bill who has not signed in?

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(No response.)

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COUNCILWOMAN TASCO: Thank you

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very much.

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The Council Committee on Public

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Health and Human Services will now come

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to order. I will state that we have a

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quorum in the presence of Councilman

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Kenney, Councilman Goode, myself,

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Councilwoman Tasco, and appointing

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Councilman Curtis Jones to this Committee

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temporarily. Other Councilmembers are on

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their way.

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We do not want to delay your

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time here and so we will begin the

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testimony relative to Bill 100537, and we

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ask the Clerk to please read the bill.

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THE CLERK: An ordinance

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amending Chapter 10-400 of The

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Philadelphia Code, entitled "Noise and

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Excessive Vibration," by providing for

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certain exceptions, including, but not

1 10/5/10 - PUBLIC HEALTH - BILL 100537
2 limited to, sounds created by school
3 bells, church bells, and similar devices;
4 all under certain terms and conditions.

5 COUNCILWOMAN TASCO: Thank you
6 very much.

7 I will now call on Nan Feyler,
8 Chief of Staff, Department of Public
9 Health.

10 (Witness approached witness
11 table.)

12 MS. FEYLER: Hello. Good
13 morning, Chairwoman Tasco and members of
14 the Committee on Public Health and Human
15 Services. I am Nan Feyler, Chief of
16 Staff, Philadelphia Department of Public
17 Health. Thank you for the opportunity to
18 present testimony today on Bill No.
19 100537 amending Chapter 10-400 of The
20 Philadelphia Code, entitled "Noise and
21 Excessive Vibration," by providing for
22 certain exceptions, including, but not
23 limited to, sounds created by school
24 bells, church bells, and similar devices;
25 all under certain terms and conditions.

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2 The intent of Chapter 10-400 of
3 The Philadelphia Code is, quote, "to
4 prevent noise and excessive vibration and
5 limit, control and eliminate noise and
6 excessive vibration in general," end
7 quote. The Air Management Services
8 Division of the Philadelphia Department
9 of Public Health has primary
10 responsibility for enforcing the sound
11 and noise restriction codified in Title
12 10, Chapter 10-400 of The Philadelphia
13 Code, although notices of violation of
14 this Code can also be issued by the
15 Department of Licenses and Inspections
16 and the Philadelphia Police Department.

17 As part of the Air Management
18 Services Division, there are five
19 inspectors who handle these types of
20 complaints. They investigate noise
21 pollution complaints and, where
22 appropriate, issue warnings and/or
23 violations. These investigators are also
24 responsible for conducting field
25 inspections to evaluate asbestos air

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2 monitoring, removal and disposal
3 activities, and they are responsible for
4 inspecting other sources of air and noise
5 pollution for compliance with prescribed
6 permit conditions and applicable federal,
7 state and municipal codes, regulations
8 and standards.

9 Annually, Air Management
10 Services handles an average of 500 noise
11 complaints, some examples of which
12 include speakers, music, singing, loud
13 speeches, sermons, security alarms,
14 illegal early morning trash pickups and
15 loud air conditioning equipment. The
16 inspector must witness and measure the
17 duration and decibel level at the noise
18 location. The inspector may issue a
19 warning to the noise source or a notice
20 of violation, if required. Approximately
21 80 noise violations are issued per year.
22 The Department of Public Health
23 recognizes the intent of this amendment
24 to exempt some sounds from religious
25 institutions and schools, under certain

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2 terms and conditions, and has no

3 objection to this amendment.

4 Thank you for allowing me to

5 present testimony on this issue. I will

6 be happy to answer any questions you

7 might have.

8 COUNCILWOMAN TASC0: Thank you

9 very much.

10 Are there questions from

11 members of the Committee?

12 (No response.)

13 COUNCILWOMAN TASC0: Thank you

14 for your testimony.

15 MS. FEYLER: Thank you.

16 COUNCILWOMAN TASC0: We will

17 next hear from Father Lyons from Saint

18 John's Church.

19 (Witness approached witness

20 table.)

21 FATHER LYONS: Good morning,

22 Councilwoman, Councilman.

23 COUNCILWOMAN TASC0: Good

24 morning. How are you? Please state your

25 name for the record and begin your

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2 testimony.

3 FATHER LYONS: Father James A.
4 Lyons. I'm the Pastor of Saint John the
5 Baptist Church in Manayunk, Philadelphia.

6 We were surprised to be
7 notified that we were in violation of the
8 noise ordinance for the ringing of the
9 bell. We thought, for one, that it would
10 be grandfathered underneath existing
11 legislation since the bell had been
12 ringing since prior to 1900, aside from a
13 short period when we ran into some
14 mechanical problems and that required to
15 fix the bell.

16 The parish, as I said, has been
17 founded -- was founded in 1831. It's the
18 sixth oldest parish in the Archdiocese of
19 Philadelphia. The current church has
20 been at its location since the 1850's,
21 and the bell that was ringing or that is
22 ringing now is the same one that went in
23 in 1895.

24 I don't know if there was
25 anything else that you would need to know

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2 or like to know about the parish or the
3 bell.

4 COUNCILWOMAN TASCO: Well,
5 thank you. How often does the bell ring?

6 FATHER LYONS: The bell rings
7 hourly beginning at 7 o'clock in the
8 morning and it rings from 7 o'clock in
9 the morning hourly until 9 o'clock in the
10 evening, three times a day, at 7:00 a.m.,
11 12:00 noon and 6:00 p.m. It rings the
12 prayer of the Angelus. So it rings the
13 hour, plus it will ring three times and
14 then stop and then three times and stop
15 and then three times and stop, and then
16 it will ring 18 times and stop. It used
17 to ring 24 hours a day, seven days a
18 week. In the early 1900's, I believe one
19 of my predecessors started the ringing at
20 6 o'clock in the morning until 11 o'clock
21 in the evening. When the bell went out
22 of service and we were repairing it, I
23 doubled-checked with our maintenance
24 people to ensure that we were falling
25 within the guidelines of when major

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2 construction work would be able to begin
3 in the area, and they were saying 7:00
4 a.m. in the morning. So we thought that
5 that would put us inside of the
6 ordinance's area, that the bell would
7 ring at 7 o'clock clock in the morning
8 and 12:00 noon and stop ringing at 9
9 o'clock in the evening.

10 COUNCILWOMAN TASC0: Any other
11 questions?

12 Councilman Jones.

13 COUNCILMAN JONES: I'll wait
14 until our closing, the last person
15 speaks.

16 COUNCILWOMAN TASC0: Thank you,
17 Father. We appreciate it.

18 FATHER LYONS: Thank you.

19 COUNCILWOMAN TASC0: Next we
20 have Father Connor (sic).

21 (Witness approached witness
22 table.)

23 COUNCILWOMAN TASC0: Good
24 morning.

25 FATHER COLLIER: Good morning.

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2 COUNCILWOMAN TASC0: Would you
3 please state your name for the record?

4 FATHER COLLIER: My name is
5 Reverend Robert Collier. I'm the Pastor
6 of Galilee Baptist Church in Roxborough.

7 COUNCILWOMAN TASC0: Did you
8 say Collier?

9 FATHER COLLIER: Collier, yes.

10 COUNCILWOMAN TASC0: Thank you.
11 I'm sorry, we have it wrong.

12 FATHER COLLIER: That's okay.

13 COUNCILWOMAN TASC0: Please
14 proceed.

15 FATHER COLLIER: We're here in
16 support of Saint John and Father Lyons in
17 the aspect that this bell has been in our
18 community over -- I don't know how
19 long -- over a hundred years or so. It
20 is traditional for the members of
21 Roxborough and Manayunk to hear this
22 bell. Some folk have heard this bell
23 since their childhood and they have
24 become accustomed to it.

25 We want to be exempted from

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2 anything that will cause us not to be
3 able to let this bell ring, because this
4 bell symbolizes to the faith community
5 that God is still alive. It symbolizes
6 freedom. It symbolizes tradition. It
7 symbolizes that we're yet doing what
8 ought to be done. And that bell kind of
9 encourages up and reenergizes us to
10 continue to work for the faith community,
11 to keep our community bonded, to keep our
12 community hopeful, to keep our community
13 optimistic. And we just feel that if
14 we're not allowed to continue to enjoy
15 that richness and that tradition, it will
16 put a hamper in our ability to reach our
17 faith community and give them hope.

18 To some people, a bell may not
19 be significant, but it's more than a bell
20 to us. It sounds like, if you will
21 pardon the expression, that God is alive,
22 and for the faith community, we need that
23 energy. We need to know that we're all
24 on the same page. And although we're
25 from different denominations, we serve

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2 one God, and when this bell rings, it
3 let's all of us know that we're in tune
4 with what we're here to do, to save our
5 people, to give our people a better
6 quality of life and to serve God and our
7 community.

8 So we stand firmly on the fact
9 that we pray that we'll be exempt from
10 any ordinance that will cause us not to
11 be able to let that bell continue to
12 toll.

13 COUNCILWOMAN TASC0: Thank you
14 very much.

15 Are there any questions?

16 (No response.)

17 COUNCILWOMAN TASC0: Thank you
18 very much. I think you're preaching to
19 the choir.

20 Is there anyone else here to
21 testify on this bill?

22 (No response.)

23 COUNCILWOMAN TASC0: Is there
24 anyone else here to testify on this bill?

25 (Witness approached witness

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2 table.)

3 MS. BELL: Good morning.

4 COUNCILWOMAN TASCO: Good
5 morning.

6 MS. BELL: My name is Linda
7 Marie Bell -- it has a nice ring to it --
8 and I am President of the 21st Ward 4th
9 of July Association. Every 4th of July
10 we have a parade of churches and Sunday
11 schools and now for the third year a
12 synagogue. We've been parading since
13 1831 to honor the Lord Jesus Christ and
14 to salute our country. 1831 was the year
15 that Saint John the Baptist Church
16 started.

17 Over this past year, every one
18 of the churches that were represented in
19 the 4th of July Parade and the synagogue
20 and anyone who came to any of our
21 activities signed the petition to save
22 the bells at Saint John's.

23 It is my understanding that the
24 ordinance that is written is speaking
25 about amplified sound. I did want to

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2 point out that the bells at Saint John
3 are normal, regular bells. It's not
4 electronically produced sound. And
5 everyone in Roxborough, Manayunk would
6 miss the bells of Saint John's if they
7 were not rung.

8 Thank you very much.

9 COUNCILWOMAN TASC0: Thank you
10 very much.

11 Any questions?

12 (No response.)

13 COUNCILWOMAN TASC0: Well,
14 thank you.

15 Is there anyone here to testify
16 against this bill?

17 (No response.)

18 COUNCILWOMAN TASC0: The Chair
19 recognizes Councilman Jones.

20 COUNCILMAN JONES: Thank you,
21 Madam Chair, and I want to thank this
22 Committee for allowing me to honorary
23 serve on it today. I want to thank
24 Councilman Kenney for promptly calling on
25 the action of this Council to deal with

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2 the attempt to silence the bells.

3 There are parts of my district
4 where there is noise. There's the noise
5 of sirens, there's the noise of gunshots
6 and the noise of crying parents because
7 of the loss of a loved one. I think that
8 this is a pre-existing condition, similar
9 to when you move near the trains and you
10 know that the trains are going to go by
11 regularly, and that is a part of the
12 condition in which you buy your home.

13 Finally, for me, I lived on the
14 300 block of Edgewood, and there was a
15 church out the back of my back window
16 when I was growing up, and every Sunday
17 morning -- you could set your clock by
18 it -- those church bells rung, and I woke
19 up to the smell of pancakes, bacon and
20 coffee made by my grandmother, and
21 without those bells, I probably would not
22 have gotten here today.

23 So I hope that we do the right
24 thing and realize that, yes, 500 decibels
25 mean something to some people, but these

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2 church bells mean more to that community.

3 COUNCILWOMAN TASC0: Thank you
4 very much.

5 Let me just recognize that
6 Councilwoman Blondell Reynolds Brown has
7 joined us this morning, which establishes
8 a quorum of the Committee, and with the
9 appointment of Councilman Jones, it gives
10 us an added person on the Committee, but
11 for technical reasons, we do have four
12 relative to this ordinance, four members
13 of Council who are members of this
14 Committee.

15 Thank you.

16 Councilman Kenney.

17 COUNCILMAN KENNEY: Thank you,
18 Madam Chair. I would like to thank the
19 members of the Committee for attending
20 and for Councilman Jones for his
21 co-sponsorship and for all the people who
22 have come here to testify today.

23 We deal with lots of issues in
24 this Council. Many of them are very
25 complicated and contentious, and we get

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2 our work done, but sometimes it's a
3 difficult chore. When issues like this
4 come to fore, they're very simple.

5 I want to thank the City for
6 cooperating with their testimony and the
7 Health Department, and I just want to say
8 that simple things like this need to be
9 done because it means so much to so many
10 people. When the Reverend testified,
11 Father Lyons and the Reverend especially,
12 I couldn't have put it more succinctly or
13 more purely than he did, and it shows
14 that a simple thing like a bell can bring
15 a whole bunch of folks together on one
16 issue regardless of color or national
17 origin or ethnicity, age. It's just very
18 heartening to hear the Reverend speak
19 about how much a community it is in the
20 East Falls, Manayunk area.

21 So thank you again for coming
22 and thank you for your support of the
23 bill.

24 COUNCILWOMAN TASC0: Thank you.

25 Is there anyone else here to

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2 testify on this bill?

3 (No response.)

4 COUNCILWOMAN TASC0: There
5 being none, we will now go into our
6 public meeting, and the Chair recognizes
7 Councilman Kenney for the purpose of
8 voting out Bill 100537 with a suspension.

9 COUNCILMAN KENNEY: Yes, ma'am.
10 Thank you, Madam Chair. I move that Bill
11 No. 100537 be reported out of this
12 Committee with a favorable recommendation
13 and a request made for rules suspension
14 to allow for first reading at our next
15 Council session.

16 (Duly seconded.)

17 COUNCILWOMAN TASC0: It has
18 been moved that Bill 100537 be reported
19 out of this Committee with a favorable
20 recommendation and a recommendation that
21 the rules of Council be suspended so as
22 to have its first reading at Council's
23 next session.

24 All in favor will say aye.

25 (Aye.)

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2 COUNCILWOMAN TASC0: Is there
3 any opposition?

4 (No response.)

5 COUNCILWOMAN TASC0: There
6 being none, this motion is carried, and
7 there being no further business, this
8 Committee is adjourned.

9 Thank you very much.

10 (Committee on Public Health and
11 Human Services concluded at 10:40 a.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on October 5, 2010, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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