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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE THE COMMITTEE ON STREETS AND SERVICES

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- - -
Room 400 City Hall
Philadelphia, Pennsylvania
Weds., 5/16/01, 10:55 a.m.
- - -

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BILL 000658 - Re commercial activities on streets.

7

BILL 000720 - Permitting electrical conduit,

8

service line, etc. at 16th and Locust newsstand.

9

BILL 010150 - Establishing a parking regulation on
the 5800 block of Rising Sun Avenue.

10

BILL 010168 - Designating permitted vendor

11

locations in Center City.

12

BILL 010193 - Authorizing and directing revision

of lines, grades on portion of City Plan 55. . .

BILL 010194 - Authorizing A. Carrasquillo to

construct, use, maintain one-story building. . .

BILL 010212 Prohibiting sidewalk sales on portions

of Front St., Frankford Ave., and Palmer St.

BILL 010229 - Re "no-truck-parking" regulation.

BILL 010232 - Exempting sidewalk sales on 900,

1000, and 1100 blocks of Pine Street.

BILL 010263 - " " " " "

BILL 010264 - Re "no-parking-anytime" regulation.

BILL 010270 - Permitting owners of New Wave Cafe

to operate and maintain open-air sidewalk cafe.

BILL 010271, 272 - Authorizing Filbert Street

Assoc. to construct, own, maintain bridge and

footway over Cuthbert Street.

BILL 010301 - Permitting owner of 2536 McKean St.

to construct, use, maintain private water line.

BILL 010304 - Authorizing Maggiano's, Filbert St.

to construct, maintain various encroachments.

- - -

20 PRESENT: COUNCILMAN FRANK DICICCO, Chairman

COUNCILWOMAN JANNIE BLACKWELL

21 COUNCILMAN DARRELL L. CLARKE

COUNCILMAN RICHARD T. MARIANO

22 COUNCILMAN ANGEL L. ORTIZ

COUNCILMAN FRANK RIZZO

23 - - -

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1 5/16/01 STREETS, SERVICES - BILL 010150

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

3 COUNCILMAN DICICCO: Good morning and
4 thank you for your patience. The Committee on
5 Streets and Services, the public hearing is now in
6 session. My name is Frank DiCicco, I'm the chair
7 of the committee. To my extreme right is
8 Councilwoman Blackwell; to my extreme left,
9 Councilman Rizzo, Councilman Clarke, and
10 Councilman Mariano.

11 We will not go in the order in which
12 the bills are listed and the reason for that, we
13 find that some of the bills which there's no
14 testimony involved, we can get those off the
15 calendar much quicker than those bills that we
16 expect to have some testimony on and get to those
17 a lot quicker. It really work better this way;
18 we've been doing it for several years.

19 And the clerk will now read the title
20 of the first bill.

21 THE CLERK: Bill No. 010150, an
22 ordinance establishing a parking regulation on the
23 5800 block of Rising Sun Avenue.

24 (Witness comes forward.)

25 COUNCILMAN DICICCO: Good morning and

1 5/16/01 STREETS, SERVICES - BILL 010150

2 please identify yourself for the record.

3 MS. CONFAIR: Good morning. My name is
4 Catharine Confair, and I'm an analyst with the
5 Philadelphia Parking Authority.

6 COUNCILMAN DICICCO: I'm sorry. Please
7 proceed with your testimony.

8 MS. CONFAIR: Bill 010150, introduced
9 by Councilwoman Marian Tasco by request. This
10 bill establishes a parking regulation on Rising
11 Sun Avenue, both sides, Cheltenham Avenue to
12 Alcott Street. The following regulation is hereby
13 established: two-hour parking, 9 a.m. to 6 p.m.,
14 except Sunday. This new regulation has been in
15 effect for a period of two months with no apparent
16 problems.

17 The Philadelphia Parking Authority
18 recommends favorable consideration of this bill.

19 COUNCILMAN DICICCO: Any questions for
20 this witness?

21 (No questions.)

22 COUNCILMAN DICICCO: Do you have any
23 more bills?

24 MS. CONFAIR: No, that's it.

25 COUNCILMAN DICICCO: Well, thank you

1 5/16/01 STREETS, SERVICES - BILL 010193

2 for your testimony.

3 MS. CONFAIR: Thank you.

4 COUNCILMAN DICICCO: The clerk will
5 read the title of the next bill.

6 THE CLERK: Bill No. 010193 an
7 ordinance amending Section 2 of an ordinance (Bill
8 No. 970720) approved March 20, 1998, entitled "An
9 ordinance authorizing and directing the revision
10 of lines and grades on a portion of City Plan No.
11 55 by striking from the City Plan and vacating the
12 legally open portions of Pierce Street extending
13 from Adams Avenue eastwardly to Church Street,
14 under certain terms and conditions," by extending
15 the time for compliance with the conditions stated
16 therein.

17 (Witness comes forward.)

18 COUNCILMAN DICICCO: Good morning.
19 Neither good morning, Mr. Chairman and members of
20 the committee. My name is Paul Lonie, Survey
21 Bureau Manager with the Department of Streets, and
22 the Department of Streets would like to offer the
23 following testimony on Bill No. 010193:

24 This is not an administration ordinance
25 but an ordinance requested by Mr. Irv Levin,

1 5/16/01 STREETS, SERVICES - BILL 010229
2 President of Northeast Building Products
3 Corporation, 4280 Aramingo Avenue. The purpose of
4 this ordinance is to grant the abutting property
5 owner the ability to expand their facilities.

6 This ordinance is supported by the
7 Department of Streets and is recommend to your
8 Committee for favorable recommendation.

9 COUNCILMAN DICICCO: Any questions for
10 this witness?

11 (No questions.)

12 COUNCILMAN DICICCO: Paul, do you have
13 any other bills?

14 MR. LONIE: No.

15 COUNCILMAN DICICCO: Okay, thank you
16 for your testimony.

17 THE CLERK: Bill No. 010229, an
18 ordinance establishing a "no-truck-parking"
19 regulation on all streets within the area bounded
20 by Wyoming Avenue on the north side, Erie Avenue
21 on the south side, "G" Street on the west side,
22 and Castor Avenue on the east side, including both
23 sides of the streets making up the boarder of such
24 area.

25 (Witness comes forward.)

1 5/16/01 STREETS, SERVICES - BILL 010229

2 COUNCILMAN DICICCO: Good morning.

3 Please identify yourself for the record.

4 MR. DENNY: Good morning. My name is
5 Charles Denny. I'm the Assistant Chief Traffic
6 Engineer, and I'm here to testify on Bill No.
7 010229. The Streets Department has no objections
8 to this bill.

9 COUNCILMAN DICICCO: I'm sorry, could
10 you repeat that?

11 MR. DENNY: The Streets Department has
12 no objections to this bill.

13 COUNCILMAN DICICCO: Thank you.

14 Are there any other questions for this
15 witness from the committee?

16 (No questions.)

17 COUNCILMAN DICICCO: Anyone else here
18 who wishes to testify on this bill?

19 (No response.)

20 COUNCILMAN DICICCO: Hearing none, the
21 clerk will read the title of the next bill.

22 And thank you for your testimony.

23 THE CLERK: Bill No. 010263, an
24 ordinance establishing a "no-truck-parking"
25 regulation on Whitaker Avenue between Macalester

1 5/16/01 STREETS, SERVICES - BILL 010263

2 Street and East Wingohocking Street.

3 MR. DENNY: The Streets Department has
4 no objections to this bill but we do recommend
5 that the regulation be posted under a trial
6 ordinance. A hearing will be held in six months,
7 and area residents and businesses would have an
8 opportunity to comment on this regulation at that
9 time and after seeing how it operates. We can
10 have the signs posted within three weeks with
11 Councilman Mariano's approval.

12 COUNCILMAN DICICCO: All right. Thank
13 you.

14 The clerk will read the title of the
15 next bill.

16 THE CLERK: Bill No. 010264, an
17 ordinance establishing a "no-parking-anytime"
18 regulation on the east side of Reese Street
19 between Cambria Street and Indiana Avenue.

20 MR. DENNY: Again, the Streets
21 Department has no objections to this bill, but we
22 do recommend that the regulation be posted under
23 trial ordinance. A hearing will be held in six
24 months, and the area residents would have an
25 opportunity to comment on the regulations at that

1 5/16/01 STREETS, SERVICES - BILL 010264
2 time, after seeing how the regulation operates.
3 And we can have the signs posted in three weeks
4 with Councilman Mariano's approval.

5 COUNCILMAN DICICCO: Any questions for
6 this witness?

7 COUNCILMAN MARIANO: I have one.

8 COUNCILMAN DICICCO: Councilman
9 Mariano?

10 COUNCILMAN MARIANO: The six months,
11 that's six months from today or anytime?

12 MR. DENNY: Six months from today. It
13 will be around November.

14 COUNCILMAN MARIANO: All right. And
15 you'll put the signs up now like the other one?

16 MR. DENNY: Within three weeks, yes.

17 COUNCILMAN MARIANO: All right, good.
18 No problem.

19 Thank you.

20 COUNCILMAN DICICCO: Do you have any
21 other testimony?

22 MR. DENNY: That's all I have.

23 COUNCILMAN DICICCO: Do you have any
24 other testimony?

25 MR. DENNY: No, that's all I have.

1 5/16/01 STREETS, SERVICES - BILL 000720

2 COUNCILMAN DICICCO: Thank you.

3 MR. DENNY: Thank you.

4 COUNCILMAN DICICCO: The clerk will
5 read the title of the next bill.

6 THE CLERK: Nancy Sen.

7 (Witness comes forward.)

8 THE CLERK: Bill No. 000720, an
9 ordinance granting permission to Babu Yogesh,
10 owner of the newsstand located on the northwest
11 corner of 16th and Locust Streets, to conduct,
12 use, and maintain an electrical conduit and
13 service line and a fiber optic conduit and phone
14 service line in and under 16th and Locust Streets
15 for the purposes of supplying electrical service
16 and phone service to the newsstand, under certain
17 terms and conditions.

18 COUNCILMAN DICICCO: Good morning.

19 MS. SEN: Good morning, Chairman and
20 members of the committee. My name is Nancy Sen.
21 I'm an engineering supervisor with the Streets
22 Department, and I'm here to testify on Bill No.
23 000720 on behalf of the Department.

24 This bill grants permission to Babu
25 Yogesh, owner of the newsstand located on the

1 5/16/01 STREETS, SERVICES - BILL 000720
2 northwest corner of 16th and Locust Street to
3 construct, use, and maintain an underground
4 electrical service line and telephone service line
5 in and under the public rights-of-way of 16th
6 Street and Locust Street for the purpose of
7 supplying electrical and telephone service to his
8 newsstand, all under certain terms and conditions.

9 The Streets Department has reviewed the
10 construction plans for this project and has no
11 objection to the passage of the bill.

12 COUNCILMAN DICICCO: Thank you.

13 Any questions for this witness?

14 Councilmember Rizzo?

15 COUNCILMAN RIZZO: For some personal
16 information, I remember there was some controversy
17 about telephone service and electric service
18 because of the lottery machines. Is it now pretty
19 much a given that when they make this application,
20 it includes both electric and telephone? It's not
21 a separate request?

22 MS. SEN: It's at the discretion of the
23 owner, but usually they come to ask for both.

24 COUNCILMAN RIZZO: But I recall that
25 there was some controversy about whether they

1 5/16/01 STREETS, SERVICES - BILL 000720

2 could have phone service in the newsstand because

3 that --

4 MS. SEN: I have --

5 COUNCILMAN RIZZO: Does that mean they

6 could automatically get a lottery machine if they

7 wanted to?

8 MS. SEN: I think it stems from the

9 Lottery Commission. I had heard that there are

10 certain, you know, things you have to do to be

11 able to provide that service. So. . .

12 COUNCILMAN RIZZO: But my point being,

13 if they have telephone service and down the road,

14 they wanted to put a lottery machine in, they

15 don't have to come back to us?

16 MS. SEN: Right. That's -- they should

17 have the wiring already to satisfy. It's --

18 COUNCILMAN RIZZO: But I thought that

19 there was some concern that a lottery machine

20 could cause confusion or cause congestion on the

21 sidewalk and there had to be some permission to

22 put a lottery --

23 COUNCILMAN DICICCO: Maybe I can

24 address that.

25 MS. SEN: Okay.

1 5/16/01 STREETS, SERVICES - BILL 000720

2 COUNCILMAN DICICCO: I think the issue
3 at the time was that when an application is made
4 for electrification of a newsstand, at least at
5 the district level, each District Councilperson
6 makes the decision whether to support that
7 application, and in some cases, the decision may
8 be based on support for the application for
9 electricity, for phone and/or heating system
10 services but with the proviso that it would not
11 permit lottery. So they would then have to come
12 back if they wanted to add lottery.

13 You can actually -- and correct me if
14 I'm wrong, Nancy, that we can actually make that a
15 proviso. You can get the electricity, you put the
16 phone in, put a heater in there or an air-
17 conditioner but that doesn't necessarily give you
18 the right to do a lottery.

19 COUNCILMAN RIZZO: But Nancy just said
20 that they didn't have to come back. Is there
21 somewhere it stipulates that that activity is
22 prohibited until they get additional approval?

23 MS. SEN: I believe the legislation
24 that was passed last summer, Council has to
25 approve the actual connection so -- once it's

1 5/16/01 STREETS, SERVICES - BILL 000720

2 there.

3 COUNCILMAN RIZZO: Once the
4 connection's there, we approve the electric, the
5 telephone. If six months later, the owner of that
6 newsstand want to put a lottery machine in, do you
7 need to know that?

8 COUNCILMAN DICICCO: It's actually --
9 and correct me if I'm wrong again. It's part of
10 the ordinance. If we stipulate in the ordinance
11 that the use of electricity is only for purposes
12 of the phone and/or heating and air-conditioning,
13 and no lottery, that would mean that if they
14 wanted to do lottery, they would have to come back
15 and a new ordinance would have to be created.

16 COUNCILMAN RIZZO: But it does clearly
17 say that?

18 COUNCILMAN DICICCO: It depends on the
19 language of the ordinances. In some cases, you
20 don't put a restriction. But in other instances,
21 on Broad Street and Walnut Street and places like
22 that where we think it may impede the pedestrian
23 walkway if they had a lottery, we will say in the
24 ordinance that it's strictly for the purposes of
25 heating, air-conditioning, and phone.

1 5/16/01 STREETS, SERVICES - BILL 010194

2 COUNCILMAN RIZZO: Thank you.

3 COUNCILMAN DICICCO: Am I correct? Is
4 that correct?

5 MS. SEN: Yeah. It has to be stated.

6 COUNCILMAN DICICCO: Thank you.

7 Any other questions for this witness?

8 (No further questions.)

9 COUNCILMAN DICICCO: The clerk will
10 please read the title of the next bill.

11 THE CLERK: Bill No. 010194, an
12 ordinance authorizing Angel Carraquillo, owner of
13 the property located at 2434 North Fifth Street,
14 Philadelphia, PA, 19133, to construct, use, and
15 maintain a one-story building addition, serving as
16 a porch, on and over the west footway of Fifth
17 Street adjacent to the property 2434 North Fifth
18 Street, all under certain terms and conditions.

19 MS. SEN: Again, my name is Nancy Sen.
20 I'm here from the Streets Department to testify on
21 behalf of Bill No. 010194.

22 This bill authorizes Mr. Angel
23 Carrasquillo, owner of the property at 2434 North
24 Fifth Street, to construct and maintain a
25 one-story addition serving as a porch on the front

1 5/16/01 STREETS, SERVICES - BILL 010194
2 face of his two-story masonry rowhouse property.
3 The porch addition is the entire width of the
4 property and is located approximately 308 feet
5 north of York Street. The addition leaves a
6 minimum of 11-feet-7-inches of unobstructed
7 sidewalk.

8 Since the building encroachment leaves
9 adequate width and clearance of unobstructed
10 footway, the Streets Department has no objection
11 to the passage of this bill.

12 COUNCILMAN DICICCO: Thank you.

13 Any questions for this witness?

14 (No questions.)

15 COUNCILMAN DICICCO: Hearing none, the
16 clerk will read the title of the next bill.

17 THE CLERK: Bill No. 010270, an
18 ordinance granting permission to Nathan Ross and
19 Samuel Lynagh, owners of New Wave Cafe, located at
20 782-784 South Third Street, to operate and
21 maintain an open-air sidewalk cafe on the west
22 footway of South Third Street adjacent to the
23 782-784 South Third Street, under certain terms
24 and conditions.

25 MS. SEN: Again, Nancy Sen, here to

1 5/16/01 STREETS, SERVICES - BILL 010194

2 testify on Bill No. 010270 on behalf of the
3 Streets Department.

4 This bill authorizes the owner of the
5 New Wave Cafe to operate an open-air sidewalk cafe
6 at their property on the northwest corner of Third
7 and Catherine Streets. Four tables are proposed
8 on the Third Street footway to each beside the
9 restaurant entrance. The tables will encroach a
10 maximum of 3-feet-10-inches into the west footway
11 of Third Street, leaving a minimum of 8 feet for
12 pedestrians. No rails will be used.

13 The configuration of the tables meets
14 the requirements of the sidewalk cafe
15 regulations. All encroachments leave adequate
16 width and clearance of unobstructed footway.
17 Therefore, the Streets Department has no objection
18 to the passage of the bill.

19 COUNCILMAN DICICCO: Thank you.

20 Any questions for this witness?

21 (No questions.)

22 COUNCILMAN DICICCO: Mr. Stack, did you
23 want to testify? I'm sorry I forgot to ask.

24 MR. STACK: Briefly.

25 COUNCILMAN DICICCO: Please approach

1 5/16/01 STREETS, SERVICES - BILL 010194

2 the witness table. I apologize, Mr. Stack. I
3 forgot that was your client.

4 (Witness comes forward.)

5 COUNCILMAN DICICCO: Please identify
6 yourself for the record.

7 MR. STACK: My name is Michael Stack
8 and I'm counsel for Babu Yogesh.

9 COUNCILMAN DICICCO: And the father of
10 Senator Stack.

11 MR. STACK: And the husband of Judge
12 Stack. I don't have a first name anymore.

13 (Laughter.)

14 MR. STACK: The newsstand is directly
15 across the street from my office. The owner
16 proposes -- and, in fact, it's his expectation --
17 that he will be able to put a lottery machine in.

18 There have been no objections, to my
19 knowledge, of his activities where he is located.
20 So I don't know what Council's position is with
21 regard to the lottery machine, but it's very
22 important to my client that he be able to maintain
23 one at that location.

24 I have him here with me and he's
25 prepared to answer any questions that the

1 5/16/01 STREETS, SERVICES - BILL 010194

2 committee might have.

3 COUNCILMAN DICICCO: I think that what
4 you might want to do is speak to the sponsor of
5 the bill, Councilman Clarke, about the future use
6 of a lottery machine at that location because we
7 may want to put something into the bill so that
8 all issues are covered going forward.

9 MR. STACK: Okay.

10 COUNCILMAN DICICCO: Before we vote it
11 out.

12 MR. STACK: Okay, I'd be happy to.

13 COUNCILMAN DICICCO: Thank you,
14 Mr. Stack.

15 MR. STACK: Okay, thank you.

16 COUNCILMAN DICICCO: Councilman
17 Clarke?

18 COUNCILMAN CLARKE: I just wanted to
19 say, Mr. Chair, that we've had extensive
20 discussions with the applicant and the applicant's
21 references and we were very comfortable with this
22 particular bill but if the --

23 COUNCILMAN DICICCO: And there's no
24 objection to a lottery machine?

25 COUNCILMAN CLARKE: Not from this

1 5/16/01 STREETS, SERVICES - BILL 010271, 272
2 particular Councilperson.

3 COUNCILMAN DICICCO: Okay, thank you.

4 And if there was, then we'd have to
5 amend the bill to restrict a lottery -- no
6 lottery. So as long as there's no objection to
7 the lottery, then the bill stands as is, and if he
8 wants to do a lottery, he will be entitled to do
9 that.

10 COUNCILMAN DICICCO: Thank you.

11 MR. STACK: Thank you, Mr. Chairman.

12 COUNCILMAN DICICCO: The clerk will
13 read the title of the next bill.

14 THE CLERK: Bill No. 010271, an
15 ordinance amending Section 4 of an ordinance (Bill
16 No. 990766) approved December 30, 1999, entitled
17 "An ordinance authorizing Filbert Street
18 Associates, L&I, 150 North Broad Street,
19 Philadelphia, PA, 19102-1424, owner of the
20 property bounded by 12th Street, 13th Street,
21 Filbert Street, and Cuthbert Street, to construct,
22 own, and maintain a bridge over Cuthbert Street
23 between 12th Street and 13th Street, under certain
24 terms and conditions"; by extending the time for
25 compliance with the conditions stated therein.

1 5/16/01 STREETS, SERVICES - BILL 010271, 272

2 MS. SEN: Again, my name is Nancy Sen
3 and I'd like to offer testimony for this bill and
4 the companion bill, 010272, on behalf of the
5 Streets Department.

6 Both of these bills extend the time for
7 compliance with conditions of bills which
8 previously authorized Filbert Street Associates to
9 construct and maintain a bridge structure in Bill
10 271 and building footings in Bill 272 over and
11 within the right-of-way of Filbert Street and
12 Cuthbert Street. The structures are a part of a
13 parking garage building under development at this
14 site.

15 The Streets Department had previously
16 reviewed construction plans for the project and
17 have no objection to the passage of the bill.

18 COUNCILMAN DICICCO: Thank you.

19 Any questions?

20 (No questions.)

21 COUNCILMAN DICICCO: Anyone else who
22 wishes to testify on this bill?

23 (No response.)

24 COUNCILMAN DICICCO: The clerk will
25 read the title of the second bill that you already

1 5/16/01 STREETS, SERVICES - BILL 010271, 272

2 spoke on, just for the record.

3 MS. SEN: Okay.

4 COUNCILMAN DICICCO: Thank you.

5 THE CLERK: Bill No. 010272, an
6 ordinance amending Section 4 of an ordinance (Bill
7 No. 990534) approved November 19, 1999, entitled
8 "An ordinance authorizing Filbert Street
9 Associates, L&I, 150 North Broad Street,
10 Philadelphia, PA, 19102-1424, owner of the
11 property bounded by 12th Street, 13th Street,
12 Filbert Street, and Cuthbert Street, to construct
13 and maintain various building footings under the
14 abutting footways of Filbert Street and Cuthbert
15 Street, all under certain terms and conditions,"
16 by extending the time for compliance with the
17 conditions stated therein.

18 COUNCILMAN DICICCO: Thank you.

19 Any questions for this witness?

20 (No questions.)

21 COUNCILMAN DICICCO: Hearing none, the
22 clerk will read the title of the next bill.

23 THE CLERK: Bill No. 010301, an
24 ordinance granting permission to John Tripodi,
25 owner of the property 2536 McKean Street,

1 5/16/01 STREETS, SERVICES - BILL 010271, 272
2 Philadelphia, PA, 19145, and his successors and
3 assigns, to construct, use, own, and maintain a
4 private water line under the cartway of 26th
5 Street and the south footway of the 2500 block of
6 McKean Street to provide water service to 2536
7 McKean Street; all under certain terms and
8 conditions.

9 MS. SEN: Again, my name is Nancy Sen
10 and I'm here for the Streets Department to testify
11 on behalf of Bill No. 010301.

12 This bill allows Mr. John Tripodi to
13 construct and maintain a private water main in the
14 south footway of the 2500 block of McKean Street
15 for servicing the needs of his property known as
16 2536 McKean Street.

17 The Streets Department has reviewed the
18 construction plans for the project and has no
19 objection to the passage of the bill.

20 COUNCILMAN DICICCO: Thank you.

21 Any questions for this witness?

22 (No questions.)

23 COUNCILMAN DICICCO: Hearing none, the
24 clerk will read the title of the next bill.

25 THE CLERK: Bill No. 010304, an

1 5/16/01 STREETS, SERVICES - BILL 010301
2 ordinance authorizing Brinker International, Inc.,
3 d/b/a Maggiano's, a tenant of the property
4 1201-1239 Filbert Street, Philadelphia, PA, 19107,
5 to construct and maintain various encroachments
6 projecting onto and over the north footway of
7 Filbert Street and the west footway of 12th
8 Street, all under certain terms and conditions.

9 MS. SEN: Again, my name is Nancy Sen
10 and I'm here for the Streets Department to testify
11 on Bill No. 010304.

12 This bill authorizes Brinker
13 International, Inc., the owners of Maggiano's and
14 tenant of the Filbert Street Associates Limited
15 Partnership, to construct and maintain the
16 following encroachments on, above, and under the
17 public footway of Filbert Street:

18 A fabric-covered canopy structure with
19 mounted light fixtures supported by fabric-covered
20 posts;

21 A revolving door;

22 A total of 10 wall sconce fixtures;

23 A total of 7 rigid awnings;

24 and a cafe railing.

25 The Streets Department has reviewed

1 5/16/01 STREETS, SERVICES - BILL 010304
2 plans for this project. All encroachments leave
3 adequate width and clearance of unobstructed
4 footway. Therefore, the Streets Department has no
5 objection to the passage of the bill.

6 COUNCILMAN DICICCO: Thank you.

7 Any questions for this witness?

8 (No questions.)

9 COUNCILMAN DICICCO: Anyone else who
10 wishes to testify?

11 (No response.)

12 COUNCILMAN DICICCO: Hearing none, the
13 clerk will read the title of the next bill.

14 Thank you, Ms. Sen.

15 THE CLERK: Mr. Haigler?

16 (Witness comes forward.)

17 THE CLERK: Bill No. 010168, an
18 ordinance amending an ordinance approved January
19 3, 1992 (Bill No. 1205-AA), which, pursuant to
20 subsection 9-204(8)(a) of the Philadelphia Code,
21 designates the locations of Center City at which
22 vending is permitted, by deleting all permitted
23 vendor locations on both sides of Tenth Street
24 between Arch Street and Chestnut Street, all under
25 certain terms and conditions.

1 5/16/01 STREETS, SERVICES - BILL 010168

2 COUNCILMAN DICICCO: Good morning.

3 Please identify yourself for the record and
4 proceed with your testimony.

5 MR. HAIGLER: Good day, Councilman
6 DiCicco and members of the Committee on Streets
7 and Services. I am Otis Haigler, Jr., Legislative
8 and Regulatory Affairs Manager for the Department
9 of Licenses and Inspections.

10 Today, I'm here to provide testimony on
11 Bill 010168, which, if enacted, will prohibit
12 vending on both sides of Tenth Street between Arch
13 and Chestnut Streets.

14 The Department of Licenses and
15 Inspections is in charge with the responsibility
16 for the enforcement of Section 9-204 subsection
17 8(a) of the Philadelphia Code related to the
18 licensing of vendors and inspecting for compliance
19 with the provisions of the code.

20 In accordance with our
21 responsibilities, the Department offers no
22 objections to the enactment of Bill No. 010168 and
23 is prepared to enforce the provisions of this bill
24 should Council vote for its passage.

25 Thank you. I will be happy to answer

1 5/16/01 STREETS, SERVICES - BILL 010212

2 any questions you have.

3 COUNCILMAN DICICCO: Thank you.

4 Any questions for this witness?

5 (No questions.)

6 COUNCILMAN DICICCO: Hearing none, the
7 clerk will read the title of the next bill.

8 THE CLERK: Bill No. 010212, an
9 ordinance amending Section 9-205 of the
10 Philadelphia Code, entitled "Sidewalk sales," by
11 prohibiting sidewalk sales on portions of Front
12 Street, Frankford Avenue, and Palmer Street.

13 COUNCILMAN DICICCO: Please proceed
14 with your testimony, Mr. Haigler.

15 MR. HAIGLER: Good day, Councilman
16 DiCicco and members of the Committee on Streets
17 and Services. I am Otis Haigler, Jr., Legislative
18 and Regulatory Affairs Manager for the Department
19 of Licenses and Inspections.

20 Today, I'm here to provide testimony on
21 Bill 010212, which, if enacted, will prohibit
22 sidewalk sales on portions of Front Street,
23 Frankford Avenue, and Palmer Street.

24 The Department of Licenses and
25 Inspections is charged with the responsibility for

1 5/16/01 STREETS, SERVICES - BILL 010212
2 the enforcement of Section 9-205 of the
3 Philadelphia Code related to the licensing of
4 vendors and inspecting for compliance with the
5 provisions of the code.

6 In accordance with our
7 responsibilities, the Department offers no
8 objections to the enactment of Bill 010212 and is
9 prepared to enforce the provisions of this bill
10 should Council vote for its passage.

11 Thank you, and I will be happy to
12 answer any questions you have.

13 COUNCILMAN DICICCO: Thank you.

14 Any questions for this witness?

15 (No questions.)

16 COUNCILMAN DICICCO: Hearing none, the
17 clerk will read the title of the next bill.

18 THE CLERK: Bill No. 010232, an
19 ordinance amending Section 9-204 of the
20 Philadelphia Code, entitled "Sidewalk Vendors in
21 Center City," by exempting sidewalk sales by
22 owners and tenants of properties in the 900, 1000,
23 and 1100 blocks of Pine Street, and regulating
24 such activity under the sidewalk sales provisions
25 of Section 9-205 of the Philadelphia Code, all

1 5/16/01 STREETS, SERVICES - BILL 010232

2 under certain terms and conditions.

3 COUNCILMAN DICICCO: Please proceed
4 with your testimony.

5 MR. HAIGLER: Good day, Councilman
6 DiCicco and members of the Committee on Streets
7 and Services. I am Otis Haigler, Jr., Legislative
8 and Regulatory Affairs Manager for the Department
9 of Licenses and Inspections.

10 Today, I'm here to provide testimony on
11 Bill No. 010232, which, if enacted, will permit
12 vending by owners and tenants of property in the
13 900, 1,000, and 1100 blocks of Pine Street.

14 The Department of Licenses and
15 Inspections is charged with the responsibility for
16 the enforcement of Sections 9-204 and 9-205 of the
17 Philadelphia Code related to the licensing of
18 vendors and inspecting for compliance with the
19 provisions of the code.

20 In accordance with our
21 responsibilities, the Department offers no
22 objections to the enactment of Bill No. 010232 and
23 is prepared to enforce the provisions of this bill
24 should Council vote for its passage.

25 Thank you. I will be happy to answer

1 5/16/01 STREETS, SERVICES - BILL 010232

2 any questions you have at this time.

3 COUNCILMAN DICICCO: I know there are a
4 number of other people here who wish to testify.
5 Do we have a list? Who will be testifying? Just
6 raise your hand for a minute.

7 All right, then, why don't all four of
8 you come up. And, Otis, we're going to need you
9 around. So all those who are testifying, please
10 come up to the witness table and decide among
11 yourselves, please, who's going to go first. And
12 we'll take it from there.

13 (Witnesses come forward.)

14 COUNCILMAN DICICCO: Before the
15 testimony begins, for the benefit of my colleagues
16 who are here, there was a meeting on this
17 legislation, I guess, two months or so ago -- I
18 lose track of time. Some of the discussion -- I
19 mean, the discussion basically was around do we
20 want to allow sidewalk vending on certain blocks
21 of Pine Street? I made a decision at the time
22 that we would do -- we would allow that to happen,
23 the vending on Pine Street, on certain blocks, but
24 I also made it under the condition that it would
25 be on a probationary time schedule because we

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2 wanted to see how it works out.

3 There are people who are store owners
4 and operators who are in favor of the vending and
5 there are those who are store owners and operators
6 who are against the vending. And as we all know,
7 we are always in that position of trying to make
8 everybody happy, which is impossible.

9 So, again, there have been some
10 discussions. Today obviously will be the more
11 formal hearing on the bill. And we'll proceed
12 with your testimony in whatever order you so
13 choose. If you can't make the arrangements, then
14 I'll have to pick and choose.

15 Please identify yourself for the record
16 and then proceed with your testimony.

17 MR. ARNETH: My name is John Arneth,
18 A-R-N-E-T-H. I own Show of Hands on Pine Street
19 in the 1000 block, 1006. I am not an antique
20 store; I sell handmade, one-of-a-kind, and
21 limited-edition crafts, ceramics, glass, and metal
22 and some fabric.

23 I'm concerned about the appearance of
24 the area that's under discussion from very much a
25 safety standpoint. During the meeting that you

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2 referred to, Councilman, you had indicated that
3 you would include in the ordinance a prohibition
4 of stacking and selling of items from the curbside
5 of the street.

6 I have never read an ordinance before
7 -- before Irene Benedetto faxed me the Bill
8 010232. In my very limited experience with
9 reading an ordinance, I don't see where the
10 stacking or sales of items from the curbside is
11 prohibited.

12 COUNCILMAN DICICCO: It's actually --
13 and Mr. Haigler can correct me 'cause he's the
14 expert of this. If you read the -- do you have
15 the pink copy, do you have the bill in front of
16 you?

17 Under Section 1, number 2, subsection
18 (.1), sidewalk vending shall take place within 40
19 inches of the building line. And then it goes on
20 to (.4), all items displayed for sale must be
21 arranged in a single layer so that no such item is
22 placed on top of another such item -- which means
23 no stacking.

24 MR. ARNETH: Okay. So no items stacked
25 on top of another such item. Obviously, if

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2 somebody is selling a table and puts a vase on top
3 of it, that's not stacking, but if they have a
4 table and a chair or a table and another table or
5 something like that, that is considered stacking.
6 I just wanted to be --

7 COUNCILMAN DICICCO: I mean, a lot of
8 it, I guess, can be left up to interpretation, but
9 I'm trying to make it as clean as possible.

10 MR. ARNETH: Right.

11 COUNCILMAN DICICCO: I think the
12 practical answer to the question is, yes, I would
13 not -- from some of the photographs I've seen and
14 personal observation where tables are stacked one
15 on the other or chairs are stacked on the table or
16 a small piece of furniture is placed on top of a
17 table or a breakfront, that would not be
18 permitted. I think not only does it make it look
19 more cluttered but it also, I think, poses a
20 public safety issue. I think it's a public safety
21 hazard, a potential public safety hazard by
22 allowing stacking.

23 MR. ARNETH: Okay. One other thing I
24 would like to point out -- I think I pointed it
25 out to you in my letter several months back -- and

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2 that's the issue of safety and the width of the
3 sidewalk.

4 A number of years ago, the City was
5 mandated to put curb cuts for handicapped
6 accessibility, etc. Fortunately, they also helped
7 families with strollers and the elderly. Just
8 recently, we have had handicapped parking spaces
9 installed in our blocks on Pine Street to allow
10 the two-hour parking of people with handicaps.

11 COUNCILMAN DICICCO: Mm-hmm.

12 MR. ARNETH: I still feel as though any
13 sort of display of goods on the sidewalk is
14 counterproductive to what the federal government
15 and the City is trying to do by making the area
16 more accessible to those who have some sort of a
17 handicap.

18 Now, obviously, not all of the people
19 who have handicaps are wheelchair-bound or use
20 crutches. Some, such as some of our vendors, have
21 bad backs, which still qualifies for handicap, but
22 I do feel as though the narrowing of the sidewalks
23 further is counterproductive to what the City is
24 trying to do in bringing Antique Row as a
25 destination.

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2 It's unfortunate that the business
3 association that Tony Malis (ph.) and Mary Ann
4 Cardellino have been very -- working on very hard
5 to set up. We have only had one meeting with no
6 officers elected yet and no real topics of
7 discussion because this would make a very good
8 topic of discussion.

9 But I would like to go on record that
10 from the handicap safety standpoint, I measured my
11 sidewalk in front of my store. At the widest
12 part, it's approximately 10 feet, but that does
13 not include the area where the steps come out.
14 Where the steps come out, the sidewalk is
15 obviously more narrow. And I think any
16 restriction of that area any further is --

17 COUNCILMAN DICICCO: Well, let me say
18 this to you. Again, referring to that same
19 section (.2), a minimum of five feet of
20 unobstructed sidewalk width shall be maintained at
21 all times. And that, I believe, follows the ADA
22 requirement.

23 So in most cases, and from what I can
24 remember about Pine Street, if you took the 40
25 inches from the property line out, in many cases,

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2 you may not exceed the distance that the step
3 exceeds. So you really will not be taking that
4 much more of the sidewalk away.

5 I know the issue -- for me, anyway, --
6 and I think I mentioned it at the meeting was more
7 the esthetic issue.

8 MR. ARNETH: Right.

9 COUNCILMAN DICICCO: I mean, I'm one of
10 these fanatical people about creating order on the
11 sidewalks and removing a lot of the street
12 furniture that's out there and kind of putting it
13 in a neat and tidy little package. But at the
14 same token, I've also been a proponent of sidewalk
15 cafes and things that put people back out onto the
16 streets to make the streets more vibrant and
17 alive.

18 Now, I'm not suggesting that a
19 stand-alone piece of furniture will accomplish the
20 same goals that I think that sidewalk cafes will
21 do. But it could, it could -- and I say that
22 quite cautiously -- create some sort of an
23 interest to that sidewalk and create a lot more
24 people activity on the sidewalk.

25 So that's why I say that maybe we need

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2 to look at this on a probation period. We have to
3 go through the process, introduce the bills, and
4 have the hearings today. And let's see how it
5 works out. If it doesn't work out and there's
6 problems with it, you know, we don't go forward
7 with the bill.

8 I won't ask to have the bill voted out
9 today, or even if I do ask for the bill to be
10 voted out today, we don't have to vote it out on
11 second and final passage. It could stay there
12 until the six-month probationary period has
13 expired and then make the decision whether to vote
14 the bill up or down. And I've done that with
15 other bills and all of us have done this with
16 other bills. We just wait and see.

17 MR. ARNETH: Okay. Not to beat a dead
18 horse, but your comment about the sidewalk, the
19 steps brings another factor which I had not
20 thought about. And, actually, Virginia could
21 possibly give me some information.

22 Pine Street is a tree-lined street, and
23 we have many businesses with a tree cut in front
24 of it. The mandatory free space, open space
25 that's indicated. Is that from -- and I wish I

1 5/16/01 STREETS, SERVICES - BILL 010232

2 had a diagram.

3 COUNCILMAN DICICCO: I understand.

4 MR. ARNETH: In some cases, it would be
5 from the curb, but if there's a tree --

6 COUNCILMAN DICICCO: Or from a tree --

7 MR. ARNETH: A tree cut is roughly
8 three feet square, Virginia?

9 COUNCILMAN DICICCO: I think the answer
10 to that would be, and Mr. Haigler could correct me
11 if I'm wrong. It would be, when we say a minimum
12 of five feet, that would be whether it's from the
13 curb or from the tree, from the tree line to the
14 step line, whatever it is, you need a minimum of
15 five feet to be consistent.

16 But Mr. Haigler will testify.

17 MR. HAIGLER: Councilman, you are quite
18 correct in your assessment.

19 And also, I had a question about the
20 steps. Would the steps be -- I'm assuming the
21 steps is part of the egress from the building,
22 correct?

23 COUNCILMAN DICICCO: Correct.

24 MR. HAIGLER: Then you would be in
25 violation of other codes such as the fire code if

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2 you were to place anything in proximity to the
3 steps itself. So I don't believe that this bill
4 would allow -- even if it did, you couldn't do
5 that anyway because the fire code says that you
6 can't obstruct an egress from the building.

7 COUNCILMAN DICICCO: What I think we
8 can do is maybe we can impose on the Department of
9 Licenses and Inspections to go out, and on each
10 individual property, basically lay out the area in
11 which you can vend. I mean, I don't want to say
12 you're going to paint the sidewalk, but there may
13 be a way of putting a little mark someplace on the
14 sidewalk that is not distracting from the
15 esthetics of the building but to say this is the
16 perimeter that you can vend your products in.

17 And L&I, I think, would be more than
18 glad to do that because going forward, I think
19 this will prevent a lot of problems as to where
20 you should be and where you shouldn't be. They do
21 that with sidewalk vendors -- Ninth Street is an
22 example of other vending areas where we have many
23 carts. L&I would literally go out and dedicate
24 the spot in which the vendor can vend.

25 Is that a fair assessment of how we can

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2 do that, Mr. Haigler?

3 MR. HAIGLER: Yes.

4 MR. ARNETH: I think that would be an
5 excellent -- not compromise, I don't want to sound
6 that way. But I think that would indicate to
7 everybody the exact area where they could have
8 items.

9 And in closing, quite frankly, I think
10 anything that will bring more people to Pine
11 Street is good for Pine Street. We have a -- I'm
12 on the Board of Washington Square West civic but
13 I'm not here in their behalf, I'm here as a store
14 owner. But we have a renovation going on right
15 now, Mixto (ph.), which is the old Two Sisters.
16 They eventually are going to have a sidewalk cafe,
17 and Virginia is on the Washington Square West
18 Board also, and I think it's fair to say that the
19 board is most in favor of anything of that nature
20 -- not that I am here to testify on that behalf.
21 But I just want it clear that anything that can
22 bring more people to Pine Street I'm most in favor
23 of.

24 COUNCILMAN DICICCO: And the cafe, that
25 would have to be done by ordinance as well so the

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2 public community would be a part of that process.

3 And I suspect that most people would support, but

4 I've been known to be wrong in the past, so we'll

5 wait and see when that bill comes across my desk.

6 And, again, I think that -- going back

7 to the dedicated area, and L&I will describe the

8 area in which the person, the property or business

9 can vend. I think during that probationary

10 period, we'll know then if people are willing to

11 cooperate or not. And if there's continual

12 violations of the vending and where you should

13 vend, that would lead me to at some point in time

14 reject this bill and not support it.

15 But, again, you don't know until -- I'm

16 trying to be fair. I mean -- and, again, we're

17 always in a position where we have to figure out

18 how we can make everybody happy, which is

19 virtually impossible. But at least a probationary

20 period, I think, would get us to some point to see

21 if there is cooperation, if it's working or if it

22 isn't working.

23 And L&I will be a part of that policing

24 authority to understand and let me know, as the

25 sponsor of the bill 'cause it's in my district,

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2 whether people are complying or not. And we'll
3 keep track of that.

4 And I will also say this. I spoke to
5 the commissioner of L&I MacLaughlin within a day
6 or two after that meeting, the last meeting we
7 had, and I asked him not to do any enforcement of
8 the vending bill until this hearing and give him
9 further notice. We may just, again, as I said, do
10 it on a probationary period to allow people to
11 vend.

12 And from now until that six-month
13 period, if we see continual infractions and
14 violations, I would have no problem saying no more
15 vending. I mean, you know, we got to work
16 together. I think that's the theme I was trying
17 to get out with the last meeting, and if you're
18 not having meetings, I can't help you; I have
19 enough meetings of my own and I'm not going to
20 micro-manage another organizational meeting
21 group. So you have to figure that out for
22 yourselves how to do that.

23 Thank you. Thank you for your
24 testimony.

25 Next witness? Please identify yourself

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2 for the record.

3 MS. TRESSINO: Good morning, everyone.

4 My name is Virginia Tressino (ph.).

5 Just in answer to John Arneth's
6 question, our Greening Committee has planted over
7 400 trees in the neighborhood, and not one of them
8 is in front of a step.

9 COUNCILMAN DICICCO: I think what he
10 was seeing, Miss Tressino, is that regardless of
11 where the tree is placed on that pavement, would
12 that be a part of what the requirement for the
13 five foot is? And the answer to that is yes.

14 MS. TRESSINO: Okay.

15 COUNCILMAN DICICCO: And so whether the
16 tree is placed directly in front of the step or in
17 the middle of the property line going width-wise,
18 horizontally, you would take it from the inside of
19 the tree trunk to the property line and make sure
20 -- as long as you have five foot, you'd be okay.

21 MS. TRESSINO: Okay.

22 COUNCILMAN DICICCO: Under five feet,
23 you would not be able to vend.

24 MS. TRESSINO: Okay. I'm here to
25 testify on Bill 010232. I've owned and operated a

1 5/16/01 STREETS, SERVICES - BILL 010232
2 business on Pine Street since 1969. Within that
3 time, I operated an antique business for 18 years.
4 Items for sale were continuously placed on
5 sidewalks of most antiques and ancillary
6 businesses. There has always been a mix of fine
7 antiques and miscellaneous collectible shops on
8 Pine Street. The nature of the ambience of Pine
9 was the Street ebb and flow of inventory.

10 Looking chronologically back over the
11 history of Pine Street, there was always a mixture
12 of the age of items for sale. On Pine Street,
13 there was Michael Fiorello, who was a scholar and
14 one of the finest antique dealers in America. He
15 only handled William and Mary, early Queen Anne
16 and Chippendale and very early American antiques.
17 And at the same time, there were dealers on the
18 same street who sold items considered to be at
19 that time secondhand furniture and collectibles.
20 Both kinds of businesses flourished.

21 I think by having items displayed in
22 front of a business gives a vitality to the
23 street. Whether it is potted palms or a rocking
24 chair, it shows that the stores are open. The
25 eyes of tourists who are directed to Antique Row

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2 by City signs, hotels, and tour groups can see
3 from a distance that the street is alive.

4 I have a long-vested on Pine Street. I
5 currently rent my old shop to one of the fine-
6 antique dealers, who, by the way, does not put
7 items on the sidewalk for sale but supports this
8 new ordinance. I would also like you to consider
9 extending the ordinance to include the 1200 and
10 1300 block of Pine Street, which includes some
11 stores and some antique shops.

12 I'm committed to Pine Street. It was
13 my life and is now my living. I support Frank
14 DiCicco in writing this ordinance with the caveats
15 indicated.

16 Thank you.

17 COUNCILMAN DICICCO: Thank you, Miss
18 Tressino.

19 Councilman Rizzo, do you have a
20 question?

21 COUNCILMAN RIZZO: Good morning.

22 The issue of conducting business, and I
23 assume it's considered conducting business on the
24 sidewalk -- I'm wondering, does your business
25 insurance allow you or does it cover you in the

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2 event that there'd be an accident? I understand
3 walking down the sidewalk, someone trips, but the
4 minute you bring items outside and a incident
5 would occur, would your insurance protect you?

6 MS. TRESSINO: I would think everyone
7 has liability insurance, but to my recollection,
8 the items put outside on the sidewalk rarely
9 extended past the front step, in towards the store
10 window and not exceeding the front step of the
11 store.

12 COUNCILMAN RIZZO: If someone tripped
13 over an item that was on the sidewalk and injured
14 themselves, would your business insurance --

15 MS. TRESSINO: I have liability, yes.

16 COUNCILMAN RIZZO: But does it extend
17 to the sidewalk?

18 MS. TRESSINO: I would imagine if it's
19 your furniture, it's part of your inventory, it's
20 your store, it's your property.

21 COUNCILMAN RIZZO: Okay. I think it
22 would be a good question to ask your insurance
23 agent.

24 The other question has to do with
25 security associated with putting things on the

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2 sidewalk.

3 MS. TRESSINO: What do you mean by
4 "security"?

5 COUNCILMAN RIZZO: Are you concerned
6 about theft? You talked about a vase. Has the
7 police department been asked to have any input at
8 all on the --

9 MS. TRESSINO: I think just by -- I've
10 had things stolen from inside my shop; they didn't
11 have to be outside.

12 COUNCILMAN DICICCO: Thieves can be
13 very creative.

14 MS. TRESSINO: Yes. Usually the things
15 you put outside are not easily pocketed and you
16 take your chance.

17 COUNCILMAN RIZZO: In other words,
18 there's going to be some risk associated with
19 putting --

20 MS. TRESSINO: There's risk in getting
21 out of bed in the morning.

22 COUNCILMAN RIZZO: They're not going to
23 take a chair and run down the street, most likely,
24 but smaller items are --

25 MS. TRESSINO: I think the dealers are

1 5/16/01 STREETS, SERVICES - BILL 010232

2 knowledgeable enough to know that they shouldn't
3 put small things out.

4 COUNCILMAN RIZZO: But I would also
5 like to hear what the police department thought
6 about putting valuables out and I assume when you
7 say the word "antique," you're talking about
8 something that's not \$1.98 sitting out on the
9 sidewalk.

10 MS. TRESSINO: Well, I didn't put my
11 Chippendale.

12 COUNCILMAN RIZZO: I'm trying to be
13 helpful. If you want to be sarcastic with me --

14 MS. TRESSINO: Yeah, I understand what
15 you're saying, but there's also a certain amount
16 of common sense here.

17 COUNCILMAN RIZZO: We're here to have a
18 hearing to try to understand the issue that you're
19 dealing with. So if you want to try to answer the
20 question that I ask -- I don't even know what a
21 Chippendale is, ma'am, but if you have one, you're
22 very fortunate.

23 Thank you.

24 MS. TRESSINO: Thank you.

25 COUNCILMAN DICICCO: Thank you.

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2 Any other questions of this witness?

3 (No further questions.)

4 COUNCILMAN DICICCO: Next person to
5 testify, please identify yourself for the record
6 and proceed with your testimony.

7 MS. CARDELLINO: Good morning,
8 committee members, good morning, Councilman
9 DiCicco. My name is Mary Ann Cardellino. I'm a
10 resident of Wash. West and own a business at 1002
11 Pine Street. The name of my business is Blendo
12 Past and Present. As the name implies, I sell old
13 and new items, vintage or secondhand furniture,
14 ceramics, glassware, gift items, cards, and an
15 occasional antique.

16 I believe the ordinance that Councilman
17 DiCicco is proposing in Bill No. 010232 is
18 appropriate for the blocks of Pine Street known as
19 "Antique Row." This ordinance is making into law
20 what has been a common practice on Pine Street for
21 the better part of 100 years.

22 In the packets I have given you, you
23 will see a photograph of a store once located at
24 1237 Pine Street that a Mr. John Eham owned, an
25 African-American. This photograph was taken in

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2 1923 and made available to me by the Library
3 Company of Philadelphia. I'm sure that any
4 antique dealer today would pay top dollar for what
5 Mr. Eham displayed in front of his store then.

6 I also have enclosed photocopies of
7 photographs that were taken in the 1950s, which
8 show merchandise being displayed in front of the
9 stores in the 900, 1,000, and 1100 blocks of Pine
10 Street and on the corner of 13th and Pine.

11 People often travel to foreign cities
12 or to the Williamsburg, Virginia's of this country
13 to capture the charm and a reminiscent look at the
14 past. Many people come to Philadelphia to capture
15 that glimpse of history.

16 I think what Councilman DiCicco is
17 proposing is allowing a vitality back onto Pine
18 Street, giving an energy to a street that is
19 seeing a resurgence. In the past year and a half,
20 several new businesses have moved on to Pine
21 Street.

22 When a business has merchandise
23 displayed in front of their store, it's an
24 invitation to passerbys [sic]. It invites or
25 allows the potential customer to get acquainted

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2 with the business without walking through the
3 front door, a sort of quiet introduction. I have
4 been told on numerous occasions that people have
5 felt intimidated by the stores that are only open
6 a few days a week or only open by appointment.

7 I used to sell fine jewelry in
8 Manhattan and I learned early on that you cannot
9 judge your customers by narrow-minded criteria.
10 Your next sale can come from anyone, any age, any
11 background.

12 Antique Row is in the middle of a
13 wonderfully diverse neighborhood. I want my
14 neighbors to be my customers; I don't want to wait
15 all day for an interior designer to bring in a
16 Maine Line client. I sell to students, hospital
17 employees, and doctors alike, and the display on
18 the sidewalk in front of my store has only brought
19 positive responses from my customers.

20 It's important also for the tourists
21 that comes down Pine Street to have a visual
22 memory of their experience. Stores with
23 individual character is what makes shopping in
24 Center City different from shopping at the mall.
25 I think the homogenization of Pine Street will

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2 certainly kill a historic shopping area.

3 The ordinance that Mr. DiCicco wrote is
4 equitable. It has to be adequate -- there has to
5 be adequate room for people, baby carriages, and
6 shopping carts passing by. I went to the Survey
7 Office of Philadelphia and was told that the
8 record indicates that the sidewalk in front of my
9 store measures 12.26 feet. Also, I think that the
10 provision to keep the items in one later and not
11 stacked is respectful of those passing and just
12 smart business practice.

13 Thirty-three of the approximately
14 forty-five businesses on these blocks of Pine
15 Street have signed in support of displaying
16 merchandise immediately in front of one's own
17 business as long as it would allow for sufficient
18 space so as not to impede sidewalk traffic.

19 I also have copies of letters from
20 business owners and neighbors stating their
21 support as well as a copy of the letter that the
22 Washington Square West Civic Association sent to
23 Councilman DiCicco on February 14th stating: "At
24 last night's Washington Square West Civic
25 Association Board meeting, a motion supporting the

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2 writing of an ordinance allowing the outside
3 display of merchandise on Antique Row was passed.
4 It is the Board's understanding that the
5 merchandise is to be displayed within 40 inches of
6 the building, thus allowing pedestrian
7 unencumbered walkway." And signed by the
8 president of Washington Square West.

9 In closing, I would like to thank
10 Councilman DiCicco for his effort to introduce
11 this ordinance and to thank the other committee
12 members for this time to speak about an ordinance
13 that I am confident will bring a vitality and
14 ambience to a street with a long history that will
15 be more inviting to residents and visitors alike.
16 Please respect the true history of Pine Street.

17 Thank you.

18 COUNCILMAN DICICCO: Thank you. Thank
19 you for your testimony.

20 Any questions for this witness?

21 (No questions.)

22 COUNCILMAN DICICCO: Hearing none, the
23 next witness, please identify yourself for the
24 record.

25 MR. VERRUNI: I'm Louis Verruni,

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2 V-E-R-R-U-N-I, from Kohn & Kohn.

3 COUNCILMAN DICICCO: I'm sorry. Take
4 your time. Just pull in and get a seat and relax.

5 MR. VERRUNI: Okay.

6 COUNCILMAN DICICCO: Repeat your name.

7 MR. VERRUNI: I'm Louis Verruni,
8 V-E-R-R-U-N-I.

9 COUNCILMAN DICICCO: Thank you.

10 MR. VERRUNI: And that's V as
11 in"Victor," the third. I'm from Cohen & Cohen
12 1112 Pine Street. I've been on Pine Street since
13 1973 in the antique business. I own 1112 Pine
14 Street and 1116 Pine Street. My brother owns 1118
15 Pine Street and 912. I'm speak for him also; he
16 also supports us being active in setting up in
17 front of our stores on Pine Street.

18 I have Kohn & Kohn Antique Shop, which
19 I've run now, which was started by Tilly Kohn and
20 Marcus Kohn in 1935 on Pine Street. They also had
21 furniture coming in and out.

22 I've been there for a long time. This
23 is something new to me that is coming. Because we
24 all used to have furniture come and go. We all do
25 the big business on Pine Street. It was a big

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2 wholesale antique business. Wholesale,
3 decorators, retail. It was a nice thing. It has
4 died, it has went away. And it's starting to come
5 back with maybe some new blood here on Pine
6 Street, which is real nice.

7 Some people weren't in support of what
8 was going on, but if they saw what we had going on
9 before and what we were doing before and the
10 business that we were generating and bringing to
11 Pine Street, they would be in support of it.

12 There's really not much more I'm
13 prepared to say, but I just want to thank
14 everybody here for having us, and if anybody's in
15 support of us continuing to do business and show
16 wares and bring people to Pine Street, I
17 appreciate it.

18 COUNCILMAN DICICCO: Thank you. Thank
19 you for your testimony. Any.

20 Questions for this witness?

21 (No questions.)

22 COUNCILMAN DICICCO: Hearing none,
23 anyone else testifying?

24 MR. DEMELAS: Good afternoon.

25 COUNCILMAN DICICCO: Good morning and

1 5/16/01 STREETS, SERVICES - BILL 010232
2 please speak directly into the microphone and
3 identify yourself for the record and spell your
4 last name.

5 MR. DEMELAS: D-E-M-E-L-A-S.

6 COUNCILMAN DICICCO: Okay. Please
7 proceed.

8 MR. DEMELAS: Can I begin? I came here
9 today to inquire, really, about a section of the
10 bill which had some consternation in it, for me at
11 least. I believe I passed the Council's this
12 document, which I speak of an amendment for 12th
13 Street. However, some of the members here already
14 spoken about it.

15 COUNCILMAN DICICCO: I'm sorry. The
16 stenographer's having a hard time hearing you.
17 You need to talk directly into the microphone.

18 MR. DEMELAS: How's that?

19 COUNCILMAN DICICCO: That's good.

20 MR. DEMELAS: Better?

21 COUNCILMAN DICICCO: Thank you.

22 MR. DEMELAS: Two of the members have
23 already spoken about it, and the 12th Street issue
24 I'll leave to them.

25 The second issue is the license. Now,

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2 in 205, you have the York Street area, in which 40
3 inches of sidewalk is available to business owners
4 to vend there. And in 205, in the University of
5 Pennsylvania area, 206, which exempts those
6 businesses there (inaudible) that have three
7 feet. Now, in the present bill, it's
8 (inaudible). However, the act, as written, 205,
9 states for those people in the York area that they
10 are on the provision of the total Act 205.

11 Now, if I were up in York, I'd take a
12 look at 205 and I go right to the bill that was
13 passed in 1992, which states that I don't have to
14 pay fees and I don't need a vendor's license.

15 Now, this document that I passed
16 forward to you, you Councilpersons, this document
17 is not in the ordinances of 1999 manual. This is
18 the original bill and what's left out is the top
19 section, which clearly defines it and says that if
20 you're a business owner, you sell wares on the
21 sidewalk in front of your store, no license, no
22 fees. Therefore, those business owners in York
23 and those under 205 in the University of
24 Pennsylvania area can seek this protection, saying
25 we don't have to have a license, a vendor's

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2 license.

3 Now, the act, as proposed today, unless
4 I'm reading it wrong, I would maintain that this
5 act today is the same, states the same, because it
6 says -- it says subject to the provisions of 205,
7 and that's plural. And including, but not limited
8 to, the license, the license required. If you
9 need a license, you need a fee; if you need a fee,
10 you have to go to -- what is it now? It's hard to
11 read here because it's a little dark in here. You
12 have to go to 5.6 and it's in that section where
13 it says no license required, no fees.

14 The problem that I have with this is,
15 is the bill as written, is this controlling over
16 the bill here you require a license or is it not?
17 That's the dilemma here. Which way is it? Am I
18 reading it correctly or am I reading it wrong?
19 Also, if I'm reading it wrong, then we would like
20 to have that bill amended to insert that.

21 COUNCILMAN DICICCO: Okay. Why don't
22 we get an opinion. Mr. Haigler, are you able to
23 shed any light on this subject?

24 (Mr. Haigler returns to the witness
25 table.)

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2 MR. HAIGLER: Okay, under the proposed
3 amendment -- or the proposed bill, 010232, under
4 Section 9-204.2, Exemptions, subsection e., it
5 says, "Sidewalk vending by owners and tenant of
6 properties," and then it goes where the location
7 and then it says, "Such sidewalk vending shall be
8 subject to the provisions of 9-205, including, but
9 not limited to, the licensing requirements of
10 Subsection 9-205.3, with the following provisos."

11 So if I look under 9-205.3, under
12 licensing requirements, it says that this section
13 has to comply with that particular section
14 9-205.3. It says that it shall be unlawful for
15 any person to engage in the business of sidewalk
16 selling unless he or she has first obtained a
17 license from the Department of Licenses and
18 Inspections, which means that you would need a
19 license for that.

20 COUNCILMAN DICICCO: I'm going to refer
21 back to --

22 MR. DEMELAS: Excuse me.

23 COUNCILMAN DICICCO: -- Section 5.6.

24 The bill was passed in 1992, and it says -- are
25 you familiar with that, Otis? Do you have a copy

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2 of that up there?

3 Unless I'm misunderstanding this thing,
4 I'm a little confused. It's saying in the case
5 where the business owner is engaged in the use of
6 sidewalk sales, selling on his or her own business
7 property, their sidewalk sales license will be
8 eliminated.

9 MR. HAIGLER: Okay.

10 COUNCILMAN DICICCO: So. . .

11 MR. HAIGLER: That is absolutely
12 correct, but it appears that --

13 COUNCILMAN DICICCO: But because
14 they're restricted now, is that the second part of
15 that paragraph? This amendment is not to be
16 superseded by any ordinance placed on business
17 owners who are restricted? So presently are they
18 restricted from selling on sidewalks on Pine
19 Street? And if -- am I reading that right? And
20 then in that case, they would be required to have
21 a license.

22 MR. HAIGLER: Correct.

23 MR. DEMELAS: Excuse me. I don't
24 understand what you just said there prior to that.

25 MR. HAIGLER: This amendment is not

1 5/16/01 STREETS, SERVICES - BILL 010232
2 superseded by any ordinance placed on business
3 owners who are restricted to have any sidewalk
4 sales. And currently in that section of Pine
5 Street, they're restricted.

6 COUNCILMAN DICICCO: So --

7 MR. DEMELAS: Excuse me, Mr. Chairman,
8 but that has to do with block-facing.

9 COUNCILMAN DICICCO: With what?

10 MR. DEMELAS: Block-facing on the -- in
11 the Center City District, it is block-facing that
12 prohibits any sales on Pine Street, not this --
13 this section. It's the block-facing that does it.
14 You see?

15 For example, this would be valid right
16 now if there weren't any block-facing. They're
17 claiming -- Licenses and Inspections states that
18 you cannot use this section because block-faces
19 prohibit all of it. Any sales on any sidewalk
20 where there is no block-face, you cannot do it.
21 Therefore, this doesn't apply.

22 Your bill exempts us from block-facing;
23 therefore, that still applies. It is the block-
24 facing that stops us now.

25 COUNCILMAN DICICCO: I'm not an

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2 attorney, but I don't see it that way. I mean, I
3 see it as a restriction regardless if it's Center
4 City block-facing or whatever. Pine Street is
5 restricted from sidewalk sales, and this ordinance
6 would allow it, which means that there will be a
7 license fee required.

8 MR. DEMELAS: But the bill in 205 and
9 your bill states all of the bill is covered, and
10 if all of the bill is covered, I am entitled to
11 claim this section of 205. It's clear. If all of
12 it is covered, then it's clear.

13 Now, if you don't agree, then we would
14 like to have an amendment to the bill, which I
15 state, to make it short and sweet, it says -- it
16 says -- to change your bill to read 9-205.3 and
17 9-205.5 and .6. That would solve the problem.

18 There is another matter.

19 COUNCILMAN DICICCO: Are you --

20 MR. DEMELAS: Excuse me, there's
21 another matter. If you're prohibited to make us
22 have licenses and fees, you will be
23 discriminating. You're allowing in two other
24 areas of the City of Philadelphia the same
25 business people to have a mercantile license and

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2 not have a vendor license.

3 COUNCILMAN DICICCO: I'm going to get
4 to that. Want to ask that question of Mr. Haigler
5 when he's done.

6 Mr. Haigler, East Passyunk Avenue, if
7 you're familiar with that, there's a similar
8 legislation that was passed a few years ago,
9 before I came to Council, that allows for sales
10 within 40 inches of the property line east of
11 Passyunk Avenue. Are you familiar with that?

12 MR. DEMELAS: It's right here. I have
13 it right here.

14 MR. HAIGLER: I'm not really familiar
15 with that; that was done before me also.

16 COUNCILMAN DICICCO: Yeah. Well, not
17 really. You've been around a little bit longer
18 than me.

19 MR. HAIGLER: I've been around 20
20 years, but I've been around doing other things.

21 COUNCILMAN DICICCO: I think this was
22 done in the late '80s, maybe early '90s, where
23 sidewalk sales are permitted within 40 inches of
24 the property line. And I don't know if there's a
25 special license or fee required on east Passyunk

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2 Avenue either.

3 MR. HAIGLER: Well, I really couldn't
4 tell you.

5 MR. DEMELAS: Well, I have it right
6 here.

7 MR. HAIGLER: But as I interpret this
8 section of the proposed bill, because it
9 specifically mentions 205, subsection 3 that there
10 are no exemptions under 205, subsection 3 as far
11 as the requirements for the license.

12 COUNCILMAN DICICCO: All right. Why
13 don't we do this? Since we're going to ask -- I'm
14 going to ask to have the bill voted out of the
15 committee, but we're not going to vote on the
16 final passage of the bill because we have a
17 six-month probationary period. In the interim, we
18 can have the Law Department look at it and come up
19 with a decision before the final vote is taken,
20 assuming we agree to do the bill six months out.

21 MR. DEMELAS: In other words --

22 COUNCILMAN DICICCO: And we can always
23 do an amendment to that. If what you're
24 suggesting is the correct and proper way, we can
25 make an amendment to that effect.

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2 MR. DEMELAS: I understand what you're
3 saying, Councilman.

4 COUNCILMAN DICICCO: 'Cause no fees
5 will be posed for the next six months anyway.

6 MR. DEMELAS: All right, that's it.

7 COUNCILMAN DICICCO: Fair enough?

8 MR. DEMELAS: I tell ya, it's a good
9 bill, it's going to work.

10 COUNCILMAN DICICCO: Okay. So we have
11 six months to flesh out whatever --

12 MR. DEMELAS: Besides, I'm a veteran
13 here. My father sold on Pine Street from 1925 to
14 1927. He had the best (indiscernible) restaurant
15 in the area.

16 COUNCILMAN DICICCO: God bless you.

17 Any other folks who wish to testify for
18 or against this bill?

19 (No response.)

20 COUNCILMAN DICICCO: No? Any other
21 questions of these witnesses?

22 Yes, sir.

23 MR. ARNETH: It's more a clarification
24 and agreement with what Virginia said -- or Mary
25 Ann. Can this bill be extended to include the 12

1 5/16/01 STREETS, SERVICES - BILL 010232
2 and 1300 block, because there are mercantile -- it
3 was originally asked, I believe, by Mary Ann of
4 you to do it 9, 10 and 11, but there are retail in
5 the 12 and 1300 block.

6 COUNCILMAN DICICCO: I can do that as
7 an amendment, yes.

8 MR. ARNETH: Because with the business
9 organization that Mary Ann and Tony are trying to
10 set up, they have asked -- they they've been
11 all-inclusive and have asked people in the 12 and
12 13 hundred block --

13 COUNCILMAN DICICCO: You want 12 and
14 1300?

15 MR. ARNETH: 12 and 1300.

16 MS. CARDELLINO: Can you make it up to
17 Broad?

18 MR. ARNETH: That would bring it up to
19 Broad Street, yeah.

20 COUNCILMAN DICICCO: As long as it's on
21 the east side, I can do it. If it's on the west
22 side --

23 MR. ARNETH: We'll stop at 12 and 13
24 because they've been asked to join the business
25 association also.

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2 COUNCILMAN DICICCO: So it would be 12
3 and 1300. The 1300 block would take it out to
4 Broad.

5 MR. ARNETH: It would take it up to
6 Broad Street.

7 COUNCILMAN DICICCO: To Broad. So we
8 would include the 12 and 1300 block. All right,
9 we'll offer that as an amendment.

10 And, again, that's all part of the
11 six-month probationary period. And just for the
12 matter of the record, let's say we will bring this
13 bill back up -- I will decide at some point
14 between now and November 1st. When we come back
15 after the summer recess in September, we'll go to
16 November 1st, barring any unforeseen major
17 problems out there, all right, which I don't
18 expect will happen. And then I will ask for the
19 second and final vote sometime early in November,
20 notwithstanding any issues that may arise during
21 that probationary period.

22 In the meantime, you can go vend, you
23 got to do things as though the bill were law
24 today, all right? You have to conduct your
25 business as though that is the law, all right?

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2 And we'll see how it works out over a six-month
3 period, okay?

4 MR. ARNETH: Thank you very much.

5 COUNCILMAN DICICCO: Yes, sir, another
6 statement?

7 MR. VERRUNI: I wanted to speak about
8 the insurance issue. And our liability insurance
9 takes care of the sidewalk. If somebody was to
10 trip, whether it was merchandise out there or not,
11 the insurance covers it.

12 COUNCILMAN DICICCO: Yeah, it's
13 property liability. I understand.

14 MS. CARDELLINO: I also want to say
15 that I have a rider. I'm not the owner of my
16 building but I have a rider that my insurance
17 company covers that also.

18 COUNCILMAN DICICCO: Right. Thank you.

19 Mr. Haigler, any other statements you
20 wish to make? No?

21 Okay, thank all of you for being here
22 and thank you for your testimony. Good luck to
23 you. And please get together over the next few
24 months and work things out.

25 MS. CARDELLINO: Thank you.

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2 MR. DEMELAS: Thank you. It was a
3 pleasure.

4 The clerk will read the title of the
5 next bill.

6 THE CLERK: Bill No. 000658, an
7 ordinance amending Chapter 9-200 of the
8 Philadelphia Code, entitled "Commercial Activities
9 on Streets," by requiring persons licensed under
10 that chapter (including under Section 9-201
11 ("Curb Markets"); Section 9-203 ("Street
12 Vendors"); Section 9-204 ("Sidewalk Vendors in
13 Center City "); Section 9-205 (Sidewalk sales");
14 Section 9-206 (Sidewalk Vendors in Neighborhood
15 Business Districts"); Section 9-208 (Sidewalk
16 Cafes"); Section 9-210 ("Telephone Booths");
17 Section 9-211 ("Boxes for the Distribution of
18 News and Printed Material"); and Section 9-212
19 ("Newsstands")) to obtain the consent of the
20 property owner abutting the location at which the
21 licensed commercial activities are conducted,
22 under certain terms and conditions.

23 COUNCILMAN DICICCO: Good morning again
24 and please identify yourself for the record.

25 MR. HAIGLER: Good day, Councilman

1 5/16/01 STREETS, SERVICES - BILL 000658
2 DiCicco and members of the Committee on Streets
3 and Services. I am Otis Haigler, Jr., Legislative
4 and Regulatory Affairs Manager for the Department
5 of Licenses and Inspections.

6 Today I'm here to provide testimony on
7 000658, which, if enacted, will require persons
8 licensed under the various sections of Chapter
9 9-200 to obtain permission of the abutting
10 property owner to receiving their licenses --
11 prior to receiving their licenses.

12 The Department of Licenses and
13 Inspections is charged with the responsibility for
14 the enforcement of Chapter 9-200 of the
15 Philadelphia Code related to the licensing of
16 activities on the public way and inspecting for
17 compliance with the provisions of the code.

18 The vending community is a vital part
19 of the City. Sidewalk vendors add color and life
20 to our sidewalks. With this in mind, the
21 Department has concerns regarding this bill and
22 some potential effects it might have on the
23 vending community.

24 While it is important for a potential
25 sidewalk vendor to seek the cooperation of a

1 5/16/01 STREETS, SERVICES - BILL 000658
2 property owner prior to setting up business, this
3 legislation could have unintended effects,
4 including the potential for property owners to
5 charge fees to potential vendors in exchange for
6 their consent, the potential for property owners
7 to revoke their consent at any time. As the bill
8 is written, even if consent is offered, at one
9 point, a property owner has the ability to revoke
10 such consent and disrupt the business of a
11 previously approved sidewalk vendor at any time.

12 The failure to grandfather in current
13 vendors. As the bill is written, the vendors who
14 are presently operating would be in violation of
15 the bill and this could potentially disrupt the
16 business of a previously approved sidewalk vendor.
17 Some vendors have been in the same sidewalk
18 position for many years, and it would be
19 extraordinarily disruptive to establish
20 businesses.

21 It is important that the committee
22 consider these potential effects. Without
23 question, all business owners, including vendors,
24 must act responsibly and serve the community both
25 as good corporate citizens and as good corporate

1 5/16/01 STREETS, SERVICES - BILL 000658
2 neighbors. However, the variety and energy that
3 vendors bring to our streets should be nurtured
4 and supported.

5 The Department is concerned that this
6 legislation may discourage sidewalk vending.

7 Thank you for the opportunity to appear
8 before this committee. I will be happy to answer
9 any questions at this time.

10 COUNCILMAN DICICCO: Thank you,
11 Mr. Haigler.

12 Maybe you can walk me through the
13 process. I want to be clear on it and I also want
14 to make it a part of the record. I decide I want
15 to go into the business of vending -- food cart,
16 clothing, whatever, but let's just say food cart
17 for the moment for the purposes of this
18 conversation.

19 I go to L&I and make application --

20 MR. HAIGLER: Correct.

21 COUNCILMAN DICICCO: -- for a license
22 to be able to vend.

23 MR. HAIGLER: Correct.

24 COUNCILMAN DICICCO: All right. I
25 decide that I'd like to vend on the northwest

1 5/16/01 STREETS, SERVICES - BILL 000658
2 corner of Eleventh and Market -- just again for
3 the purpose of this example, so I can get out
4 exactly how this whole process works.

5 The Streets Department and L&I work
6 together on identifying whether that is a
7 permitted location? Or how does that work?

8 MR. HAIGLER: Not necessarily. For
9 certain types of activities under 9-200, like, for
10 instance, newsstands, it specifically mentioned
11 under those provisions where the Streets
12 Department and L&I work together to determine
13 those locations. In certain other sections of the
14 code, it talks about the input of the Streets
15 Department.

16 But as far as I know for vending, as
17 long as it is in a permitted area to vend,
18 exclusive of Center City -- in Center City, there
19 are 300 vending districts that are permitted in
20 Center City.

21 COUNCILMAN DICICCO: Okay, but let's
22 stop for a minute. Permitted areas, okay?

23 MR. HAIGLER: Okay.

24 COUNCILMAN DICICCO: It's not a
25 restricted area, you can vend within this area,

1 5/16/01 STREETS, SERVICES - BILL 000658
2 and let's just assume that it's Eleventh and
3 Market. I'm just using that by way of example.
4 You're permitted to vend there, which, in fact,
5 they are presently.

6 MR. HAIGLER: Right.

7 COUNCILMAN DICICCO: I know the Streets
8 Department will come out and supposedly to let you
9 know exactly where you can't be within 20 or
10 whatever it is of a staging area for a SEPTA
11 vehicle or whatever.

12 MR. HAIGLER: That is correct.

13 COUNCILMAN DICICCO: And so many feet
14 from the curb.

15 MR. HAIGLER: That is correct.

16 COUNCILMAN DICICCO: To keep you from
17 being close to the handicap-accessible ramps or
18 whatever.

19 MR. HAIGLER: That's correct.

20 COUNCILMAN DICICCO: So I set up my
21 business. The property is not owned by me, where
22 the vending cart will be placed; it is owned by
23 another person or an entity. Is there any contact
24 made with that individual or that entity to ask
25 whether or not it is okay for someone to set up a

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2 business on that property?

3 MR. HAIGLER: I really don't know that
4 answer. I really can't answer that. That would
5 be something that --

6 COUNCILMAN DICICCO: Well, does L&I
7 contact the owner?

8 MR. HAIGLER: I don't believe so, but
9 that would be something that I would have to talk
10 to our Business Compliance Unit about, but I don't
11 believe so.

12 COUNCILMAN DICICCO: And I don't
13 believe so either. Again, so I'm just trying for
14 the record get some of this information on the
15 record.

16 I mean, I know as an example, a
17 constituent in Society Hill around the Fourth and
18 Pine area contacted my office about a year or two
19 ago when I first started talking about this
20 legislation. And it's a very expensive house,
21 pays in excess of \$8,000 a year in real-estate
22 taxes, a single-family dwelling. He woke up one
23 morning and there were two honor boxes on his
24 sidewalk chained to a pole. He wanted them
25 removed, and he's been told by various people that

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2 they won't remove them.

3 And the newspaper industry -- PNI, or
4 whoever has the boxes out there, and I shouldn't
5 say PNI, but whoever placed the boxes said, We
6 have a constitutional right because under the
7 freedom of speech, we can vend and put our honor
8 box on your pavement; "your pavement" meaning the
9 property owner's pavement.

10 Do you have any stories that you can
11 tell us? Is that true? Do you know anything
12 about that? I mean, why as a -- I own a
13 property. I live at Eleventh and Federal. No one
14 has placed an honor box on my sidewalk, but I
15 don't want anything on there other than planters
16 that I put out there.

17 What's to prevent somebody -- someone,
18 assuming it's not a redistributed for vending --
19 from putting a hot dog cart or a newsstand on my
20 pavement? Is there anything presently that can
21 prevent that from happening?

22 MR. HAIGLER: At the present time, the
23 only thing I can think of is as long as you're in
24 community with all of the provisions of the code
25 that establishes your vending location -- meaning

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2 that you have the proper insurance, you have the
3 proper bonding, certain requirements under
4 different sections of the code. As long as you
5 meet those requirements and as long as you're not
6 vending in a prohibited area, then nothing really
7 would prohibit you from doing that.

8 COUNCILMAN DICICCO: But who's
9 responsibility? Robin's whispering in my ear. I
10 mean, I'm getting to that point where it's not a
11 restricted area, it's a permitted area, meet all
12 the code requirements, all of the licensing, all
13 of the insurance fees or whatever it is that
14 you're required as a vendor, and you set up at
15 1207 South Eleventh Street, Frank DiCicco's
16 property, his house. I as the property owner have
17 no right to tell you to get off that sidewalk
18 'cause the City, meaning the Streets Department
19 and L&I, have given you permission to vend on my
20 sidewalk. I mean, conceivably that happens.

21 MR. HAIGLER: That's --

22 COUNCILMAN DICICCO: Forget a
23 residential property. A commercial property that
24 I own anywhere in the City of Philadelphia where
25 it's not a restricted area, where vending is

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2 permitted, I have no rights, even though I pay the
3 taxes, I pay the insurance to maintain the
4 sidewalk and liability issues and all of those
5 things, I have no right. You mean, the City, the
6 government can tell somebody to use my sidewalk
7 and I have no say in it?

8 MR. HAIGLER: The sidewalk is
9 considered the public right-of-way.

10 COUNCILMAN DICICCO: For the purpose of
11 vending? Or is it for the purposes of
12 infrastructure and utility and things like that?

13 MR. HAIGLER: Infrastructure,
14 utilities, and the case where we by ordinance have
15 permitted vending --

16 COUNCILMAN DICICCO: Which is for the
17 public good.

18 MR. HAIGLER: We've permitted a use on
19 the public right-of-way by ordinance.

20 COUNCILMAN DICICCO: For the public
21 good, but that doesn't necessarily mean that a hot
22 dog stand on my pavement is going to be for the
23 public good.

24 I mean, I'm not being argumentative;
25 I'm just trying to make a point that government

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2 seems to have more to say about my property than I
3 do, which led me to this bill. I mean, there are
4 some people who have taken issue with the fact
5 that people are conducting business on their
6 sidewalk. When I mean their sidewalk, the
7 sidewalk that is attached to the property in which
8 they either live in or do their business out of.

9 MR. HAIGLER: I understand what you're
10 getting at.

11 COUNCILMAN DICICCO: You know, I know
12 you understand --

13 MR. HAIGLER: I understand quite well
14 what you're getting at, Councilman.

15 COUNCILMAN DICICCO: -- but I'm trying
16 to get something on the record.

17 And, you know, I've been dealing with
18 vendor bills for a while now, and we had some
19 issues on Eleventh Street, and that seems to be
20 working out well, and I didn't drop the hammer and
21 get rid of them. You know, everybody's working
22 pretty good out there these days.

23 But I guess I just have a little
24 problem when -- for individual property owner
25 rights. I think that those rights are being taken

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2 away. And I know that some people may suggest
3 that this is an attempt to eliminate vending. You
4 know, I kind of go both ways on that. In some
5 areas, I think vending is appropriate and very
6 attractive and is very useful; and there's some
7 areas where I think it's very cumbersome and is a
8 public safety issue. So I kind of look at vending
9 on a case-by-case, block-by-block basis.

10 You know, I was a proponent of outdoor
11 cafe ordinance, and I guess you can consider that
12 vending, but it's the property owner or the person
13 who's conducting business that uses that sidewalk
14 as an extension of his or her business.

15 MR. HAIGLER: And in cases like that,
16 then in essence, the property owner who basically
17 will be extending their business will have to give
18 permission to themselves to place the --

19 COUNCILMAN DICICCO: Right. And we as
20 a legislative body grant that permission to use
21 that public sidewalk -- but with the input of the
22 property or the business owner; it's not on our
23 own. See, kind of like in my mind, you have it
24 both ways.

25 You know, we go -- say you own a

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2 restaurant and you want to do an outdoor cafe, you
3 pay all of the taxes, you may even own the
4 building, who knows? We'll do an ordinance that
5 allows you to do it. If somebody else comes
6 along, we don't come to you and ask you anything;
7 we're just going to let somebody else set up their
8 business on your sidewalk, without even coming to
9 you.

10 MR. HAIGLER: But in most cases, we've
11 already, by virtue of different ordinances that
12 we've enacted, the ordinance related to the
13 neighborhood curb markets, neighborhood business
14 districts, Center City District. We, by
15 ordinance, have already established certain
16 locations.

17 COUNCILMAN DICICCO: Right, and I don't
18 want to have to -- see, I'm trying to find an area
19 -- and maybe this isn't the right way to do it,
20 that's why we're having this hearing -- where we
21 don't have this blanket decision and create
22 throughout the City all of these non-vending
23 districts. You know what I'm saying?

24 Because if I don't want to have or if
25 some people come to me who don't want vending on a

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2 particular block, we make that a non-vending
3 district, but maybe a few of the people say, It's
4 okay, I don't mind if they're out there. You
5 know, I don't want to just make it as broad
6 because conceivably, it could be that vending can
7 be eliminated entirely in the City of
8 Philadelphia, and that's not where I'm going.

9 I just think -- I own a property and I
10 know what it takes for me to keep my property, and
11 I'd like to have a little bit of say on what goes
12 on my sidewalk. I mean, that's the easiest way I
13 can answer this. I mean, that's my opinion.

14 Councilman Clarke, I know you have some
15 questions.

16 COUNCILMAN CLARKE: Yes. Thank you,
17 Mr. Chairman.

18 Good afternoon, Mr. Haigler.

19 MR. HAIGLER: Good afternoon,
20 Councilman.

21 COUNCILMAN CLARKE: Mr. Haigler, I
22 understand the concern of Councilman DiCicco,
23 which I've actually had representing Center City
24 and other parts of the City that have business
25 districts. I've had occasion to have to deal with

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2 permits issued both by the Streets Department and
3 Licenses and Inspections as it relates to
4 activities on the sidewalk. We had one today to
5 talk about electrification and, you know, we
6 sometimes have this informal process where you
7 kind of call the property owner, you know, is it
8 okay? It's very informal.

9 I am, though, somewhat concerned to the
10 degree that we legislate this issue. There is
11 some concerns as -- I have some concerns as it
12 relates to the property owner and the discretion
13 of that property owner. I could conceivably see a
14 situation where that property owner starts
15 conducting interviews, and there may be three or
16 four individuals who are interested in locating in
17 a very lucrative site.

18 And this may be very farfetched but
19 it's as I'm sitting here thinking, and he conducts
20 these interviews and the one guy comes in and he
21 has a red suit on, and this particular property
22 owner may not like red suits, and he decides that
23 this guy is barred from this activity, just
24 because he has a red suit for -- no other reason,
25 not even based on the wares that that individual

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2 will sell or the type of vending cart. And I
3 don't feel comfortable at this point in giving
4 that property owner that discretion, with no set
5 of criteria associated with the selection process.

6 And then as I'm sitting here listening
7 to your conversations with Councilman DiCicco, I'm
8 actually thinking, well, maybe we need to just
9 revamp the whole process and maybe we just need to
10 authorize property owners to lease their sidewalks
11 to vendors and take us out of the process and let
12 them regulate all vendors and let them tax all
13 vendors and be responsible for collecting revenue
14 and then paying taxes on the revenue.

15 And you see, when you go down this
16 road, it can just kind of like take a life of its
17 own. So I'm a little concerned about that.

18 MR. HAIGLER: Yeah. I'm not an
19 attorney, but I don't know what the ramifications
20 would be to lease the public right-of-way by a
21 property owner. I don't know if they would even
22 be able to do that, so that would be something for
23 the Law Department to look like.

24 COUNCILMAN CLARKE: All right. Well,
25 in a earlier discussion with one of our

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2 colleagues, the Councilperson mentioned that that
3 activity is going on to some degree out in West
4 Philadelphia where the property owner is dealing
5 with a fee associated with the vendor.

6 MR. HAIGLER: I don't even know if
7 that's legal.

8 COUNCILMAN CLARKE: That may not be.

9 MR. HAIGLER: That could be something
10 that could be very much illegal.

11 COUNCILMAN DICICCO: But I want to go
12 to that same question, that in effect, the City is
13 leasing that space, which is your property. When
14 they say it's a non-restricted, it's a permitted
15 vending area. For a fee, you can set up your
16 business on this pavement. So the City in a sense
17 is doing -- they're the leasing agent for that
18 little piece of real estate.

19 MR. HAIGLER: They have rights to that
20 area in front of your --

21 COUNCILMAN DICICCO: But they have more
22 rights than the actual owner of the property,
23 which is what I'm saying. I mean, Councilman
24 Clarke said maybe we should look at maybe
25 revamping this whole thing and allow property

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2 owners to make decisions who goes there and who
3 doesn't go there and charge them a few. You said,
4 Well, we can't allow that, for the public way for
5 a property owner to lease the public -- what was
6 the term you used?

7 MR. HAIGLER: Public right-of-way.

8 COUNCILMAN DICICCO: The public
9 right-of-way, but in effect, somebody's doing it.
10 In this case, it's the government. The government
11 is leasing the public right-of-way, which really
12 your property. I'm not a lawyer; I guess I'm
13 trying to split hairs here.

14 MR. HAIGLER: Correct.

15 COUNCILMAN DICICCO: Where do the
16 rights of government begin and where do the
17 individual property owner's rights begin and end?
18 They're kind of interwoven most of the time, I
19 understand, and I'm trying to figure out a way of
20 removing government from dictating, with the
21 exception of utilities and services that are for
22 the public good, where we need the easements for
23 telephone poles and light fixtures for the
24 sidewalks and the cartways.

25 Why should government tell me that I

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2 have to accept the guy with the eyeglasses cart at
3 Eleventh and Market when I pay the rent and all
4 the insurances to rent a space in the building and
5 sell the same eye glasses? I mean, I have no say
6 in the process, but government comes along and
7 says it's okay 'cause we say it's okay to decide
8 what happens on your sidewalk. And I'm not being
9 argumentative. I mean I --

10 MR. HAIGLER: Yeah, I understand that.
11 I would say that --

12 COUNCILMAN DICICCO: I'm sure this
13 battle has been fought many times before.

14 MR. HAIGLER: Right.

15 COUNCILMAN DICICCO: And as the Mayor
16 told me yesterday, I seem to come up with a lot of
17 these controversial bills. And, again, I'm trying
18 to see if we could find a balance and you
19 mentioned something earlier where the competition,
20 and that kind of goes to Councilman Clarke's
21 question, I guess. How do you protect a vendor
22 from not being -- and basically gouged into
23 paying, you know --

24 (Unintelligible, parties talking over
25 each other.)

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2 COUNCILMAN DICICCO: It's like the
3 newsstand, when you see them for sale; they're
4 really not supposed to be selling them. I mean, I
5 got a newsstand and I work it 20 years and I want
6 to retire and all of a sudden I say I'm selling my
7 newsstand. And people do it all the time and
8 they're not supposed to.

9 MR. HAIGLER: Right.

10 COUNCILMAN DICICCO: And that newsstand
11 is on someone else's property.

12 MR. HAIGLER: It's on the public
13 right-of-way.

14 COUNCILMAN DICICCO: I mean, Fourth and
15 Market, it's been up for -- for three years, I'm
16 trying to get it removed, an old beat-up wooden
17 stand with a for sale sign on it. But it's the
18 public right-of-way but the people who own that
19 building and are responsible for the sidewalk --

20 MR. HAIGLER: They're responsible for
21 the maintenance.

22 COUNCILMAN DICICCO: -- have no say in
23 what that box is doing on their sidewalk. And
24 that's -- I think that's the thing -- that is the
25 thing that's been motivating me with this bill or

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2 maybe some, you know, some bill that's reasonably
3 similar to this. How does a property owner have a
4 right?

5 COUNCILMAN CLARKE: If somehow we
6 decided, well, let's look at an alternative and
7 let's make the property owners responsible for all
8 vending activities as it relates to regulation and
9 taxing and the whole nine yards. We didn't look
10 at a situation where if that's a blanket policy,
11 there potentially could be a whole lot of property
12 owners who, frankly speaking, don't want to have
13 that authority to regulate and have to interact
14 with vendors and tax and enforce and collection
15 and the revenues, the whole nine yards.

16 So I'm just saying this thing can, you
17 know, if we decide to go the route of allowing the
18 property owners who have this authorization or
19 this level of discretion, I can see where it can
20 get us into trouble either way.

21 COUNCILMAN DICICCO: Actually, I got
22 this idea last August when I was in Los Angeles at
23 the Democratic National Convention. Every time I
24 go away, I come back with a new idea. Maybe they
25 ought to keep me in the City more often and people

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2 should restrict me from traveling.

3 But they have it out there and they
4 have these little brass plates embedded in the
5 concrete, and under California ordinance,
6 "so-and-so vending" is not permitted without the
7 permission of the property owner. And I guess for
8 some of the reasons that have been stated -- I
9 know Councilman Mariano is an example when we were
10 dealing, and we're still dealing with this honor
11 box problem that's out there. Every day a
12 different box shows up out of nowhere, with no
13 rhyme or reason, no respect for the public
14 right-of-way.

15 There's a diner in his district where
16 there must be 15 or 20 honor boxes. The guy that
17 owns the diner doesn't want 'em, doesn't want 'em
18 there. He said, This is ridiculous. I got to
19 worry about somebody knocking over the honor box,
20 somebody comes by and trips on it, it's my
21 responsibility, and I never asked for them in the
22 first place.

23 I think that business owner has a right
24 to say I don't want this stuff on my sidewalk.

25 MR. HAIGLER: And the bill that you

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2 sponsored a few years back that regulated the
3 honor boxes and pretty much established a criteria
4 for how they were to be placed on the sidewalk --

5 COUNCILMAN DICICCO: Only in Center
6 City.

7 MR. HAIGLER: But it's only in Center
8 City?

9 COUNCILMAN DICICCO: And we still can't
10 get that right because of the revenue stream that
11 we need to continue to maintain and protect that
12 and police it.

13 MR. HAIGLER: That's correct.

14 COUNCILMAN DICICCO: But if you said
15 his constituent, whatever the guy's name is,
16 Mr. Bell, owns the diner on Torresdale Avenue, or
17 wherever it is, and says I don't want these honor
18 boxes on my pavement anymore. They're a public
19 nuisance, they're a public safety issue, get 'em
20 off. Doesn't he have some rights?

21 MR. HAIGLER: Then I would assume that
22 the Councilperson could actually propose an
23 ordinance just to deal with that one area.

24 COUNCILMAN DICICCO: Well, I guess
25 that's an interesting point.

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2 MR. HAIGLER: Just like what we do with
3 vending for -- where we prohibit vending in a
4 certain location on a certain street or certain
5 block, the Councilperson would have the ability to
6 do that for that area.

7 COUNCILMAN DICICCO: You see what
8 drives me crazy, I guess it's honor boxes even
9 more than vending, and some people might not
10 believe that, but I could just point out location
11 after location: Broad and Federal, in front of
12 the First Union Bank, the northeast corner, six
13 seven honor boxes. They started out with two, now
14 there's about seven or whatever it is. People
15 take the paper out of the honor box and put it on
16 the little ledge of the bank building when it's
17 cold to keep their bottom warm while they're
18 waiting for the bus. They get up, they walk away,
19 the newspaper is there.

20 The people who own those honor boxes
21 and put them out there have no consideration, they
22 can care less what's going on because they got
23 paid for the advertising that's in that paper, and
24 that's all they care about. The owner of that
25 property, that bank, or the manager of that bank

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2 who leased that building from the owner I think
3 have some right and should have some say.

4 And, again, we're not arguing. I just
5 -- these are the things that bother me out
6 there. I, you know, wonder where individual
7 rights are anymore. I think government is
8 sometimes a little too intrusive. And I'm guilty
9 of it sometimes as well, you know.

10 MR. HAIGLER: The only thing I would, I
11 guess, suggest is that maybe an opinion from the
12 Law Department on an issue like this probably
13 needs to be looked into. But at the present time,
14 I'm not able to answer questions on the property
15 rights versus the public right-of-way.

16 COUNCILMAN DICICCO: Okay. As soon as
17 I get a few people back, we'll move on these
18 bills.

19 Any questions? Anyone here testifying
20 on these bills? If you are, please approach the
21 witness table.

22 (Witnesses come forward.)

23 MR. BALK: Good afternoon, Councilman
24 DiCicco.

25 COUNCILMAN DICICCO: Good afternoon.

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2 Please identify yourself for the record.

3 MR. BALKA: My name is Jerry Balka, and
4 I'm here to speak in opposition to the bill, and I
5 am speaking on behalf of the United Vendors of
6 Philadelphia, the president of which is Paul Tolis
7 (ph.), who is here with me and who is a sidewalk
8 sale food vendor.

9 Councilman, I don't think we've ever
10 met, but I've been involved with sidewalk sales
11 and vendor issues for about 29 years, going back
12 to 1975. Paul Tolis and I worked very closely
13 with former Councilman Burrell in the development
14 of the Center City vending ordinance, the bill
15 which became the ordinance and which served as the
16 model for many of the neighborhood bills. And I
17 worked on the bills involving Drexel. I can
18 probably answer all of your questions as to how it
19 works and why it works, and I'll be more than
20 pleased to do so.

21 One of the -- going back just a little
22 bit, Councilman, there was between 1975 and the
23 early '90s a terrific influx into the Philadelphia
24 area of people, immigrants who came here and who
25 took up vending as their first occupation. As a

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2 matter of fact, Councilman, my father, who got
3 here in 1902, in 1918 and 19 was a vendor in South
4 Philadelphia, where he lived. So I come by my
5 occupation somewhat because of that.

6 But in any event, we had a tremendous
7 influx of people looking for work, that the first
8 thing that they could undertake was sidewalk sale
9 vending. Paul Tolis is an immigrant of Greek
10 background. Originally we had a lot of Greeks.
11 Blacks got into this, then we began to get Asians,
12 Vietnamese, people from some of the other Asian
13 countries. And then as the next migration came
14 along, we got Russians and Poles.

15 Starting in the '90s, it became a
16 problem, especially in Center City. There were
17 too many vendors, they were fighting over
18 positions. Same thing happened out at Drexel,
19 same thing happened out at Penn. And the vending
20 community, along with the political community and
21 along with the Center City business community,
22 finally got together and sat down and attempted to
23 come up with a solution to this over meetings
24 which must have taken six months.

25 I remember once a week for a whole

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2 summer we met in Councilman Burrell's office. We
3 came up with ways to control this. We limited the
4 number of vendors in the Center City District to
5 no more than 300. We set up block faces so that a
6 vendor would be licensed to work on a particular
7 block face, 12th Street between Market and
8 Chestnut, and there were only so many vendors who
9 could work there, and they could work anywhere in
10 that block face. We set up standards for carts.
11 We set up all kinds of controls.

12 And it's worked pretty well to the
13 point where the vendors today have really a
14 tremendous investment not only in that cart that
15 you see on the street, which today runs about 15
16 to \$20,000.

17 COUNCILMAN DICICCO: You're speaking of
18 food carts.

19 MR. BALK: Yeah, I'm talking about
20 food carts.

21 COUNCILMAN DICICCO: And I don't mean
22 this to be sarcastic, but you're not talking about
23 the aluminum folding cart table that the gentleman
24 vends his eye glasses from at Eleventh and Market,
25 you're not talking about them.

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2 MR. BALKA: Absolutely I am not. And
3 very frankly -- and I have to speak for me
4 personally, I mean, I've lived here all my life.
5 I'm against that.

6 COUNCILMAN DICICCO: By the way, not to
7 interrupt you but you mentioned about standards
8 for the carts, and I know that's something to do
9 with size.

10 MR. BALKA: It had to do with size.

11 COUNCILMAN DICICCO: And wheels or
12 something had to be on it.

13 MR. BALKA: It had to do with size,
14 with wheels, with design.

15 COUNCILMAN DICICCO: So do you know of
16 anywhere, because I'm dealing with this eyeglass
17 vendor for months who just sets up shop every day,
18 do you know of anywhere in that legislation where
19 an individual can set up a cart table with no
20 wheels and vend?

21 MR. BALKA: That's illegal.

22 COUNCILMAN DICICCO: It's illegal.
23 Mr. Haigler, I don't know if you heard that. That
24 vendor who's been on Eleventh and Market for
25 months and no one seems to be able to relocate him

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2 out of there, he's vending his wares on a cart
3 table; it's illegal.

4 MR. BALKA: Councilman, that's a
5 political issue.

6 COUNCILMAN DICICCO: Well, that's --

7 MR. BALKA: Okay?

8 COUNCILMAN DICICCO: Well, I think it's
9 illegal, I keep thinking it's illegal and --

10 MR. BALKA: We, even in the development
11 of this Center City vending ordinance, submitted
12 designs for various types of carts so that vendors
13 could get an idea of what they could use and what
14 was nice. And to this day, I still have cart
15 manufacturers and other people that are contacting
16 me and offering various designs. No, card tables,
17 a couple of orange crates, that's not in the game
18 plan; it wasn't then and it isn't now.

19 But getting back to the bill that's
20 before the committee at the present time -- and by
21 the way, it will affect every vendor in the City
22 of Philadelphia because either the property owner
23 is going to say good-bye, I don't want you, which
24 is a -- and there's a high likelihood of that
25 happening. Or the property owner is going to say,

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2 Who's going to bid me the highest dollar?

3 Now, I can't speak for 12th and
4 Federal, although I was raised not too far away a
5 long time ago, but I can speak for Center City,
6 and I don't know, Councilman, whether you're
7 familiar with the concept of the charter streets.
8 The property owners in Center City, Philadelphia
9 do not own those sidewalks. They are owned by the
10 people of the City of Philadelphia and are
11 controlled by its government, you. They were
12 dedicated to the people of the City of
13 Philadelphia by William Penn in his charter to the
14 people of Philadelphia of the whole city.

15 I have that charter, I have all of the
16 research on it, I'll be more than glad to give it
17 to you. And if anybody in Center City ever looked
18 at their deed, it doesn't say "beginning at the
19 curbline," as yours does down on Federal Street,
20 by the way, but it says "beginning at the building
21 line." And 30 feet of cartway, 10 feet of
22 sidewalk on each side, that's a 50-foot-wide
23 charter street.

24 So I really bring to your attention
25 that the property owners of Center City don't have

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2 the right to --

3 COUNCILMAN DICICCO: But that's just
4 Center City.

5 MR. BALKA: That's correct.

6 COUNCILMAN DICICCO: And then what are
7 the boundaries? Do you know what the boundaries
8 were?

9 MR. BALKA: Yes, absolutely. Vine
10 Street on the north, Bainbridge Street on the
11 south, river to river. And there was one
12 exception and I -- I think it was Lombard Street,
13 which was the one exception that was not in the
14 charter streets. And every east-west -- all the
15 north-south streets, the numbered streets and all
16 of the regular tree-named east-west streets.
17 Market Street was in there, it was called High
18 Street at the time.

19 COUNCILMAN CLARKE: Does it speak to
20 the responsibility of maintenance in that
21 charter?

22 MR. BALKA: No. No, it does not.

23 COUNCILWOMAN CLARK: If the property
24 owners no longer own them, assuming we agree with
25 you --

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2 MR. BALKA: Right.

3 COUNCILMAN CLARKE: -- then who's
4 responsible for the maintenance of the sidewalks?

5 MR. BALKA: For the purpose -- this
6 Council adopted -- and I don't want to say this
7 one but, you know, many, many.

8 COUNCILMAN DICICCO: Councilman Cohen
9 and Longstreth.

10 MR. BALKA: City Council passed
11 ordinances which imposed on abutting property
12 owners for the right to abut the street, the
13 responsibility of maintenance of that public
14 right-of-way.

15 Now, where you are, outside of Center
16 City, you own the sidewalk, but -- and you have to
17 make it available to the public, but you have the
18 obligation to maintain it.

19 Now, let me get back to Federal Street,
20 which I know very well. And you say, Why should I
21 have to put up with Paul Tolis selling hot dogs in
22 front of my house? And the answer is, you don't.
23 Paul Tolis or no vendor would want to sell hot
24 dogs there. Economically, it doesn't work. So
25 economics bears a large part of this and controls

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2 a good bit of it.

3 Where are your vendors located? Let's
4 face facts. Center City, where the population
5 lunch base is; at the universities, where there's
6 a population base; and in some of the neighborhood
7 areas, Germantown and Cheltenham, 52nd and Market
8 and so forth.

9 You say, Councilman DiCicco, Well, how
10 do we control all of this? You are controlling
11 it. You did it today and you did it last month
12 and the month before by introducing bills
13 declaring whole areas of the City unavailable for
14 vending. You didn't hear me come in and yell at
15 you about it, I didn't say a word. I understand
16 where you're coming from. And while I don't
17 always agree in many respects, I absolutely
18 respect your feeling that some areas are really
19 residential-type areas and we shouldn't have a guy
20 set up a vending cart.

21 But by the same token, I really didn't
22 agree with when you knocked everybody off of Broad
23 Street between Snyder and Passyunk, but you did it
24 and you didn't hear from us.

25 COUNCILMAN DICICCO: And I tried for

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2 two years not to do it.

3 MR. BALKA: I know.

4 COUNCILMAN DICICCO: They just would
5 not pay attention.

6 MR. BALKA: I know all about it.

7 COUNCILMAN DICICCO: They were -- and
8 two of them are related to me, so I wasn't picking
9 on somebody that didn't mean anything to me.
10 Well, we used to be related anyway.

11 But we worked on it, we tried to set up
12 a system there for two years, and it was ignored.

13 MR. BALKA: There is cooperation
14 between building owners and vendors. Paul can
15 tell you about it because he does it and he hears
16 about it every day.

17 First of all, the vendors are not
18 permitted to be in the front of an entranceway to
19 a building. Where a property owner is unloading
20 or needs a piece of the sidewalk or something else
21 happens, the vendor makes allowances. He can move
22 anywhere on the block face, so he moves. He
23 understands. And by the same token, there is
24 cooperation between building owners, the vendor
25 community, and the Department of Licenses and

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2 Inspections.

3 Let me give you an example. There is a
4 licensed vendor location at Broad and Spruce right
5 where the new center is going up. That vendor was
6 displaced by the construction. The Department of
7 Licenses and Inspections, with authority under the
8 existing law, offered him a alternative location
9 until the construction work was completed, and
10 then he could go back. The vendor and I and the
11 Department worked together because when that
12 center, the Kimmel Center is completed, even
13 though that's a licensed spot by the Kimmel
14 Center, at Broad and Spruce, that's not going to
15 be an appropriate place for a vendor, Councilman
16 DiCicco. You know it and I know it. So we found
17 another permanent spot where we could relocate
18 that vendor. It took some negotiating to find it,
19 but we did it. We all worked together.

20 Because I want to tell you, we all have
21 the interests of the city that we live in and love
22 at heart. And we know what should be and what
23 shouldn't be.

24 Paul Tolis' original vending spot, by
25 the way, was right where the Meridian Building

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2 was. It burned down. He almost burned down with
3 it. The City understood and relocated him into
4 another spot, where he's been. I don't know if
5 he'll ever really go back to the original spot.
6 He's got a right to but I don't know if he ever
7 will. It depends on what goes up there. So there
8 is cooperation between building owners, between
9 L&I. And with the vendors.

10 And, lastly, if what you propose goes
11 forward, that will be the end of the vending
12 community. If you want to end vending in the City
13 of Philadelphia -- and by the way, under the State
14 law, vending is a permitted occupation. If you
15 want to end vending, come out and say so. I don't
16 think it's a good idea myself because I think the
17 vendors really add a lot, as the last witness has
18 said. They -- walking down a sterile street is
19 one thing; walking down a street where there are
20 people, where there are aromas, where there are a
21 lot of other things going on helps our city.

22 And by the way, every great city of the
23 world -- and I've been in a heck of a lot of them
24 -- have some form of vendors. In Amsterdam, you
25 can buy (indiscernible) in the street. In Munich,

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2 where I was a month or so ago, you can buy sausage
3 on the street.

4 It's a tradition which not only is --
5 lends economic benefits to the City, but it makes
6 for a better cityscape, it makes for an all-around
7 much more pleasant way of life for all of us.

8 Don't pass this bill.

9 COUNCILMAN DICICCO: And listen,
10 there's no attempt on my part to eliminate vending
11 in the City of Philadelphia.

12 And you brought up the issue of Broad
13 and Snyder. And politically myself and one of my
14 staff people worked for the better part of two,
15 maybe two and a half years, monthly meetings to
16 talk about the way they were doing their business
17 and what we needed to do to get some order out
18 there and to make it a more attractive area for
19 vending -- not to vend from their trucks, which
20 was illegal. They were taking up 20, 30 parking
21 spaces at a meter 8 hours a day, which, quite
22 frankly, didn't make sense to me because that was
23 for potential customers.

24 But they just ignored repeated warnings
25 for a better part of two years. And it took me

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2 that long 'cause I'm a pretty patient person to
3 just say that's it. The Licenses and Inspections,
4 Streets Department, Police Department were all a
5 part of the task force to create what I thought
6 could be a really unique kind of like a
7 European-type of outdoor vending district. And
8 day after day, they continually ignored it. And
9 not just little infractions; I'm talking about
10 major infractions.

11 MR. BALK: I know, I'm in South
12 Philadelphia.

13 COUNCILMAN DICICCO: Side of the truck,
14 using the parking meters, putting a pole --
15 attaching it to the parking meters to hang dresses
16 and other materials and they just always figured
17 that I really didn't mean what I said if you don't
18 pay attention. As I said to the people on Pine
19 Street, it's up to you to do what is proper, and
20 if you don't, I have no problem saying you can't
21 vend on -- you won't be able to vend on Pine
22 Street.

23 Again, my issue is I think the thing
24 that drives me crazier than even vending is honor
25 boxes, and I've been dealing with this for a long

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2 time and it kind of ties in. What rights -- you
3 mentioned your dad who came here and started out
4 as a vendor. What did he vend?

5 MR. BALKKA: Bananas.

6 COUNCILMAN DICICCO: Bananas.

7 MR. BALKKA: Off the back of a horse and
8 wagon.

9 COUNCILMAN DICICCO: Did he ultimately
10 go into business someplace else?

11 MR. BALKKA: My father, who came here
12 speaking no English, graduated number one from
13 South Philadelphia High School, got a scholarship,
14 the University of Pennsylvania scholarship to the
15 University of Pennsylvania Law School and
16 practiced law here for 65 years. That generation
17 is no more.

18 COUNCILMAN DICICCO: That doesn't
19 exist, I know, unfortunately for all of us.

20 MR. BALKKA: Unfortunately, I wish he
21 were up still here.

22 COUNCILMAN DICICCO: But, I mean, had
23 your father decided to open up a storefront
24 someplace, I don't know how you would have felt
25 about someone vending on his sidewalk because the

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2 government says he can -- that person could be
3 there, and what right would your father have had?
4 I mean, look, you can't argue, I mean you could
5 assume what your father would have thought about
6 that, but I have some concerns that your father,
7 who worked very hard and succeeded in life to
8 become a prominent person in a society, I believe
9 that he figures a part of what his mission in life
10 was, in this country at least, was to be able to
11 own a piece of real estate and enjoy it and not
12 have somebody else come along and decide what to
13 do with his property.

14 MR. BALKA: But isn't it a question of
15 balancing?

16 COUNCILMAN DICICCO: Well, it is and
17 that's where I'm --

18 MR. BALKA: We have to balance the
19 needs of these people, the new people, with the
20 needs of the people who have been here. Isn't it
21 -- wasn't it the same for your folks?

22 COUNCILMAN DICICCO: Yeah, but I think,
23 as you said, those days have -- I live near Ninth
24 Street. There are very few vendors on Ninth
25 Street in the street because people don't want to

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2 do that kind of work. It's very hard work and I
3 admire them for --

4 MR. BALKA: You're not talking about
5 what we still call the Italian Market?

6 COUNCILMAN DICICCO: Yeah, but it
7 really was an international -- it was mostly
8 Jewish and Italian, but because Jewish people and
9 Italians looked alike, it was always Italian.
10 Now, the Asians looked a little bit different than
11 the Italians and people are upset that it's no
12 longer the Italian Market. I mean, that's the
13 reality of it.

14 MR. BALKA: I understand.

15 COUNCILMAN DICICCO: And 40 percent of
16 the businesses that were on Ninth Street were
17 owned by Jewish people, but now that 40 percent
18 are owned by Asians, people think that something
19 happened to the Italian Market, it's no longer
20 Italian. But needless to say --

21 MR. BALKA: Same sites, the same
22 smells, the same good food.

23 COUNCILMAN DICICCO: But there are a
24 lot of other opportunities and I don't want to
25 debate this, we can go on for hours, and I know

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2 we're getting a little tired here, all of us.
3 But, you know, there are opportunities in Center
4 City on Chestnut Street. There are dozens, dozens
5 of vacant storefronts that people could go into
6 business with. It isn't as though it is the only
7 thing you can do to make a living in this country
8 is just to vend, although it's a good start for
9 people who don't speak English and are not
10 familiar with the ways.

11 It's an opportunity -- and I'm not
12 looking to erase that opportunity, but I think
13 there are other opportunities as well for people
14 who -- and I have many people in my community who
15 are of Asian persuasion who have taken over the
16 dry-cleaning business, as an example, because
17 people don't want to work in those sweat shops
18 anymore, and they're running the dry-cleaning
19 shops, they're running the little produce and
20 grocery stores on the corners, they're doing
21 that. And I don't know if they started out as
22 vendors; maybe some of them did, maybe they
23 didn't.

24 MR. BALKKA: And many of the vendors
25 have moved off of the street. And let me tell you

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2 about somebody in your district. Mario
3 (indiscernible), Bella Vista Beer Distributor,
4 Eleventh and Fitzwater. Know him?
5 COUNCILMAN DICICCO: Yep.
6 MR. BALKKA: He came to this country
7 with \$2 and a hole in his sock in 1975.
8 COUNCILMAN DICICCO: And he had food
9 carts.
10 MR. BALKKA: He had food carts.
11 COUNCILMAN DICICCO: Yeah, I know him.
12 MR. BALKKA: And from the food carts, he
13 bought a building, and from the building, he got
14 himself a beer license and he's got a half a block
15 now.
16 COUNCILMAN DICICCO: And he bought the
17 Bozio Sheet Metal Company and now has garages for
18 vendors.
19 MR. BALKKA: Right.
20 COUNCILMAN DICICCO: I'm very familiar
21 with him.
22 MR. BALKKA: Isn't that wonderful?
23 COUNCILMAN DICICCO: Oh, it is.
24 MR. BALKKA: Isn't that what we really
25 want?

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2 COUNCILMAN DICICCO: It is, it is, but
3 I don't know if he would appreciate somebody
4 setting up a vending cart on his property to do --
5 to compete with his business as well.

6 MR. BALKKA: He may not, but again,
7 isn't it the balancing?

8 COUNCILMAN DICICCO: And where do his
9 rights begin and end?

10 MR. BALKKA: That's right.

11 And let's take the 300 vendors who
12 finally were authorized for Center City back when
13 the Center City bill was passed. I don't think
14 that there's 200 left. They've gotten out,
15 they've gone into business, they've gotten into
16 storefronts. And you're going to see more and
17 more of this, especially if we don't have another
18 immigrant migration like we had. I think it's
19 great, really I do.

20 COUNCILMAN DICICCO: Okay. I
21 appreciate all of your testimony.

22 Any questions anybody?

23 (No questions.)

24 COUNCILMAN DICICCO: I appreciate your
25 testimony and your time here. We're probably

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2 going to wind up holding the bill anyway, but I
3 appreciate your testimony.

4 Any other witnesses? Please approach
5 the table. And I thank all of you for your
6 patience. Thank you, sir.

7 (Witness comes forward.)

8 COUNCILMAN DICICCO: Thank you for
9 being patient.

10 MR. MARTIN: Good morning, Chairman
11 DiCicco, members of the committee on Streets and
12 Services. My name is Robert Martin. And as
13 president of Building Owners Management
14 Association, BOMA, of Philadelphia, I would like
15 to present testimony on Bill 000658.

16 Founded in 1916 BOMA Philadelphia
17 represents over 500 members who own or manage
18 approximately 100 million square feet of
19 commercial property or provide services and
20 supplies to the properties of the tristate area.
21 It is also one of more than 100 local associations
22 with 18,000 members who own or manage over
23 8 billion square feet of downtown and suburban
24 commercial properties and facilities in North
25 America and abroad.

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2 BOMA supports Bill 000658 requiring the
3 consent of abutting property owners to place
4 certain forms of vending activities on their
5 sidewalks. We support this ordinance because it
6 would limit proliferation of such sites and ensure
7 compatibility with building tenants. It would
8 also help to preserve appearance of our central
9 business district.

10 Thank you, Mr. Chairman and member of
11 the committee.

12 COUNCILMAN DICICCO: Thank you,
13 Mr. Martin. I know it was a long day and I
14 appreciate again your patience in waiting.

15 Any questions for Mr. Martin?

16 COUNCILMAN CLARKE: Yes.

17 COUNCILMAN DICICCO: Councilman
18 Clarke?

19 COUNCILMAN CLARKE: Thank you.

20 Good afternoon. I just have a quick
21 question that kind of relates to my earlier
22 statements with respects to determining what
23 vendor or what type of vendor should be in front
24 of any of the buildings that you represent. Have
25 you given any thought to that, who would set the

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2 criteria? I mean, how would you determine it?

3 MR. MARTIN: I'm assuming the ordinance
4 would set some level of criteria. There's already
5 an ordinance that deals with a lot of Center City,
6 but we don't just represent just only Center City
7 buildings; we represent buildings all over the
8 City.

9 COUNCILMAN CLARKE: I didn't get a
10 sense that the ordinance did and that's one of my
11 concerns.

12 MR. MARTIN: No, I'm saying the
13 ordinance that was spoken about previously for
14 vending deals with a lot of Center City. This
15 ordinance is more global, as I read it, as it's
16 written now.

17 COUNCILMAN CLARKE: Right, right.

18 MR. MARTIN: I'm not sure how you would
19 deal with criteria, but I'm sure certainly some of
20 our members, if they had the opportunity, would
21 prefer maybe not to have vending on such-and-such
22 corner of their property.

23 COUNCILMAN CLARKE: Any vending at all.

24 MR. MARTIN: I'm not saying any
25 vending. Say they have a vendor today on one of

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2 the corners of their property and if they had the
3 opportunity, they certainly would not have that
4 there, given the choice. Maybe it congests the
5 sidewalk, maybe the person is leaving a mess
6 behind periodically. Maybe it's competing with
7 one of their tenants that's paying rent in their
8 facility.

9 COUNCILMAN CLARKE: I'm saying you --
10 potentially this person would have to make this
11 determination up front. Someone applies for a
12 vending opportunity with L&I and that owner now
13 has to make a decision as to whether or not I'm
14 going to allow this person to vend on the
15 sidewalk. What determining factors will that
16 owner use to make that decision? That's what I'm
17 trying to get at 'cause --

18 MR. MARTIN: I would believe the owner
19 would look at the mix of his tenants. If he has
20 retail tenants on the ground floor, he certainly
21 would look at the mix of those tenants. For
22 instance, suppose he has a stall-box coffee tenant
23 and they need a high-end coffee tenant in his
24 building, he certainly is not going to want a food
25 cart or kiosk right outside of there that's

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2 selling high-end coffee that's competing with that
3 tenant that's paying high dollars for that space
4 that's he's in.

5 COUNCILMAN CLARKE: So that would be
6 the criteria that would be used?

7 MR. MARTIN: Yeah, I would -- that's
8 the -- I am a building manager in a high-rise. I
9 would go through that process myself.

10 COUNCILMAN CLARKE: So the bill should
11 -- 'cause I want to have some specific language
12 in whatever we end up doing as it relates to what
13 criteria that person should have to determine
14 whether or not a vendor can be in front of or on
15 their property. If you're saying now that that
16 property owner may say if there's a like-use
17 tenant on the first floor, then the legislation
18 should read that owner has the authority to deny
19 that person an opportunity to vend.

20 MR. MARTIN: That's correct.

21 COUNCILMAN CLARKE: So you want to go
22 to that level of detail.

23 MR. MARTIN: Owners and managers today
24 and leasing folks today have retail space, and
25 they look at the mix of what they have today

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2 before they bring something else in to make sure
3 that it goes together with that. It's not
4 something that would take away business from an
5 existing tenant. So --

6 COUNCILMAN CLARKE: Okay. But if that
7 person --

8 MR. MARTIN: So that same thought
9 process would be employed.

10 COUNCILMAN CLARKE: And if that person
11 didn't have a like-use as the first-floor retail
12 tenant as an example, then that property owner
13 should not have the wherewithal to make a
14 determination as to whether or not that person
15 should --

16 MR. MARTIN: That certainly would be
17 one criteria. The other criteria, I think, is
18 there sufficient space on the sidewalks to support
19 it for egress of people. Those types of things
20 would also enter into --

21 COUNCILMAN CLARKE: I'm assuming that
22 L&I makes that determination and the Streets
23 Department.

24 COUNCILMAN DICICCO: Although the
25 Streets Department, probably more than L&I, makes

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2 those determinations. I mean, I know there's a
3 newsstand at southeast corner of Seventh and
4 Chestnut that's been there for a lot of years. It
5 was actually not in use for three years but
6 someone just reappeared and reopened it. There is
7 probably less than two and a half feet from the
8 curb to the front of that newsstand. Literally
9 people who -- if you're buying a newspaper or a
10 product, the person has to literally walk into the
11 street to get around to the other side of the
12 newsstand, which is a public safety issue.

13 You're smiling, I know, but I think
14 that's a -- I understand where you're going and
15 that's a good question. That's the only problem I
16 could find with that is today you have -- you
17 don't care if there's a fruit cart out there
18 because you don't have any of your tenants that
19 are selling food. But a year or two up the road
20 you get a tenant that's going to be selling food
21 in the building, you may not want that cart out
22 there. It could be a temporary business for the
23 vendor.

24 COUNCILMAN CLARKE: That's even more
25 troublesome to me.

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2 COUNCILMAN DICICCO: Yeah, it could
3 literally turn out to be temporary. And I don't
4 want to see that happen to anybody either. I
5 don't want to have somebody thinking that they're
6 going to be able to establish a business, put two
7 years of their life into it, and then it's, oh, by
8 the way, the coffee guy showed up, you got to go.

9 COUNCILMAN CLARKE: Right.

10 COUNCILMAN DICICCO: And if he leaves
11 in a year and the lease is over in a year, then
12 you can come back if you want.

13 COUNCILMAN CLARKE: Right.

14 COUNCILMAN DICICCO: I don't think we
15 want to go down that path.

16 MR. MARTIN: And I don't think our
17 membership's looking for that either. I think it
18 would be a conscious decision made on the front
19 end.

20 COUNCILMAN DICICCO: Yeah. And, again,
21 I could be wrong, but I think in many cases -- and
22 I don't know what the percentage would be -- that
23 in many of the cases that the building owners
24 don't have a problem with vendors who conduct
25 business on their sidewalk and maintain it and

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2 clean up at the end of the day. I think the
3 problem I know of, at least that's been brought to
4 my attention, is when you have the competing
5 business. And I use the guy that sells the
6 eyeglasses off of a cart table, and even if it was
7 in not a cart table, it was a proper size vending
8 cart, competing with the eyeglass company -- and
9 the guy literally is four or five feet away from
10 the entrance to the eyeglass business, and that's
11 a tenant who's trying to survive and is competing
12 with a guy who has no insurance and none of the
13 other issues to deal with that the tenant does.
14 And that could be problematic for business people.
15 And I know this argument, I'm sure, has
16 been argued many times before over the last 20
17 years when they were dealing with vendors, not
18 only in Center City but throughout the City, but I
19 guess it's more, you know, prominent in Center
20 City. You know, who has more rights.
21 Anyway, did you want to add something
22 when I mentioned Seventh and Chestnut? I saw you
23 stand up and then --
24 MR. BALKKA: I'm familiar with that
25 situation and that's --

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2 COUNCILMAN DICICCO: You need to come
3 back up here.

4 MR. BALKKA: And that's different than
5 every other newsstand. That's not at the curb;
6 it's up against the building.

7 COUNCILMAN DICICCO: It's up against
8 the building, yeah.

9 MR. BALKKA: Yeah.

10 COUNCILMAN DICICCO: But there's less
11 than two and a half feet, and I don't know the ADA
12 requirements, maybe it was grandfathered in, maybe
13 it preceded the ADA requirements, but it's got to
14 be two and a half feet, I'll say three.

15 MR. BALKKA: The building owner wanted
16 that newsstand there and he rents the space to
17 him. What kind of deal that ever got to be, I
18 don't know.

19 COUNCILMAN DICICCO: There you go.

20 MR. BALKKA: I just know that it
21 happened.

22 MR. MARTIN: He's not a member of our
23 association.

24 COUNCILMAN DICICCO: That's interesting
25 'cause we were talking earlier about do we really

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2 want to get into that and here we have somebody
3 that's doing it.

4 MR. BALKKA: As far as the newsstand
5 you're talking about, I think, at Fourth and
6 Market?

7 COUNCILMAN DICICCO: Yes. It's been
8 nonoperating at least three years, probably
9 longer.

10 MR. BALKKA: Okay. That's an abandoned
11 newsstand.

12 COUNCILMAN DICICCO: Well, I realize
13 that.

14 MR. BALKKA: And the Streets Department
15 can pull it down, and they do bring down --

16 COUNCILMAN DICICCO: Well, there is a
17 jurisdictional issue as to who is going to take it
18 down. It's been going on for three years. I'm
19 ready to send my guys out, 'cause it's made out of
20 wood, and just tear it down. I think that's the
21 best way. L&I won't do it, Streets Department
22 won't do it, the Managing Director said he'll get
23 it done and nobody want to take responsibility.

24 MR. BALKKA: I'll tell you what, if
25 you'll go on vacation and give us a nice quiet

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2 weekend night, we'll take it down.

3 (Laughter.)

4 COUNCILMAN DICICCO: Thank you, thank
5 you. I have a nonprofit -- my guys are going to
6 take it down but thanks for the offer.

7 MR. BALK: 'Cause I hate to admit it,
8 but it wouldn't be the first thing we took down.

9 COUNCILMAN DICICCO: All right. Any
10 other questions?

11 (No further questions.)

12 COUNCILMAN DICICCO: Thanks again for
13 your patience. I appreciate you coming here
14 today.

15 We're going to recess this committee to
16 the call of the Chair. Do we have to vote --
17 we're going to the public meeting and then we'll
18 vote -- we can't vote any bills out 'cause we
19 don't have a quorum.

20 We will now go into the public meeting
21 of the Committee on Streets and Services, and
22 since we do not have a quorum, we will continue
23 this to a date certain: Thursday, May 24th, at
24 9:15 am. Thank you.

25 (Adjourned 1:00 p.m.)

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C E R T I F I C A T E

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I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Wednesday, May 16, 2001, were
reported fully and accurately by me, and that this
is a correct transcript of same.

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RE: COUNCIL COMMITTEE ON STREETS AND SERVICES

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BILL NO.'S 000658, 000720, 010150, 010168,
010193, 010194, 010212, 010229, 010232,
010263, 010264, 010270, 010271, 010272,
010301, 010304

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JOSEPHINE CARDILLO,
Registered Professional Reporter