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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON LICENSES AND INSPECTIONS

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6

Room 401, City Hall
Philadelphia, Pennsylvania
Thursday, February 15, 2001
1:10 p.m.

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BILL 000065 - an ordinance amending Section 9-208 of
the Philadelphia Code...

BILL 000184 - an ordinance amending Section 9-103 of
the Philadelphia Code...

RESOLUTION 000555 - A resolution authorizing the
Committee on Licenses and Inspections to hold
hearings on vacant, abandoned and blighted
properties in Philadelphia...

RESOLUTION 000612 - A resolution authorizing the
City Council's Committee on Licenses and Inspections
to hold public hearings to investigate the current
methods utilized by the Department of Licenses and
Inspections to enforce Section PM-102.6.2...

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PRESENT:

18

COUNCILMAN RICHARD T. MARIANO, CHAIRMAN

19

COUNCILMAN FRANK J. DI CICCIO

20

COUNCILMAN DARRELL CLARKE

21

COUNCILWOMAN BLONDELL REYNOLDS BROWN

22

COUNCILMAN MICHAEL A. NUTTER

23

COUNCILMAN ANGEL ORTIZ

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I N D E X

	PAGE
BILL 000065	
OTIS HAIGLER, JR., L & I	3
TERRY MASINO	4
FRANK MASINO	14
ANDRE SMITH, South Street Neighborhood Assoc.	16
BILL 000184	
OTIS HAIGLER, JR., L & I	21
TERRY YOUNGBLOOD	23
JUDITH ROBINSON	30

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 COUNCILMAN MARIANO: Committee on
3 Licenses and Inspections wants to open a public
4 meeting. I have Councilman Frank DiCicco,
5 Councilman Darrell Clarke, Councilman Angel Ortiz,
6 Councilwoman Blondell Reynolds-Brown.

7 The Clerk will read the title of Bill
8 000065.

9 THE CLERK: An ordinance amending
10 Section 9-208 of the Philadelphia Code entitled
11 "Sidewalk Cafes," by permitting sidewalk cafes to be
12 maintained on East Passyunk Avenue, both sides,
13 between Broad Street and Federal Street, under
14 certain terms and conditions.

15 COUNCILMAN MARIANO: Mr. Haigler, are
16 you here to testify on behalf of the Administration.

17 MR. HAIGLER: Yes, I am.

18 COUNCILMAN MARIANO: State your name for
19 the record and testify.

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

25 Today I am here to provide testimony on

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065
2 Bill 000065, which if enacted will amend Section
3 9-208 of the Philadelphia Code to allow sidewalk
4 cafes to be located on east Passyunk Avenue, both
5 sides, between Broad Street and Federal Street.

6 With respect to this bill, the
7 Department offers no objections to it's enactment.
8 Thank you. I will be happy to answer any questions
9 you have at this time.

10 COUNCILMAN MARIANO: Is there any
11 questions from the committee for Mr. Haigler?

12 Councilman DiCicco.

13 COUNCILMAN DI CICC0: Thank you, Mr.
14 Chairman. I don't have any questions yet, but there
15 are some people here, I believe, who want to
16 testify.

17 If you can just sit there, Mr. Haigler,
18 I think it might be easier.

19 Al, you and Terry want to testify?

20 COUNCILMAN MARIANO: Step up to the
21 witness seat and state your name. You both can come
22 up. Even though bites Mr. Haigler doesn't.

23 MS. MASINO: My name is Terry Masino and
24 my husband beside me, Al Masino. We are owners of
25 Roselena's Coffee Bar at 1623 East Passyunk Avenue

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065
2 in Councilman DiCicco's district. We have -- I
3 think it was back until 99, we had two sidewalk
4 tables out to enhance the neighborhood area and we
5 received unbeknownst to us a court order subpoena to
6 appear for a hearing because we were not licensed or
7 zoned, none of which did we know about. We were
8 told when we -- we were in the area. We were
9 actually number 1 coffee house and restaurant in the
10 nation, and I don't want to put anyway where but in
11 the City of Philadelphia right on Passyunk Avenue.
12 Just some of the obstacles that are presented to us
13 are somewhat baffling.

14 But anyway, sir, we thought we were
15 working under Ordinance 9-205, sidewalk sales. We
16 were told by the association that sidewalk sales
17 meant selling your wares. When we received the --
18 we also received a notice to cease operations from
19 L & I. They were actually going to close us down.
20 We took a year to determine from people in Licenses
21 and Inspections what the license was for. We didn't
22 even know that there was an ordinance existing to
23 have the tables out there. There are also other
24 businesses in a radius of two or three blocks from
25 Roselena's on Passyunk Avenue that have cafe tables

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065
2 out in South Philadelphia that are not being
3 harassed as we are. And I'd like to question that
4 also.

5 Anyway, it says in the case when the
6 business owner is engaged in the use of sidewalk
7 selling on his or own business property, their
8 sidewalk sale license will be eliminated.

9 I believe that the tables that we put
10 out are an extension of our business. We already
11 have licenses and permits for the sale of food.
12 We're licensed by the Health Department, etcetera,
13 etcetera. We've been there for seven years now.

14 When I called and spoke with many, many
15 people and L & I, no one even knew what to tell me
16 as to why I was -- I believe the amount was close to
17 a thousand dollars, 8 or 900. Robin Schatz from
18 Frank's office helped us. To keep a table, we have
19 to put up a bond. And we are here, my husband and
20 I, today to refute or to actually determine why in
21 fact we feel we should be determining whether the
22 sidewalk cafes are good for the general well-being
23 of Philadelphia; and if they are, there should be
24 set regulations. If these regulations are not
25 adhered to, then I could understand the appropriate

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 penalties. But to put out these licenses and
3 permits just for an extension of a business or a
4 sidewalk sale is something that we don't understand.

5 COUNCILMAN MARIANO: May I interrupt you
6 for you minute. I think Councilman DiCicco being
7 the district councilman, we're losing what you're
8 saying. There's a consensus here. We're not
9 exactly sure -- Councilman DiCicco wants to explain.
10 Just bear with us.

11 COUNCILMAN DI CICC0: Let me just try to
12 explain a little bit.

13 COUNCILMAN ORTIZ: We have a bill in
14 front of us, and your issue does not refer to the
15 bill which we're hearing today.

16 COUNCILMAN DI CICC0: Let me attempt, if
17 I may, Mr. Chairman.

18 What the issue at hand is, a couple of
19 years ago Councilman Clarke and I introduced
20 legislation that would provide for a more convenient
21 and expeditious way in which restaurants in the
22 Center City corridor of the City of Philadelphia
23 could apply for and obtain outdoor sidewalk cafe
24 licenses. Prior to that, Mr. Haigler, correct if
25 I'm wrong, there was an application process that

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 required you to go in front of the zoning board.

3 What we have basically done is removed some of the
4 obstacles that made it, I thought, too bureaucratic
5 for most people who desire to have an outdoor cafe
6 to actually go through that process. So it was my
7 attempt to make it easier basically, in simple
8 terms, for people to be able to get those licenses.

9 In the interim, what has happened, I
10 think what Ms. Masino's trying to explain is that
11 several years ago legislation was enacted for the
12 same street that we're talking about now, East
13 Passyunk Avenue, that would allow for businesses
14 along East Passyunk Avenue to sell products within
15 40 inches, I believe, of the face or facade of their
16 buildings. What Mr. and Mrs. Masino are saying that
17 their product is coffee and pastries and, therefore,
18 the sidewalk cafe -- they don't need go through this
19 process in order to be able to have a sidewalk cafe.
20 I'm not saying that that's correct, but I believe
21 that's what you're arguing is that there was no need
22 for you in your particular business to have to go
23 for a special license for a sidewalk cafe because
24 you fall within the guidelines of the previous
25 legislation of several years ago that entitled you

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065
2 as a business person along East Passyunk Avenue to
3 vend your product. Is that what your statement is?

4 MS. MASINO: Yes. Thank you.

5 COUNCILMAN DI CICCIO: So I think there
6 is an issue -- Mr. Haigler, here's where we're going
7 to need your expertise. Vending versus outdoor
8 cafes and stuff like that. That's the confusing
9 part for some people. I understand it. And I also
10 understand the Masino's dilemma saying, well, you
11 tell us we can do one thing, but why can't we do all
12 things? And obviously, we need you, Mr. Haigler, to
13 an explain that away for us.

14 MR. HAIGLER: Yes. There are two
15 separate sections of the Code apply from what I hear
16 here. From what I understand from the persons here,
17 they're siting Section 9-205 of the Philadelphia
18 Code that deals with sidewalk sales. There's a
19 specific section of the Philadelphia Code, 9-208,
20 that deals sidewalk cafes and under that section
21 9-208 of the Philadelphia Code it specifically
22 states that sidewalk cafes are only permitted in
23 certain areas of the City, Center City primarily and
24 certain areas up in the Manyunk area, Manyunk
25 Roxborough area. If anybody wanted to add

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065
2 additional sidewalk cafes in areas that are not
3 listed under section 9-208 of the Philadelphia Code,
4 they would have to come before Council to get an
5 ordinance to do that. And I believe that's what
6 Councilman DiCicco's ordinance is doing here to
7 permit sidewalk cafes on East Passyunk Avenue
8 because under the current provision of 9-208 of the
9 Philadelphia Code, it's not one of the permitted
10 locations for sidewalk cafes.

11 So from what I gather from these persons
12 here, there's a misinterpretation of the two
13 sections that are required. Sidewalk sales
14 primarily deals with vending; vending and vending
15 locations. That's primarily Section 9-205 primarily
16 deals with vending and vending locations in areas of
17 the City other than Center City. 9-204 deals
18 specifically with Center City. And 9-206 deals with
19 neighborhood business districts. Anywhere else
20 outside of those two areas, neighborhood business
21 district or Center City you would comply with 9-205
22 for vending, but it doesn't apply to businesses.
23 There's provision there where you can extend what
24 you sell in your business to the outside of your
25 business if it's sales, sales of merchandize. But

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 cafes and the selling of food, it primarily relates
3 to restaurants.

4 COUNCILMAN ORTIZ: But they can do what
5 they're doing because legislation is there that says
6 they can, right?

7 MR. HAIGLER: Can you repeat that again?

8 COUNCILMAN ORTIZ: Legislation is
9 already in the books that says that they can do what
10 they are doing?

11 MR. HAIGLER: I don't believe so.

12 There's confusion there because --

13 COUNCILMAN ORTIZ: Well, Frank DiCicco
14 says that he introduced that legislation that is in
15 the books.

16 MR. HAIGLER: It primarily dealt with
17 certain parts of Center City, but it did not extend
18 down to Passyunk Avenue. Passyunk Avenue is not
19 part of Center City.

20 COUNCILMAN ORTIZ: I think that's what
21 Councilman DiCicco is saying. The legislation we
22 are talking about today has nothing with what she's
23 talking about.

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

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 COUNCILMAN ORTIZ: And we're discussing
3 something here that we should not be doing.

4 MR. HAIGLER: That's basically correct.

5 COUNCILMAN ORTIZ: I believe what we
6 need to do is for you and the lady and the young man
7 here to get together with Councilman DiCicco, look
8 at the legislation that's already in the books and
9 fix that.

10 MR. HAIGLER: I agree.

11 COUNCILMAN ORTIZ: Can we do that?

12 MS. MASINO: We're very confused. I
13 thought we were doing that day.

14 COUNCILMAN ORTIZ: We can meet outside
15 with Frank and us because Councilman DiCicco said
16 this legislation to permit the activity that they're
17 doing was passed at his behest a few years ago. So
18 it's something that is there, maybe we haven't put
19 it into the books yet.

20 MR. HAIGLER: I don't think -- the
21 legislation that he's talking about that was passed
22 a few years ago was passed related primarily to
23 Center City. This legislation that we're looking at
24 today primarily permits sidewalk cafes, not sidewalk
25 sales, but sidewalk cafes.

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 COUNCILMAN ORTIZ: But that's what I'm
3 saying. What she's talking about is not the issue
4 of this hearing. Mr. DiCicco says that what she's
5 talking about has already been taken care of
6 previously by this Council.

7 COUNCILMAN DI CICC0: No.

8 MR. HAIGLER: They are two separate
9 things.

10 COUNCILMAN DI CICC0: The confusion is
11 that there are -- what the Masinos are saying is
12 under previous legislation several years when that
13 legislation that was enacted permitted and allowed
14 for the vending of merchandize along East Passyunk
15 Avenue that they in their business, even though it's
16 a sidewalk cafe, that they're vending their
17 particular merchandize, which is espresso and coffee
18 and pastry; they shouldn't be treated any
19 differently than the merchant next door who is
20 vending clothing. But Mr. Haigler, there are two
21 issues, sidewalk cafe and vending of merchandise are
22 totally two distinct issues.

23 MR. HAIGLER: There's specific section
24 of the code that primarily deals with sidewalk cafes
25 and restaurants. That's different from sidewalk

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 sales where you vend merchandise.

3 COUNCILMAN DI CICC0: So what Councilman
4 Ortiz is saying, this is for the Masinos, is that
5 it's really not the purpose of the hearing on this
6 bill. This is, do we want to permit sidewalk sales
7 on East Passyunk Avenue or not. It's not the issue
8 of whether you fall within or without of this bill
9 or the other bill and which bill is right for you or
10 not. That's what Councilman Ortiz is trying to
11 discuss here.

12 COUNCILMAN ORTIZ: Yes.

13 COUNCILMAN DI CICC0: It's a technical
14 thing we're going through. But I appreciate the
15 fact that you took the time to come here. So for
16 the record, please state your name.

17 MR. MASINO: I'm Al Masino from
18 Roselena's Coffee Bar. So I'm to understand from
19 what you've all been saying here today, if this
20 ordinance is passed and the bill is amended,
21 sidewalk cafes are allowed on Passyunk Avenue and
22 that Roselena's will then have to pay a fee to have
23 the tables out on the sidewalk. And that mainly is
24 what we're objecting to.

25 COUNCILMAN DI CICC0: I understand that.

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 MR. MASINO: But we can't discuss it
3 today?

4 COUNCILMAN DI CICC0: As a courtesy
5 because you came here you can discuss it, but it's
6 really not germane to the legislation. Your
7 objections is to the fact that you would have to pay
8 for the right to do what you thought you should have
9 the right to do under the previous legislation.

10 MR. MASINO: Exactly.

11 COUNCILMAN DI CICC0: And that's where
12 the confusion is or the misunderstanding or the
13 disagreement between the two.

14 My attempt was to make it easier and
15 encourage more of what you did. You're the only
16 people that used outdoor cafes. And I still don't
17 know why nobody is doing it, but that's a business
18 decision on their part.

19 MR. MASINO: Well, they're not doing it
20 because of the fees.

21 COUNCILMAN DI CICC0: Well, I've talked
22 to a few of them and they're not doing it for other
23 stupid reasons, in my opinion, but it wasn't the
24 fees. They don't want to have to hire another
25 waitress or waiter to go outside and take care of

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 the tables.

3 COUNCILMAN MARIANO: Excuse me,
4 Councilman. Now I'm totally confused. Is this
5 germane to the bill that we're working on right now?

6 COUNCILMAN DI CICCIO: Only as a matter
7 of information. Mr. Smith wants to approach.

8 COUNCILMAN MARIANO: Mr. Smith, you want
9 to talk about this? Because I want to get this
10 going. I happen to know Councilman DiCicco is a
11 good councilman 24 hours a day, just go down on his
12 house on 11th Street, he'll talk to you.

13 MR. SMITH: Andre Smith, I'm chairman of
14 the Zoning and Code Enforcement Committee of the
15 South Street Neighborhood Association. We have our
16 share of sidewalk cafes on South Street and we've
17 had to deal with the regulatory issues and the code
18 enforcement issues of sidewalk cafes for many years,
19 including right when the first bill that allowed
20 sidewalk cafes in the City was passed. It was
21 simply a bill that said it was okay to have sidewalk
22 cafes but no regulations in it. The Department of
23 Licenses and Inspections and the Street Department
24 wrote a whole series of regulations which was
25 designed to establish licensing, develop guidelines

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065
2 for the protection of the public and protection of
3 the property owners and protection of the City from
4 liability which is a very key ingredient. If
5 somebody gets injured in a sidewalk cafe, you know
6 Philadelphia will be one of the defendants in the
7 lawsuit. However, the requirements of the regular
8 sidewalk identify the City has to have a bond for
9 removal of the cafe in the event of a utility
10 emergency and all those practical things that those
11 of us in the architectural and engineering business
12 understand and appreciate whereas someone who just
13 simply thinks putting a couple tables out on the
14 sidewalk should be simple and easy. It's never
15 simple and easy, particularly when you're dealing
16 space that doesn't belong to you, is not owned by
17 you; it's owned by the public. So the regulatory
18 procedures which are being objected to here have
19 been around for years and it's part of the price you
20 have to pay if you want to do this kind of thing.
21 And fortunately for the Masinos, this bill is being
22 passed in order to allow for them without having to
23 get a special ordinance for their particular
24 business to locate a sidewalk cafe there. They
25 simply, unfortunately, have to comply with the

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065
2 regulations that have been around for many years
3 that every sidewalk cafe in the City is supposed to
4 comply with, although as we know given the problems
5 of enforcement in the City of Philadelphia, many of
6 them don't.

7 COUNCILMAN MARIANO: Thank you, Mr.
8 Smith.

9 COUNCILMAN CLARKE: Just one point of
10 clarity. Did you say that the sidewalk does not
11 belong to the property owner?

12 MR. SMITH: The property line in the
13 City of Philadelphia, 99 times out of a hundred is
14 right at the face of the front of the building and
15 the sidewalk is public right-of-way owned by the
16 City of Philadelphia. However, the responsibility
17 according to ordinances in Section 11, I believe, of
18 the City Code general ordinance to repair and
19 maintain that sidewalk is the owner of the adjacent
20 property. Even though they don't own it, they still
21 have the obligation to keep it repaired unless, of
22 course, the Redevelopment Authority does it or
23 there's a utility issue wherein the City would pay
24 for it.

25 COUNCILMAN CLARKE: I know this has

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065
2 nothing to do with what we're talking about, but I
3 got to say this. Seeing that Councilman Nutter is
4 sitting over there, there's been discussions about
5 the sidewalks and the repair and the reconstruction
6 of sidewalks and at some point in time during that
7 discussion, we were told that it's the property
8 owner's responsibility and the property owner
9 actually owns the sidewalk, therefore, we can't
10 spend capital dollars, we can't spend Redevelopment
11 Authority money. I just wanted to get some clarity
12 from you.

13 MR. HAIGLER: As Mr. Smith stated, the
14 property owner is required to maintain the sidewalk,
15 as any property owner would be required to shovel
16 the snow, to make sure that you don't have any
17 cracks in the pavement so that somebody would trip
18 on it. So you're required to maintain it, but the
19 sidewalk is considered public way.

20 COUNCILMAN CLARKE: There's no ownership
21 issue, I just want to make sure.

22 COUNCILMAN MARIANO: My good friend
23 Councilman Clarke is angling for something in the
24 future. We understand that.

25 COUNCILMAN NUTTER: Point of

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000065

2 information, please.

3 COUNCILMAN MARIANO: Councilman Nutter.

4 COUNCILMAN NUTTER: Councilman Clarke is
5 absolutely correct, this has been a point of
6 contention for some time. Although, that I know
7 that the Councilman is also aware that there is a
8 fairly large document, which is the City Capital
9 Policy which is determined by the Mayor, the City
10 controller, and I believe either the Finance
11 Director or the City solicitor. There is a
12 provision in that policy that does allow for, for
13 instance, curb and sidewalk repair -- not so much
14 repair, usually replacement or reconstruction, for
15 instance, in business corridors as distinguished
16 from residential properties. So all of that is more
17 a function, I believe, of policy to be determined by
18 the people who have the authority to determine that
19 policy as opposed to so much a legal issue, and
20 that's oftentimes what we're struggling with. Thank
21 you.

22 COUNCILMAN MARIANO: Any other questions
23 for these witnesses?

24 COUNCILMAN ORTIZ: And we're the
25 policymakers.

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 COUNCILMAN MARIANO: Seeing none. Let's
3 move on here. Thank you. DiCicco's going to try to
4 get to the bottom of this on his own time and not in
5 my committee. Thank you for your time. We
6 understand the problem. It was just confusing for
7 us at first.

8 Would the Clerk read the title of Bill
9 000184.

10 THE CLERK: An ordinance amending
11 Section 9-103 of the Philadelphia Code, entitled
12 "Enforcement and Appeals," by providing that appeals
13 to the Board of License and Inspection Review shall
14 not stay proceedings in furtherance of the action
15 appealed from, under certain terms and conditions.

16 COUNCILMAN MARIANO: Mr. Haigler.

17 MR. HAIGLER: I'm Otis Haigler,
18 Legislative Regulatory Affairs Manager for the
19 Department of Licenses and Inspections. I had
20 prepared three pages of testimony for this bill, but
21 at the present time, I'm not going to read that
22 testimony.

23 COUNCILMAN MARIANO: Thank you. It's
24 very kind of you, Mr. Haigler.

25 MR. HAIGLER: And at present time -- the

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 testimony that I had prepared would be contradictory
3 to the testimony I'm giving now.

4 From what I understand, there has been
5 amendments to the bill that was originally
6 introduced into Council. I have a copy of the
7 amendments here that was prepared at the direction
8 of Councilman DiCicco's office. I guess you will
9 read the amendments in.

10 COUNCILMAN MARIANO: Councilman DiCicco.

11 COUNCILMAN DI CICC0: Proposed amendment
12 to Bill No. 000184, amending section 9-103 of the
13 Philadelphia Code, entitled "Enforcement and
14 Appeals," by providing that appeals to the Board of
15 License and Inspection Review shall not stay
16 proceedings and furtherance of the action appealed
17 from certain, under certain terms and conditions.

18 The Council of the City of Philadelphia
19 hereby ordains Section 1, Subsection 9-103 of the
20 Philadelphia Code is hereby amended to read as
21 follows: Subsection 9-103. Enforcement and
22 Appeals. (3) [Except as otherwise provided,
23 compliance] Compliance with an order shall [not] be
24 required while an appeal is pending before the Board
25 of License and Inspection Review or before a court,

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 except that the Board of License and Inspection
3 Review, upon application of the appellant, shall
4 have the power to issue a stay upon a showing of
5 good cause and likelihood of success on the merits
6 of the appeal.

7 [(4) When on order requiring immediate
8 action is issued, the person to whom it is directed
9 shall comply immediately even though an appeal is
10 pending before the Board of License and Inspection
11 Review or any court. The Board shall give priority
12 to appeals from order requiring immediate action.]

13 COUNCILMAN MARIANO: Thank you,
14 Councilman. We have Terry Youngblood and Judith
15 Robinson in the room. Do they want to testify?
16 Anyone else?

17 State your name for the record.

18 MS. YOUNGBLOOD: As a community leader
19 and activist in the Northern Liberties and Fishtown
20 area for the last 10 years, I can honestly say the
21 biggest impediment to neighborhood revitalization
22 and residential quality of life is the ability of
23 people to blatantly disregard the law, the
24 Philadelphia Code, and then be permitted to legally
25 continue to continue to flaunt that law by going

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 into the appeal process.

3 Well, this law pertains to both
4 residential and commercial issues. It is most
5 egregious in relation to commercial enterprises.
6 Homeowners using their backyard pool for the most
7 part do not rise to the level of danger created by,
8 say, a night club operating five to seven nights a
9 week with a thousand plus occupancy but no dance
10 hall license or certificate of occupancy or other
11 licenses.

12 The current law allows dangerous
13 situations to continue unabated while the issue is
14 on appeal, thereby permitting deaths, rapes, drug
15 sales, etcetera, to continue. Two of the most
16 obvious and notorious of this are the clubs Gotham
17 and Baha on Delaware Avenue. Because of the current
18 law, the Northern Liberties Community has had to
19 continue to fight violators and these particular
20 violators of the Code for five years. Meanwhile,
21 the owners of these clubs have been able to operate,
22 make money, but not have to pay fines, not have to
23 deal with any of the corrective action of the laws
24 that they're breaking. But the neighbors are forced
25 to move out and leave the City and we're losing

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 money.

3 For the health, safety and welfare of
4 our communities and to improve our City, I have to
5 say this has got to end. I, therefore, strongly
6 support the changes to Bill 000184 as presented and
7 request that Council do the same. Thank you.

8 COUNCILMAN MARIANO: Thank you, ma'am.
9 Any questions for this witness?

10 Councilman DiCicco.

11 COUNCILMAN DI CICCIO: Thank you, Mr.
12 Chairman. Ms. Youngblood, you mentioned two
13 establishments within the Northern Liberties
14 boundaries. Could you just briefly describe some of
15 things that occurred and what the community
16 attempted to do and what you were not able to do as
17 a result of the existing legislation?

18 THE WITNESS: Sure. Gotham at No. 1
19 Brown Street was originally got zoning to be a
20 restaurant. They became a night club. And because
21 at the time that they started, there wasn't the law
22 that Councilman Kenney had presented a couple years
23 ago about having the valet parking and seating, so
24 that's whole other issue. But they didn't have
25 correct permits. They would overbook things where

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 you'd have more than the Fire Code allowed for
3 people in the clubs. So there was a lot of
4 infractions that continued to happen. And the one
5 thing they did to try and to get out of it was file
6 bankruptcy. They've used the appeal process to go
7 through it. And in the meantime, they had a bouncer
8 get shot and killed because of the way they operated
9 the club. They had numerous violations with the
10 police. And meantime, they could continue to
11 operate.

12 Baha just recently ended up in court.
13 They had a rape, they had drug sales. Narcotics was
14 in and out there. L & I was in and out of there.
15 And again, they did the procedure of file bankruptcy
16 to avoid paying any of the legal fines and then also
17 filed for appeal with L & I Review claiming that L &
18 I wasn't doing their job and were able to keep
19 operating. The club was open. They weren't under
20 any kind of restriction until the City Law
21 Department managed to come up with some kind of
22 agreement. They still violated that because they
23 were still in the appeal, they were still in the
24 court process. So they were still allowed to be
25 open even though they were in violation of the order

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 and in violation of the law.

3 It's just a never-ending process because
4 they can circumvent it.

5 COUNCILMAN DI CICCIO: If I hear you
6 correctly, you're saying that when the community
7 made complaints and those complaints were followed
8 up through L & I and other City agencies, under the
9 current law, you, the communities had to continue to
10 suffer hardship for a considerable amount of time
11 even though these establishments were not -- and Mr.
12 Haigler and I had a little disagreement on what we
13 mean legal. For me, if you don't have the proper
14 licensing and you have serious violations that would
15 put you noncompliance, for me, that means you're not
16 legal. Someone else may have a different
17 interpretation of that. And the community has to
18 suffer through a long hardship. I know Gotham
19 because I was very involved. It was a few years,
20 three or four years before we were finally able to
21 convince I think the LCB and others that this place
22 should not remain open, but in the meantime,
23 considerable harm is being placed on the people who
24 live in that community. You basically, I guess,
25 feel frustrated and powerless to say, well, if you

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 don't have everything and you're not meeting code
3 and you're not up to compliance, why should you be
4 allowed to continue to operate your business and why
5 is the burden on the community and not on the
6 establishment? Is that kind of what your dilemma
7 was?

8 MS. YOUNGBLOOD: You've got it, nail on
9 the head.

10 COUNCILMAN DI CICCIO: How many years did
11 this old shell game go on for? How many years did
12 this all go on with these two establishments?

13 MS. YOUNGBLOOD: These two
14 establishments, it has been over five years, from
15 '96. And there's always an appeal.

16 COUNCILMAN MARIANO: I never go down
17 there, so are they open now?

18 MS. YOUNGBLOOD: We've gone through four
19 new club owners and managed to shut them down each
20 time but, again, it's where you have to keep going
21 back and fighting it.

22 COUNCILMAN MARIANO: It's still Gotham,
23 still the same crowd?

24 MS. YOUNGBLOOD: And Baha, the LCB
25 actually pulled their liquor license because they

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 were in violation of the court order, and they have
3 just re-filed for a new liquor license. And in the
4 mean time, they've been open, so it's a never ending
5 process.

6 COUNCILMAN ORTIZ: L & I supports these
7 amendments?

8 MR. HAIGLER: Yes.

9 COUNCILMAN ORTIZ: Do you believe the
10 amendments will take care of the problems?

11 MR. HAIGLER: I believe that -- and if I
12 could clarify a couple things. Currently, under
13 provisions of our codes, if there's an area where it
14 affects public safety and health, it does not act as
15 a stay against our enforcement action currently. So
16 we do have those provisions currently in our code.
17 They're in the Administrative Code under Section
18 A-805 or something like that. But the amendments we
19 have here, we can enforce the amendments.

20 COUNCILMAN ORTIZ: And they speak to the
21 problems that --

22 MR. HAIGLER: And they do speak to
23 certain problems that were addressed here today.

24 COUNCILMAN ORTIZ: Thank you.

25 COUNCILMAN MARIANO: Thank you, Mr.

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 Haigler.

3 Anyone else?

4 COUNCILMAN CLARKE: I have a question.

5 COUNCILMAN MARIANO: Councilman Clarke.

6 COUNCILMAN CLARKE: You know what, I'm
7 going to let Ms. Robinson testify first because my
8 question I think it relates to what she may say, so
9 I will defer to her at this point.

10 COUNCILMAN MARIANO: Ma'am, state your
11 name record for the record.

12 MS. ROBINSON: Hi. My name is Judith
13 Robinson. I'm here on behalf of Bill 000184, but
14 I'm trying to get some clarification. I received a
15 public notice saying that Bill 000555 and 000612
16 were also to be heard today.

17 COUNCILMAN MARIANO: 000555 and 000612
18 are not bills; they're resolutions. We heard them
19 on November 15. We're just giving a report on what
20 came out of that.

21 MS. ROBINSON: Is that something I can
22 receive a copy of today?

23 COUNCILMAN MARIANO: Yes, we just have
24 to give it to the committee first.

25 MS. ROBINSON: Excuse me?

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 COUNCILMAN MARIANO: We have to present
3 them to the -- the committee has them and then we're
4 going to read them. Then you can have a copy of it.

5 MS. ROBINSON: Okay, thank you.

6 I am concerned, to be honest with you.
7 I live in the 5th District, let me state that first.
8 And I'm here as sort of an advocate for the citizens
9 of the 5th district and other communities that have
10 suffered the devastation of the actions of License
11 and Inspection over the last 25 years or more. And
12 I'll tell you what I mean.

13 If Licenses and Inspections had been
14 enforcing the code violations for the many years in
15 my community, it wouldn't look as it does. And I
16 want to know what is the process that has changed?
17 I know the Mayor is trying to deal with this blight
18 elimination and I certainly want to be helpful in
19 that regard, but I want to know what has changed in
20 their process over the years to make these
21 amendments really enforceable and also how are they
22 going to be a benefit to folks like us that are
23 homeowners in areas devastated because these
24 violations have not been enforced? What has changed
25 and how can this benefit us? So I'm really more so

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 looking for answers and willing to give some
3 suggestions.

4 I know most times this is a testimony
5 and not so much where we get answers as citizens, but
6 Licenses and Inspections is very important as it
7 relates to how our community can move forward to be
8 maintained and stabilized. So I really think it's
9 very important that that 000555 resolution and that
10 000612 and this 000184 all be coordinated so that
11 have we in our community can understand better when
12 we call Licenses and Inspections how they can
13 benefit us and be effective. Not so much just to
14 change things around as you are all concerned and
15 then they not be understood when they come to the
16 community. When we call somebody about having, say,
17 for instance, trash left or a building bay is
18 falling or the City of Philadelphia Licenses and
19 Inspections, for instance, has properties that are
20 in violation, how has that process changed so that
21 we can know what we need to do? What are the steps,
22 for instance, to determine who we talk to after we
23 call Licenses and Inspections about a violation? I
24 don't really see that coming together. I don't see
25 it all connecting.

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 COUNCILMAN MARIANO: I don't live in the
3 5th Council District, but I live in the 7th and
4 that's right next to the 5th. The councilman for
5 the 5th is sitting next to me, but what I would do
6 is while I call L & I, I would call him.

7 MS. ROBINSON: I can hardly hear you,
8 sir. I'm sorry.

9 COUNCILMAN MARIANO: I would call your
10 district councilman whom in your case is Councilman
11 Clarke and let him be your advocate. You can call L
12 & I too, but -- you work for him? Well, good, then
13 you understand the process, right? What happens is,
14 he has to be your advocate. I'm sure he is. I know
15 in my district, if you call about an L & I problem,
16 a specific location, I'm sure everybody here does
17 the same thing, the people in my office call L & I
18 and say, what's going on with that particular
19 property? And then they call back in three days and
20 in five days till it's taken care of. I don't find
21 out most of the time. If I find out, it's probably
22 a problem then I have to call him. And if I don't
23 get what I need out of him, I call his boss and then
24 his boss. I can't tell you and I don't think anyone
25 else here unless they would like to, why stuff

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 hasn't happened. I don't know what's going to
3 different. They're the experts for L & I. They
4 asked us to pass legislation. We bring it here, we
5 look at it and we say this is either good or bad and
6 we vote. The resolutions that you were talking
7 about, we have public testimony. We brought in a
8 previous L & I commissioner that sat right where you
9 are and said, "This it is the problem in my
10 opinion," in his opinion. I don't if that's the
11 problem. You got it right, it's a testimony here.
12 But out of that testimony, we try to make sense of
13 these laws. You're doing the right thing by letting
14 us know.

15 MS. ROBINSON: Right. I respect what
16 you all are doing and I don't want to bog my
17 councilman down, which I do respect him and do call
18 him whenever I --

19 COUNCILMAN MARIANO: You should. That's
20 why he gets all that money.

21 MS. ROBINSON: I do, but I want to be as
22 a citizen able to handle some things for myself
23 because I don't think we should bog our
24 councilperson down with every little detail about
25 something with License and Inspection, for

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 instance. Only those things like a law being
3 passed, I understand your roles and constituent
4 services and all of that. But I want to be able to
5 as a citizen call License and Inspection and have a
6 clear understanding of how I as a block capital can
7 help my community move forward. And I see these
8 laws being passed and I get- I'm on the mailing
9 list. I read each one of them. I come down here
10 and get the information. I don't see them
11 connecting, sir, to really make it better for what
12 we can all admit has happened in the past. They
13 haven't done the job of enforcing the codes that are
14 already on the book. So I want to know with all
15 these amendments and changes, how are they going to
16 better help us as we move forward in this new
17 millennium better our communities? How are these
18 laws going to better help us?

19 Now, just to get specific about 000184,
20 I don't want License and Inspection alone to
21 determine, okay, you had enough appeals, you had
22 enough stays, we're going to move forward. And I'll
23 give you an example of why that concerns me. 26th
24 Street, 1700 block, License and Inspection came down
25 there and just devastated the block. And I have a

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 petition which I'm circulating but I'm giving it to
3 anybody yet because I want to make sure --

4 COUNCILMAN MARIANO: By devastating the
5 block, you mean they tried knocking everything down?
6 I'm not familiar with it.

7 MS. ROBINSON: Well, it was a good
8 stable block. There were some violations on the
9 block.

10 COUNCILMAN MARIANO: And what did L & I
11 want to do?

12 MS. ROBINSON: They went in there and
13 demolished about eight properties. And I did call
14 my councilman's office and I did also contact
15 License and Inspection. I got the information, and
16 from what I read as far as the violations were
17 concerned, they were not strong enough to knock down
18 all of those buildings. So I want to make sure that
19 the citizens, although we do call -- and I don't
20 want to skew the picture and say when we call and
21 want something done that License and Inspection has
22 to be micro managed before they do it; I'm not going
23 there. But what I'm saying is as a community, we're
24 concerned that certain properties not be knocked
25 down.

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 COUNCILMAN MARIANO: Who knows better
3 than the people live in the community. We
4 understand that.

5 MS. ROBINSON: There should be like some
6 standards set. For instance, if a block is 75
7 percent stable that before any property is
8 demolished there will be some input significant
9 number of neighbors, etcetera. I just want some
10 kind of guidelines in place that the average citizen
11 can understand before License and Inspection is let
12 loose on our community because I see what they have
13 done over many years and I'm not impressed. I'm
14 really, really concerned that these laws are being
15 changed, amendments are being added, and here you
16 have a hearing at 1 or 2 o'clock in the afternoon.
17 When it came to stadiums, you all did those hearings
18 at night when people could come out. I own my own
19 business so I can come here today and say what I
20 know many of my fellow citizens want to say, you
21 know, because I do go to the meetings and do talk to
22 them about how we can really change our community.
23 And we're really serious about trying to stabilize
24 our community. We do not want License and
25 Inspection coming in with these laws as their

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 foundation to just do as they choose to. Especially
3 when we look at the Mayor's plan, which he got you
4 all in a private setting, gave you all lunch and
5 told you all about what he wants to do.

6 COUNCILMAN MARIANO: I didn't get lunch.
7 Did anybody else get lunch? I got a Diet Coke and
8 they told me to get out.

9 (Laughter.)

10 MS. ROBINSON: All right, no lunch.
11 Just got you all in a room.

12 COUNCILMAN MARIANO: You have a really
13 good view -- I wish it was as nice over here as it
14 looks like from sitting over there.

15 COUNCILMAN DI CICCIO: Don't believe
16 everything you read in the paper.

17 MS. ROBINSON: I understand that. But
18 we want to get you all uptown and we will give you
19 lunch and show you some other ideas about what we
20 want to do with our community. We do not want our
21 community demolished, and that's just really the
22 bottom line.

23 COUNCILMAN MARIANO: We understand that.
24 You're absolutely right.

25 Councilman Ortiz is excited because you

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184

2 mentioned about the hearings on the stadiums.

3 You're right, but what happens is if we have them on

4 Saturdays, somebody complains. If we have them on

5 Tuesdays, somebody complains. You get to the point

6 where you say, we schedule it. It's in the paper

7 and we want to try help people and do it.

8 Councilman Clarke wants to say

9 something.

10 COUNCILMAN CLARKE: Ms. Robinson, you

11 and I have a good working rapport and I'm glad to

12 see that you continue to come to these public

13 hearings. I just want to kind of summarize in terms

14 of what I think you're talking about is that for

15 years living in North Philadelphia when properties

16 were owned by individuals, they were allowed to

17 deteriorate. Apartments were -- at one time, single

18 family dwellings were cut up into structures four

19 and five family in a structure that code violations

20 were not enforced. There was not any adequate

21 zoning associated with those facilities. And then

22 as those facilities continue to deteriorate, we

23 could not get code violations that were enforced.

24 Now we find ourselves in a position where those

25 properties have deteriorated to some degree or the

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 other when they started falling this past summer.
3 In the midst of that, I think L & I, because of
4 concerns raised by residents of the community and
5 the media and myself, they got a little frisky out
6 there and they wrote up every code violation
7 imaginable and they started demolishing properties
8 that possibly if given some thought could have
9 potentially been encapsulated, particularly on the
10 1700 block of 26th Street because that is an
11 extremely stable. It's a shame what happened over
12 there. So as we move ahead in the hearings that we
13 had over the last couple of days, those questions
14 came up and were asked by these Councilmembers
15 extensively and the responses that we got back from
16 the Administration that prior to us going out and
17 coming up with the demolition strategy and
18 implementing that strategy, there will be
19 individuals and there will be project managers that
20 will either work for the department of L & I or for
21 the Managing Director's Office that will have
22 community discussion about what buildings are
23 potentially eminently dangerous. And prior to that
24 demolition process, there will be some strategies
25 associated with potentially saving some of those

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 through an encapsulation process, but at some point,
3 some of those are going to have to come down. But
4 there will be a reuse strategy associated with that.
5 We will not let L & I -- and Otis, I don't mean to
6 beat you guys up, but it's kind of what's going on
7 today. We will not let L & I assault the community/
8 that's not going to have happen because I live in
9 that community and I'm not going to let that happen.
10 So I really appreciate you for continuing to come
11 down, and we will make sure that laws are enforced
12 equitably in this Council.

13 MS. ROBINSON: That is my main concern.
14 You capsulized it perfectly. The community is
15 really concerned about it. As I said, I am
16 circulating a petition, but I want to make sure they
17 are homeowners and voters on that petition, not just
18 any old body. And we're really concerned that
19 License and Inspection be let loose on our community
20 at this time after what has happened in the past.
21 We can't go back to the past, but we can certainly
22 stabilize our communities and I do think communities
23 should be involved in determining which properties
24 will be saved.

25 I just want to put this address on

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 record. 2603 North 33rd Street. And the reason I
3 why I do that, again, in front of this committee is
4 because that is City-owned property, the only
5 City-owned abandoned property on the block two
6 minutes from a school, near Fairmount Park. Two bus
7 routes run within a half a block from that property.
8 It's a very sellable property. I will volunteer my
9 time. If the City rehabs that property, I will sell
10 the property and make that whole block stable. So I
11 just want that to be on the record. The City-owned
12 properties should be like the first course of action
13 as it relates to License and Inspection and then
14 next PHA and other quasi governmental-owned
15 properties, and then we do know we do have a lot of
16 estate properties that need to be addressed. But
17 the citizens definitely should be a part of this
18 process. Thank you very much.

19 COUNCILMAN MARIANO: Ms. Robinson, just
20 a moment. I have to commend you. Most people come
21 here and complain and then take off. As Darrell
22 told you about the capsulation and blight program
23 and what's going to happen is Darrell and I as
24 district councilpeople and rest of us, even the
25 at-large councilpeople, we live in a house on a

1 2/15/01 - LICENSES AND INSPECTIONS - BILL 000184
2 block and it's hard to get beyond that block. We
3 see when we go through, but we're phone, we're doing
4 everything. We want them to come to us. I want
5 them to come to me about my district. Not
6 Councilwoman Brown, even though she's a good
7 councilwoman, she's an at-large councilwoman. If
8 she lived in my district, it would be different.
9 She lives someone else's district. But I don't know
10 the particular neighborhoods and neither does
11 Darrell. He just knows his neighborhood. You
12 happen to know people like. But, again, I commend
13 you, and I'm sure Councilman Clarke does, for coming
14 and letting us know this stuff. Because we do know
15 it, but it's drilled into heads like it should be.
16 If there was people like you, it would be a lot
17 easier.

18 MS. ROBINSON: Well, that's why I come
19 because I do support my councilman. And I just want
20 to make sure things that he doesn't have time to
21 micro manage, that's we're here, we're all working
22 together. Thank you.

23 COUNCILMAN MARIANO: I anyone else want
24 to testify on this bill?

25 Seeing none, any other questions?

1 2/15/01 - LICENSES AND INSPECT. - RES. 000555, 000612

2 The Clerk will read the title of
3 Resolutions 00055 and 000612. We will not be
4 hearing testimony on these resolutions today,
5 however we will be considering a report based on the
6 testimony taken by committee on November 15, 2000.

7 THE CLERK: Resolution 000555, a
8 resolution authorizing the Committee on Licenses and
9 Inspections to hold hearings on vacant, abandoned
10 and blighted properties in Philadelphia and to take
11 testimony on improving the process of vacant and
12 abandoned property disposition, property code
13 enforcement, and demolition of dangerous properties
14 in Philadelphia.

15 Resolution 000612, a resolution
16 authorizing the City Council's Committee on Licenses
17 and Inspections to hold public hearings to
18 investigate the current methods utilized by the
19 Department of Licenses and Inspections to enforce
20 Section PM-102.6.3 of the Philadelphia Property
21 Maintenance Code.

22 COUNCILMAN MARIANO: This concludes the
23 public hearing of the Committee on Licenses and
24 Inspections.

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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING
COMMITTEE ON LICENCES AND INSPECTIONS

- - -

Thursday, February 15, 2001

- - -

Public Meeting conducted by the
Committee on Public Property and Public Works, held
in Room 401, City Hall, Philadelphia, Pennsylvania,
on the above date, to consider action on the
following:

BILLS 000065, 000184
RESOLUTIONS 000555, 000612

- - -

PRESENT:

COUNCILMAN RICHARD T. MARIANO, CHAIRMAN
COUNCILMAN FRANK J. DI CICCIO
COUNCILMAN DARRELL CLARKE
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN ANGEL ORTIZ

- - -

1 2/15/01 - L & I - PUBLIC MEETING

2 COUNCILMAN MARIANO: We will now enter a
3 public meeting. This opens the public meeting.

4 The Chair recognizes Councilman DiCicco
5 for a motion on Bill 000065.

6 COUNCILMAN DI CICC0: Thank you, Mr.
7 Chairman. I move for the approval of Bill No.
8 000065.

9 (Duly seconded.)

10 COUNCILMAN MARIANO: The bill has been
11 read and seconded.

12 All those in favor?

13 (Aye.)

14 COUNCILMAN MARIANO: All those opposed?
15 Seeing none, that bill passes.

16 The Chair recognizes Councilman DiCicco
17 for a motion on Bill 000184.

18 COUNCILMAN DI CICC0: Mr. Chairman, I
19 move for the amendments that were previously read
20 into the record in relation to Bill No. 000184.

21 (Duly seconded.)

22 COUNCILMAN MARIANO: It's been read and
23 seconded on the amendments on Bill 000184. It's
24 been second.

25 All those in favor?

1 2/15/01 - L & I - PUBLIC MEETING

2 (Aye.)

3 COUNCILMAN MARIANO: All those opposed?

4 None. The amendment is pass.

5 COUNCILMAN DI CICCIO: I move that Bill

6 No. 000184, as amended, be recorded out of this

7 committee with a favorable recommendation and that

8 the Rules of Council be suspended so as to permit

9 first reading at our next Session of City Council.

10 (Duly seconded.)

11 COUNCILMAN MARIANO: 000184 has been

12 read and seconded.

13 All those in favor?

14 (Aye.)

15 COUNCILMAN MARIANO: All those opposed?

16 (No response.)

17 COUNCILMAN DI CICCIO: Mr. Chairman, I

18 just want to go back to the first bill. I will also

19 ask for rules suspension on Bill No. 000065.

20 COUNCILMAN MARIANO: Okay. 00065 he

21 makes a motion for suspension of rules.

22 (Duly seconded.)

23 COUNCILMAN MARIANO: All those in favor?

24 (Aye.)

25 COUNCILMAN MARIANO: 00065 passes with a

1 2/15/01 - L & I - PUBLIC MEETING

2 suspension of the rules.

3 The Chair recognize Councilman DiCicco
4 regarding reports of committee on Resolutions 000555
5 and 000612.

6 COUNCILMAN DI CICC0: Mr. Chairman, I
7 move for a favorable recommendation on Resolution
8 000555 and 000612.

9 (Duly seconded.)

10 COUNCILMAN MARIANO: The resolutions
11 have been read and seconded.

12 All those in favor?

13 (Aye.)

14 COUNCILMAN MARIANO: All those opposed?

15 None. The amendments are passed out of
16 committee.

17 This concludes the public meeting of
18 L & I. Thank you.

19 (Council adjourned at 2:00 p.m.)

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of February 15, 2001, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON LICENSES AND INSPECTIONS

Lisa C. Bradley, RPR
and Notary Public