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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 20, 2010
10:15 a.m.

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8 PRESENT:

9

COUNCILMAN JAMES KENNEY

COUNCILMAN DARRELL CLARKE

COUNCILMAN FRANK DiCICCO

10 COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN WILLIAM K. GREENLEE

11 COUNCILMAN CURTIS JONES, JR.

COUNCILMAN JACK KELLY

12 COUNCILWOMAN DONNA REED MILLER

COUNCILMAN BRIAN J. O'NEILL

13 COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

COUNCILWOMAN BLONDELL REYNOLDS BROWN

14 COUNCILMAN FRANK RIZZO, JR.

15

BILL 100498 - An Ordinance amending Title 14
of The Philadelphia Code, entitled "Zoning and
Planning," by amending Chapter 14-1600...

17

BILL 100536 - An Ordinance amending provisions
of The Philadelphia Code relating to towing...

19

BILL 100538 - An Ordinance amending Section
9-605 of The Philadelphia Code, entitled
"Towing"...

20

21

BILL 100554 - An Ordinance to amend the
Institutional Development District Master Plan
of the Aria Health System-Torresdale Campus...

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- - -

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COUNCILMAN KENNEY: Good

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morning, ladies and gentlemen. The

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Committee on Rules is now in session,

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with a quorum consisting of Councilman

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DiCicco, Councilman Goode, Councilman

7

Kenney is chairing the Committee today,

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Councilman Greenlee and Councilwoman

9

Donna Reed Miller.

10

The bill on our list for today

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is Bill No. 100554, an ordinance to amend

12

the Institutional Development District

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Master Plan of the Aria Health

14

System-Torresdale Campus (formerly

15

Frankford Hospital), located at 10800

16

Knights Road, by allowing for the

17

construction of a new building addition

18

for use as a parking garage.

19

(Witnesses approached witness

20

table.)

21

COUNCILMAN KENNEY: Mr. Kramer,

22

please identify yourself for the record

23

and proceed.

24

MR. KRAMER: Good morning,

25

Councilman Kenney, members of the Rules

1 10/20/10 - RULES - BILL 100498, ETC.

2 Committee. I am William Kramer, Division
3 Director of the Development Division of
4 the Philadelphia City Planning
5 Commission. I am here to testify on Bill
6 No. 100554, which was introduced into
7 City Council September 16th, 2010.

8 Bill No. 100554 will amend the
9 Institutional Development District Master
10 Plan for Aria Health System-Torresdale
11 Campus (formerly known as Frankford
12 Hospital), located at 10800 Knights Road
13 in Northeast Philadelphia. This
14 amendment will permit the expansion of
15 the existing parking garage and make
16 certain changes in the driveways in an
17 effort to better serve the campus, which
18 includes a 252-bed medical surgical
19 facility. The driveway changes will
20 result in all access to the campus
21 occurring on Knights Road rather than
22 along both Knights Road and Red Lion
23 Road. The proposed addition will be a
24 four-story addition to the existing
25 four-story garage, which is located on

1 10/20/10 - RULES - BILL 100498, ETC.

2 the northeast corner of the campus. The
3 addition will house an additional 465
4 parking spaces, which brings the total
5 number of spaces in the district to
6 1,761.

7 The Philadelphia City Planning
8 Commission at its meeting of August 17th,
9 2010 approved the Institutional
10 Development District Master Plan
11 amendment for the Aria Health
12 System-Torresdale Campus.

13 I have just been advised that
14 the Law Department has requested that the
15 large map be placed as an amendment to
16 the bill so that this could be on file
17 with the Clerk's Office as more legible
18 than the electronic version that was
19 submitted with the bill.

20 COUNCILMAN KENNEY: Are you
21 requesting a formal --

22 MR. KRAMER: We are requesting
23 that the bill be amended to include this
24 as Exhibit A within the bill.

25 COUNCILMAN KENNEY: Thank you

1 10/20/10 - RULES - BILL 100498, ETC.

2 very much.

3 Any questions for Mr. Kramer?

4 (No response.)

5 COUNCILMAN KENNEY: Is there
6 anyone else to testify?

7 It's up to you. Just identify
8 yourself, please.

9 MR. TANTELLA: Good morning.

10 My name is Peter Tantella. I'm an
11 engineer, consulting engineer, retained
12 by Aria Health System in this matter.
13 With me today is Ms. Linda Wilson, who is
14 Chief Operating Officer of the Aria
15 Health Hospital. We're glad to answer
16 any questions the Committee may have this
17 morning.

18 COUNCILMAN KENNEY: Thank you
19 very much.

20 Any questions of the panel?

21 (No response.)

22 COUNCILMAN KENNEY: Seeing
23 none, before I recognize Councilman
24 O'Neill, I just want to thank you for
25 your continued investment in our city and

1 10/20/10 - RULES - BILL 100498, ETC.

2 your expansion, and we do appreciate
3 having the opportunity to help you.

4 Councilman O'Neill.

5 COUNCILMAN O'NEILL: Yes,
6 Mr. Chairman, and I appreciate your
7 letting it go on first and get back on
8 that 20-mile trek up 95. But I want to
9 first ask for a rules suspension on the
10 bill and, secondly, just note for the
11 record and thank the hospital,
12 particularly Ms. Linda Wilson, the COO,
13 for working so closely with the neighbors
14 and myself. It's rare the level of
15 cooperation and compromise that was
16 reached here with a couple of meetings
17 with the immediate neighbors. It goes a
18 long way to helping the hospital become a
19 better neighbor.

20 Thank you.

21 COUNCILMAN KENNEY: Thank you,
22 Councilman.

23 Thank you very much for coming
24 in and your testimony.

25 Is there anyone else to testify

1 10/20/10 - RULES - BILL 100498, ETC.

2 on this bill?

3 (No response.)

4 COUNCILMAN KENNEY: Seeing
5 none, the next bill is 100498, which is
6 an ordinance amending Title 14 of The
7 Philadelphia Code, entitled "Zoning and
8 Planning," by amending Chapter 14-1600,
9 entitled "Miscellaneous," by adding a new
10 Section establishing the Roxborough
11 Environmental Control District, all under
12 certain terms and conditions.

13 Mr. Kramer, please identify
14 yourself.

15 MR. KRAMER: Good morning,
16 Councilman Kenney, members of the Rules
17 Committee. I am William Kramer, Division
18 Director of the Development Planning
19 Division of the Philadelphia City
20 Planning Commission. I am here today to
21 testify on Bill No. 100498, which was
22 introduced by Councilmember Jones on June
23 17th, 2010.

24 Bill No. 100498 amends the
25 Philadelphia Zoning Code by amending

1 10/20/10 - RULES - BILL 100498, ETC.

2 Chapter 14-1600, by adding a new Section
3 establishing the Roxborough Environmental
4 Control District. This bill covers the
5 properties known generally as Manatawna
6 Farms in the Shawmont Valley section of
7 the City. The properties are bounded by
8 Hagy's Mill Road, Cathedral Road, the
9 Schuylkill River and the Philadelphia
10 County border and is approximately 76
11 acres in size, with 50 acres dedicated to
12 farming, community gardening, hay raising
13 and animal husbandry.

14 The purpose of this bill is to
15 establish the Roxborough Environmental
16 Control District as a new section of the
17 Philadelphia Zoning Code. This district
18 encompasses the Manatawna Farms area,
19 which is seen as a wildlife habitat, with
20 the intent to protect the fragile
21 grasslands that provide open space for
22 migratory songbirds and ensure that the
23 serpentine rock formations are not built
24 upon. It is claimed that the 500 garden
25 plots currently located on the property

1 10/20/10 - RULES - BILL 100498, ETC.

2 have damaged the ecological integrity of
3 the area with invasive plant species,
4 animal pests and storm water runoff. It
5 is believed that further development of
6 five acres for a total of ten commercial
7 farm plots would have a devastating
8 effect upon the environmental integrity
9 of the area.

10 Manatawna Farms is currently
11 utilized by two entities: Saul High
12 School of Philadelphia and the Schuylkill
13 Center for Environmental Education. Saul
14 High School mainly uses its property to
15 grow hay for its animal husbandry program
16 and to provide support for the 4-H
17 program and animals. The Schuylkill
18 Center for Environmental Education
19 manages the on-site community gardens.

20 The City of Philadelphia
21 Department of Parks and Recreation
22 advertised a Request for Information for
23 Management and Operation of Commercial
24 Chemical-Free Farming at Manatawna Farms
25 on March 19, 2010. The RFI stated that

1 10/20/10 - RULES - BILL 100498, ETC.

2 this program will provide farmers more
3 land than is traditionally available in
4 the City for growing crops.

5 The Philadelphia City Planning
6 Commission considered Bill No. 100498 at
7 their meeting of October 19, 2010. After
8 consideration, the Commission recommended
9 that Bill No. 100498 be disapproved. The
10 current zoning of the property as "R-2"
11 Residential does not permit commercial
12 farming. This bill is creating an
13 additional overlay to restrict a use that
14 is already not permitted under the
15 existing zoning classification, which
16 would normally have to go to the Zoning
17 Board of Adjustment for the granting of a
18 variance. With the prohibition against
19 commercial architecture already in place,
20 the bill is considered redundant.

21 This concludes my testimony. I
22 appreciate the opportunity to appear
23 before you today and would be pleased to
24 answer any questions you may have.

25 COUNCILMAN KENNEY: Thank you

1 10/20/10 - RULES - BILL 100498, ETC.

2 very much for your testimony.

3 Prior to recognizing Mr. Focht,
4 I would like to recognize Councilman
5 Kelly and Councilman Clarke to the
6 Committee and additionally in the
7 audience, Councilmembers Jones, Rizzo and
8 Quinones-Sanchez.

9 Please identify yourself for
10 the record and proceed.

11 MR. FOCHT: Good morning,
12 Councilmembers, members of the Committee.
13 I'm Mark Focht. I'm the Executive
14 Director of Fairmount Park. I appear
15 before you today on behalf of the
16 Department of Parks and Recreation in
17 opposition to Council Bill No. 100498. I
18 would like to use my testimony to outline
19 our concerns, including potential
20 citywide implications across the park and
21 recreation system.

22 The City of Philadelphia is
23 committed to supporting the development
24 and growth of urban agriculture. Urban
25 agriculture and access to fresh, local

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2 food has a strong place in the City's
3 sustainability plan, Greenworks
4 Philadelphia, which recommends the
5 establishment of 12 commercial
6 agriculture projects in the City.
7 Philadelphia Parks and Recreation, in
8 collaboration with other City
9 departments, including Planning, Health
10 and the Mayor's Office of Sustainability,
11 has undertaken responsibility for
12 implementation of this goal.

13 One of the most significant
14 constraints to urban farming in
15 Philadelphia is access to high-quality
16 agricultural land which will not change
17 in ownership or use. The Department has
18 consulted experts, including the
19 Institute for Innovations in Local
20 Farming, the National Sustainable
21 Agriculture Information Service, the U.S.
22 Department of Agriculture, the National
23 Lands Trust and our own consultant,
24 Sustainability Planning. All agree that
25 Manatawna Farm presents the best

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2 opportunity within our system to advance
3 this urban farming goal. It has
4 sufficient land and offers great
5 opportunities to partner with the School
6 District of Philadelphia to engage high
7 school students and learning about
8 small-scale, environmentally appropriate
9 urban agriculture.

10 Manatawna Farm is approximately
11 76 acres, with 25 acres in hay fields, 13
12 used for pasture, just under seven for
13 community gardens and about one and a
14 half acres surrounding the house and barn
15 complex. The balance of the property is
16 wooded, consisting of steep slopes and
17 other areas which are unsuitable for
18 farming. The property straddles the City
19 limit, located in the City of
20 Philadelphia and Whitemarsh Township,
21 Montgomery County. The School District
22 of Philadelphia uses approximately half
23 the acreage to raise hay to feed the
24 dairy and beef cattle and other farm
25 animals at Saul High School and to graze

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2 cattle. The School District's resident
3 farmer lives in the farmhouse on the
4 site. In addition, the local 4-H Club
5 uses the farm and facilities at
6 Manatawna.

7 Manatawna has been a working
8 farm for decades. Keeping with its
9 historic use as a farm, the Department
10 proposes to offer up to five acres, which
11 is less than seven percent of the
12 property, divided into small
13 one-half-acre farm plots, totally no more
14 than ten acres, to experienced farmers to
15 operate and manage sub-acre,
16 chemical-free market gardening plots for
17 the purpose of fostering sustainable
18 urban agriculture businesses in
19 Philadelphia and enhancing direct,
20 locally grown market of produce for the
21 citizens of Philadelphia. Bill No.
22 100498 would prohibit this use. It would
23 also potentially serve as a harmful
24 citywide precedence for how park and
25 recreation land is used.

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2 To gauge the interest in this
3 type of farming, the Department issued a
4 Request for Information called an RFI
5 seeking individuals and groups who could
6 demonstrate substantial experience in
7 farming, which may include experience
8 with "small plot intensive" farm models,
9 which are also known as SPIN Farming, or
10 other small plot farm models,
11 community-supported agriculture programs
12 or farm cooperatives, and with sufficient
13 financial capacity to operate and manage
14 small-scale farming at a high level.

15 We received 16 submissions to
16 the Request for Information, or RFI,
17 including many from non-profit
18 organizations that provide fresh food to
19 underserved communities in North and West
20 Philadelphia, individuals who would sell
21 their products at farmers' markets and
22 distribute to restaurants and even
23 farmers who would grow fresh flowers or
24 plants to produce natural dyes.

25 The Department has determined

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2 that nearly all of the responses to the
3 RFI would be qualified to participate in
4 a Request for Proposals, or RFP, process.
5 Respondents to an RFP, which has not yet
6 been released, would be permitted to
7 submit proposals for one farm plot each.
8 If selected, respondents would receive a
9 one-year license for a plot that would
10 require adherence to specified land use
11 protocols.

12 Since February 2010 --

13 COUNCILMAN KENNEY: Mr. Focht,
14 I'm sorry. I don't mean to interrupt,
15 but the question I have is, is this
16 testimony on the zoning change?

17 MR. FOCHT: Mm-hmm.

18 COUNCILMAN KENNEY: It is?
19 Because it seems there's another set of
20 issues here that you're talking about in
21 your testimony, whether you're for or
22 against the zoning change.

23 MR. FOCHT: The zoning change
24 would prohibit us from doing the things
25 I'm outlining here.

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2 COUNCILMAN KENNEY: Okay.

3 Fine. We'll proceed on that basis, but
4 I'm sure we'll have questions. I just
5 wanted you to enlighten me as to where
6 the testimony was going relative to the
7 zoning change.

8 MR. FOCHT: Sure.

9 COUNCILMAN KENNEY: Thanks.

10 MR. FOCHT: Since February
11 2010, the Department has engaged local
12 residents and near neighbors to seek
13 input and support as we conceptualize
14 plans for the urban agriculture.
15 Unfortunately, some, but not all, of the
16 near neighbors oppose this type of
17 farming at Manatawna Farm. Our proposal
18 would repurpose only 25 -- excuse me;
19 only five of the 25 acres currently used
20 for hay production. One of the concerns
21 voiced by the near neighbors is a
22 perceived loss of habitat. We would like
23 to just briefly outline how we address
24 that work at the Department.

25 We believe firmly that

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2 small-scale, commercial-free farming,
3 which would not be allowed under the
4 ordinance if passed, could occur at
5 Manatawna without negatively impacting
6 habitat or storm water management. In
7 fact, in 2010, the Department provided to
8 our stakeholders a list of principles to
9 guide for this use of Manatawna Farm
10 using environmentally sustainable
11 principles, part of those -- a number of
12 them which are in my testimony which you
13 received, but one -- just highlight one
14 of them, which is to support the
15 development and sustainability of diverse
16 habitats which complement the work of the
17 Department and its partners in the
18 Schuylkill and Wissahickon watersheds.

19 When discussing habitat, it's
20 clinically important to note that the
21 Department has been actively engaged in
22 this immediate neighborhood in Northwest
23 Philadelphia to increase the area of
24 habitat, specifically grasslands,
25 throughout the park system for the

1 10/20/10 - RULES - BILL 100498, ETC.

2 remarkable benefits that they hold.

3 Specific to this site or immediately

4 adjacent to this site, the Department is

5 improving six acres of land immediately

6 adjacent to Manatawna to develop enhanced

7 habitat quality for several priority bird

8 species adjacent to the Schuylkill

9 Center. We've also recently acquired

10 from Public Property the Roxborough

11 Reservoir and have developed substantial

12 meadow habitat at Saul High School --

13 excuse me; at the Wissahickon Valley Park

14 immediately adjacent to Saul High School

15 at a site called Houston Meadow. These

16 parcels in total 70 acres of habitat we

17 have created, similar to the habitat

18 adjacent to and in proximity to

19 Manatawna.

20 For these reasons, the

21 Department and our colleagues in Planning

22 and the Office of Sustainability, along

23 with Parks and Recreation Commission, are

24 opposed to the restrictions on urban

25 agriculture that would be placed on

1 10/20/10 - RULES - BILL 100498, ETC.

2 Manatawna Farm as a result of passage of
3 Bill No. 100498. Therefore, we
4 respectfully seek this Committee to not
5 approve this legislation, and I would be
6 pleased to answer any questions.

7 COUNCILMAN KENNEY: Mr. Kramer,
8 what did you testify the parcel is now?

9 MR. KRAMER: Zoning parcel is
10 currently zoned "R-2" Residential, and
11 "R-2" Residential will say that it
12 permits agriculture and horticulture, but
13 specifically prohibits commercial farming
14 as part of the Zoning Code. It's been
15 that way since 1967.

16 COUNCILMAN KENNEY: So what
17 you've described in your testimony,
18 you're telling me that the zoning would
19 not have to be changed to do that?

20 MR. FOCHT: We would have to go
21 to the ZBA for a variance.

22 COUNCILMAN KENNEY: But it's a
23 change in zoning use, correct?

24 MR. FOCHT: For the small-scale
25 commercial --

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2 COUNCILMAN KENNEY: Correct.

3 It's not "R-2" Residential. You're going
4 to look for a variance to the "R-2"
5 Residential.

6 MR. FOCHT: Correct, we would
7 have to.

8 COUNCILMAN KENNEY: So what is
9 the difference between Council, who has
10 the authority to change the zoning
11 designation, or the ZBA that gives you a
12 variance to do it? If you need a
13 variance to do it, what's the difference
14 between changing it here or getting a
15 variance at the ZBA?

16 MR. KRAMER: In this instance
17 what's going on is, there isn't -- this
18 is just adding another refusal onto the
19 system. This is not a zoning change
20 bill. The zoning will still be "R-2"
21 Residential, which would still be a
22 variance for the commercial. This is now
23 creating an overlay in the Code that says
24 now 14-1630 whatever now would require
25 that you have a variance from both

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2 sections of the Code. There would be
3 another section of the Code to obtain a
4 variance from. The existing Manatawna
5 Farms is there as a pre-existing
6 non-conforming use. It's been there
7 since whenever.

8 COUNCILMAN KENNEY: Councilman
9 Greenlee.

10 COUNCILMAN GREENLEE: Thank
11 you, Mr. Chairman.

12 My question is sort of on the
13 same line, a little different spin.
14 First, Mr. Kramer, you said basically the
15 Planning Commission's opposition is the
16 bill is redundant, right?

17 MR. KRAMER: Yes, sir. It
18 creates another --

19 COUNCILMAN GREENLEE: I guess
20 my basic question, so what's the problem
21 with that? I mean, it's kind of
22 reinforcing what is there already. I
23 mean, is that the Planning Commission's
24 only opposition really?

25 MR. KRAMER: That was the

1 10/20/10 - RULES - BILL 100498, ETC.

2 position that they stated yesterday, yes,
3 sir.

4 COUNCILMAN GREENLEE: All
5 right.

6 Then, Mr. Focht, right now if
7 you want to do this right now, this bill
8 was not passed, you'd have to go to the
9 Zoning Board, right?

10 MR. FOCHT: Correct.

11 COUNCILMAN GREENLEE: If this
12 bill passes, you're going to have to go
13 to the Zoning Board, right?

14 MR. FOCHT: Correct.

15 COUNCILMAN GREENLEE: What's
16 the difference? I think -- and
17 Councilman Jones can speak for himself,
18 but I guess the point is, I think what
19 he's trying to do is reinforce this
20 issue. But either way, you have to go to
21 the Zoning Board, so I guess where's the
22 beef? No pun intended there.

23 MR. FOCHT: We are talking
24 about a farm that raises cattle, yes.

25 It just was unclear to us if

1 10/20/10 - RULES - BILL 100498, ETC.

2 this was added, there's two layers --
3 there's already a layer of protection
4 with the site because it is zoned
5 Residential "R-2." This would add an
6 overlay, which, in our conversations with
7 the Planning Commission and the
8 colleagues, our colleagues at the
9 Planning Commission, seem to be
10 redundant.

11 COUNCILMAN GREENLEE: But if
12 it's redundant, it doesn't change
13 anything. Redundancy doesn't change;
14 it's just reinforcing, right?

15 MR. FOCHT: I understand.

16 COUNCILMAN GREENLEE: So it
17 doesn't seem like if we pass this, in a
18 sense, other than sending the clear
19 message where the Councilman and the
20 community wants to be, it doesn't change
21 anything. You still have to go to the
22 Zoning Board today or two weeks from now
23 if we pass, right?

24 MR. FOCHT: Mm-hmm.

25 COUNCILMAN GREENLEE: Thank

1 10/20/10 - RULES - BILL 100498, ETC.

2 you.

3 COUNCILMAN KENNEY: All righty,
4 then.

5 Councilwoman Miller, do you
6 have any questions?

7 COUNCILWOMAN MILLER: No.

8 COUNCILMAN KENNEY: Anyone else
9 have questions for these witnesses?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing
12 none, thank you very much for your
13 testimony.

14 MR. FOCHT: Thank you.

15 COUNCILMAN KENNEY: Mr. O'Neil,
16 Mr. Garcia, Ms. Kobland and Mr. Kates.
17 Come up as a panel, please.

18 (Witnesses approached witness
19 table.)

20 COUNCILMAN KENNEY: Thank you
21 very much for your attendance today.
22 Before we get started, it's kind of my
23 sense of the Committee that we're on your
24 side. So your testimony is important for
25 the record, but I want to make sure that

1 10/20/10 - RULES - BILL 100498, ETC.

2 the testimony is varied. I don't want
3 the same testimony about the same thing,
4 because we're most likely going to vote
5 this out the way you want it.

6 MR. O'NEIL: We tried to make
7 our testimony each to be about one or two
8 minutes.

9 COUNCILMAN KENNEY: Perfect.
10 Thank you.

11 Please identify yourself for
12 the record.

13 MR. O'NEIL: Good morning. My
14 name is David O'Neil. I'm a resident of
15 Roxborough, live adjacent to Manatawna
16 Farm. I'm a founding member of the
17 Friends of Manatawna Farm, an advisory
18 board member of the Schuylkill Center and
19 a supporter of community gardening, urban
20 farming and building the local food
21 supply. I spent ten years reviving the
22 Reading Terminal Market and was one of
23 the first people to bring farmers back to
24 the City and popularize local food. For
25 the last 20 years, I have worked to

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2 rebuild local markets' economies and food
3 supplies all over the world. On behalf
4 of my neighbors, surrounding community
5 and civic groups, all of whom -- we have
6 all the civic groups from the area.
7 Their letters are all in your packet -- I
8 ask you to support Councilman Jones'
9 ordinance to create the Roxborough
10 Conservation District to protect the
11 endangered grassland habitat and support
12 the farming programs of the award-winning
13 W.B. Saul Agriculture High School.

14 Manatawna Farm is a sustainable
15 community of gardeners, neighbors,
16 farmers, birders and students who have
17 achieved that often elusive balance of
18 uses based on responsible land
19 stewardship and respect for nature.
20 Manatawna is, in its most auspicious
21 state, productive, useful and beneficial.
22 In addition, the farm as currently
23 managed is a large natural filter lying
24 360 feet above and adjacent to the
25 Schuylkill River that helps keep its

1 10/20/10 - RULES - BILL 100498, ETC.

2 waters cleaner to the benefit of many
3 citizens of Philadelphia. Manatawna Farm
4 is a place that has escaped the trampling
5 of development and is increasingly
6 threatened with experiments,
7 fragmentation and schemes for outsiders
8 to make money. In the future, these
9 pressures will only become more frequent
10 and adamant. As such, we ask that you
11 support this ordinance, this community,
12 these students and wildlife to protect
13 and preserve a green sanctuary that is
14 not to be found in any other city in this
15 country.

16 There are thousands of places
17 in Philadelphia to establish community or
18 market gardens, so it makes no sense to
19 undermine Saul High School's
20 farm-to-table food system, break up its
21 soils and increase storm water runoff,
22 subvert the wishes of the community and
23 commercialize, with public subsidies no
24 less, one of the last grassland habitats
25 in the region.

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2 We are all supporters of urban
3 farming, yes, but in places where it
4 breaks through concrete and breathes life
5 into communities that hunger to be
6 connected to nature and improves
7 residents' abilities to feed and support
8 themselves where they can learn through
9 involvement. We need to create more
10 green places, not undermine the ones that
11 already exist.

12 Thank you.

13 COUNCILMAN KENNEY: Thank you.

14 Whoever is next, please
15 identify yourself for the record.

16 MR. GARCIA: Emilio Garcia.

17 COUNCILMAN KENNEY: Please pull
18 the microphone close to you. Thank you.

19 MR. GARCIA: Thank you for
20 allowing me to speak to you this morning
21 on behalf of W.B. Saul High School, and
22 I'd also like to introduce one of my
23 other colleagues here, Ms. Victoria
24 Macatee, who is a 4-H member and a
25 Philadelphia FFA Chapter historian.

1 10/20/10 - RULES - BILL 100498, ETC.

2 I currently serve as the
3 President of the School District's
4 City-Wide Student Government, which is a
5 student government of at least 150
6 students who represent the 58 high
7 schools within the School District. But
8 I'm also a senior at Saul High School.
9 As a member there, I also serve as an FFA
10 member there. So I respectfully ask that
11 the Rules Committee support the Bill No.
12 100498.

13 Saul High School is the largest
14 and oldest agricultural high school
15 within the United States. It's a
16 fantastic place, with students of at
17 least a body of 550 students who come
18 from all over the City to learn how to be
19 urban farmers and to learn the science of
20 farming. But a lot of this -- a lot of
21 our culture is already going on at
22 Manatawna Farm, because of the hay
23 production that's there is essential to
24 our school's farm-to-table program.

25 All of the livestock at Saul is

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2 dependent on Manatawna's hay. Any
3 development on it or reduction of the hay
4 field would reduce the school and force
5 them to have to purchase hay elsewhere,
6 which doubles the cost outside of the
7 City. So as a result of that, the school
8 just can't afford that.

9 One of our full-time farmers
10 who lives at Manatawna Farm has been
11 there for the past 12 years improving the
12 soil there and nourishing the hay fields
13 for all of our animals. The school
14 started an even greener campaign when
15 some of the curriculum includes field
16 study of how agriculture and wildlife can
17 co-exist on a farm. For example, our
18 farmer doesn't mow the fields when
19 migratory birds are visiting and nesting.
20 So we need all the hay we can get at
21 Manatawna Farm to make room for the birds
22 and other forms of wildlife and also to
23 provide the feeding of hay for our
24 horses, the sheep and beef and dairy
25 cattle at the school.

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2 We are grateful to Councilman
3 Jones for introducing this ordinance to
4 protect Manatawna Farm. By passing it,
5 you'll protect hundreds of my schoolmates
6 and future Saul students who are future
7 holders too from the risk of losing an
8 essential component of our education,
9 agriculture.

10 With respect, I urge you to
11 pass this bill to ensure a sustainable
12 future for Saul students. For without
13 it, other students like me won't be able
14 to have the opportunity to become
15 farmers.

16 COUNCILMAN KENNEY: Thank you
17 very much for your testimony.

18 Any questions for the witness?
19 Councilwoman Brown.

20 COUNCILWOMAN BROWN: Good
21 morning. Thank you for your testimony.
22 How old is the Friends of Manatawna Farm?

23 MR. O'NEIL: We just started as
24 a result of this controversy.

25 COUNCILWOMAN BROWN: And the

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2 relationship that you all enjoy with
3 Saul, just speak to that in some greater
4 detail.

5 MR. O'NEIL: Well, we've always
6 had a relationship. We live together.
7 We're adjacent to each other, but this
8 has brought us closer. We've worked with
9 Saul and the students and the
10 administration to implement some of these
11 principles about haying to integrate the
12 education and the habitat and the hay
13 fields for the students. It's really
14 innovative work that's going to be copied
15 around the country.

16 COUNCILWOMAN BROWN: I'm very
17 much aware of the important work of Saul
18 historically, and to know now that there
19 is a linkage with the broader community
20 augments, if you will, real-life
21 experiences around the profession of
22 farming. So thank you very much for your
23 testimony, young man.

24 MR. GARCIA: Thank you.

25 COUNCILMAN KENNEY: Thank you

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2 very much.

3 Please identify yourself for
4 the record and proceed.

5 MS. KOBLAND: Yes. My name is
6 Christina Kobland. I'm the wildlife
7 lady. I'm here today to testify not only
8 on behalf of Friends of Manatawna Farm
9 but also on behalf of East33.org, an
10 organization advocating for wildlife and
11 the protection of their habitat. I am a
12 zoologist and also President and Founder
13 of Native Return, LLC, a Lafayette Hill
14 business specializing in biodiversity
15 through native plant habitat restoration.
16 I lecture throughout the country. My
17 clients include the City of Philadelphia,
18 Division of Aviation, for whom I am doing
19 a multiple-year wildlife and habitat
20 research study. My projects have won
21 numerous regional, national and
22 international awards.

23 I also happen to be a neighbor,
24 owning property adjacent to the Manatawna
25 wildlife corridor, half of which is

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2 located in Whitemarsh Township. It is an
3 area I know like the back of my hand and
4 whose wildlife I love like members of my
5 own family.

6 I would like to begin by
7 thanking Councilman Curtis Jones for
8 introducing this wonderful piece of
9 legislation that not only permanently
10 protects this special steep-sloped
11 property, but also draws global attention
12 to the importance of conserving sensitive
13 open spaces for wildlife.

14 Biodiversity is the life all
15 around us. The greater the biodiversity,
16 the more stable the system. It is not
17 optional. Without biodiversity, we as a
18 species cannot survive. It provides the
19 ecosystem services upon which we all
20 depend, including the purification of our
21 air and water, sequestration of our
22 carbon dioxide, the recycling of our
23 waste and the building of our top soils,
24 to name just a few.

25 While we support urban farming

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2 initiatives, this wildlife corridor is
3 clearly not the place for it. Make no
4 mistake, taking any portion of this
5 25-acre, minimally disturbed hayfield for
6 commercial farming will destroy the
7 biodiversity it supports forever, as it
8 is in the center of 600 acres of
9 conserved land. Sensitive species shy
10 away from fragmented parcels. Land
11 animals cannot pass through a fenced-off
12 field.

13 This land is especially
14 important because it supports species of
15 conservation concern, such as bobolink,
16 meadow lark and a breeding population of
17 eastern box turtle, not to mention fox,
18 wild turkey, American toad, bobcat and
19 countless others.

20 Thanks to Saul School's
21 agreement to amend the mowing schedule at
22 a hayfield, five dozen bobolink returned
23 to the site this year, a critical
24 stop-off feeding and resting point in
25 their annual migration to and from

1 10/20/10 - RULES - BILL 100498, ETC.

2 Argentina. Providing an alternative
3 location for them is no guarantee the
4 birds will relocate.

5 Picture these tiny birds flying
6 non-stop for five or six days over the
7 Amazon Rain Forest and open oceans,
8 returning to Manatawna in an emaciated,
9 exhausted state. They arrive to find
10 their field and food source gone. It is
11 almost unthinkable the obstacles these
12 birds face in their will to survive.
13 This bill will preserve the habitat for
14 them forever, as well as for other
15 important species. What a wonderful
16 legacy to leave to those who come behind
17 us, and I ask, what could be more green
18 than this?

19 The school has also agreed to
20 time the mowing schedule to allow these
21 birds not only to feed but to complete
22 their breeding cycle at Manatawna. The
23 community and the school are working
24 together to teach Saul's 600 students the
25 importance of sharing our land with

1 10/20/10 - RULES - BILL 100498, ETC.
2 wildlife, to protect our biodiversity, by
3 preserving this habitat and wildlife
4 corridor forever.

5 Again, thank you, Councilman
6 Curtis Jones, for introducing this bill.
7 We ask that you give it your full support
8 to show that Philadelphia is indeed the
9 greenest city in America.

10 (Applause.)

11 COUNCILMAN KENNEY: Thank you
12 very much.

13 MR. O'NEIL: To keep this
14 brief, we just got a letter of support
15 from State Senator Vincent Hughes, which
16 I won't read. I'll just enter it in.

17 COUNCILMAN KENNEY: We have a
18 letter from Congressman Chaka Fattah and
19 from Senator Vincent Hughes in support of
20 the ordinance.

21 Thank you for your testimony.

22 Yes, sir. Please identify
23 yourself for the record.

24 MR. KATES: My name is Jim
25 Kates. I'm Vice-President of the Friends

1 10/20/10 - RULES - BILL 100498, ETC.
2 of Fox Chase Farm, which is another
3 facility like Saul High School in the
4 Northeast part of the City. We support
5 this bill. We are concerned that
6 something similar is going to happen at
7 Fox Chase Farm.

8 I have -- I'll summarize my
9 testimony, because I know you want to
10 move on. It's in your packet.

11 Basically, we have 10,000
12 school children who come through here
13 every year, and we're concerned about
14 bringing people in. If you work for the
15 School District, you have to have certain
16 kinds of background checks and criminal
17 records checks and so forth. In order to
18 do that, we're concerned about bringing
19 day laborers and stuff like that in. But
20 we support the bill.

21 Actually, just on rumors, we
22 circulated a petition. You're welcome to
23 have it. We got 300 people to sign a
24 petition last Saturday opposing this at
25 Fox Chase Farm and also supporting what

1 10/20/10 - RULES - BILL 100498, ETC.

2 you're doing here.

3 So thank you very much.

4 COUNCILMAN KENNEY: Thank you
5 for coming in and for your testimony.

6 That will conclude the witness
7 list that I have.

8 (Witness approached witness
9 table.)

10 COUNCILMAN KENNEY: Yes. Hi.
11 Please identify yourself for the record.

12 MS. CHRISTENSEN: My name is
13 Roxanne Christensen and I'm here to
14 oppose the restrictions that are going to
15 be placed on commercial farming at
16 Manatawna Farm. For the past ten years,
17 my work has been focused on building a
18 business case for urban agriculture,
19 beginning with the Somerton Tanks Farm
20 project, which was a half-acre commercial
21 demonstration farm operated in
22 partnership with the Philadelphia Water
23 Department in Northeast Philadelphia.
24 That farm generated \$68,000 gross from
25 under an acre. The Pennsylvania

1 10/20/10 - RULES - BILL 100498, ETC.

2 Department of Community and Economic
3 Development funded a study to document
4 the economics of that farm and to project
5 out what the total maximum revenue
6 potential could be from that type of farm
7 setup, and it was \$120,000.

8 I'd like to make two comments
9 regarding the restrictions that are being
10 proposed. The first relates to the term
11 "commercial," which in the context of the
12 Manatawna Farm initiative means
13 for-profit urban agriculture businesses
14 as opposed to non-profit urban
15 agriculture projects, of which
16 Philadelphia has many. The practices
17 that are used in commercial urban
18 agriculture are much different than
19 large-scale agribusiness. It's, for the
20 most part, non-mechanized. The only
21 mechanized equipment that's used is a
22 roto tiller. It's organic based and
23 chemical free and actually creates mini
24 balanced and diverse habitats that can
25 contribute positively to the environment.

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2 The second point I'd like to
3 make is, urban agriculture can be an
4 economic engine. It is attracting energy
5 and investment by entrepreneurs. That is
6 the type of activity that Philadelphia is
7 trying to attract. And urban farmers
8 should be supported, not thwarted. The
9 same practices that would be allowed at
10 Manatawna Farm to produce under a
11 thousand dollars, which, as I understand
12 it, is one of the restrictions in the
13 bill, have been used to generate \$68,000
14 gross, and in these financial challenging
15 times, it does not make sense to
16 introduce restrictions on economic
17 activity. And the Manatawna Farm
18 initiative represents an important next
19 step for Philadelphia to establish a
20 commercial urban agriculture industry
21 that will expand the supply of healthy,
22 nutritious food within the City, create
23 self-maintaining green space and generate
24 new business activity, and I would,
25 therefore, urge you to support the

1 10/20/10 - RULES - BILL 100498, ETC.

2 Manatawna Farm initiative.

3 Thank you.

4 COUNCILMAN KENNEY: I'm sorry.

5 You oppose the bill? You're opposed to
6 the piece of legislation --

7 MS. CHRISTENSEN: I oppose the
8 bill, as I understand it -- and I haven't
9 followed all the twists and turns, but it
10 restricts commercial farming at
11 Manatawna.

12 COUNCILMAN KENNEY: So you're
13 opposed to this bill?

14 MS. CHRISTENSEN: That's why I
15 oppose the bill.

16 COUNCILMAN KENNEY: Thank you
17 very much.

18 MS. CHRISTENSEN: Thank you.

19 COUNCILMAN KENNEY: Anyone else
20 to testify?

21 Councilman Jones, please.

22 COUNCILMAN JONES:

23 Mr. Chairman, I want to, first of all,
24 thank you for having this important
25 discussion today. I want to thank all of

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2 those, both for farming and for the
3 restrictions of this bill, for coming out
4 today, because this is a very important
5 issue as it relates to the future of the
6 City of Philadelphia.

7 Make no mistake, I am for urban
8 farming, but not at Manatawna.

9 (Applause.)

10 COUNCILMAN JONES: For the
11 record, so that it is clear, we have
12 other places. Fairmount Park controls
13 over 2,000 acres of farms, and why those
14 five acres are so important is a mystery
15 to me. There are places like Logan that
16 is 35 acres of non-usable land at this
17 point that could be converted to urban
18 farming, which is closer to the point of
19 destination for the distribution of those
20 goods.

21 It just is amazing to me that
22 the only place in the City of
23 Philadelphia that can grow a vegetable is
24 Manatawna Farms, and I would argue that
25 that is not the case and would hope that

1 10/20/10 - RULES - BILL 100498, ETC.

2 the people who have lived in this
3 community for decades get to enjoy their
4 community in the way that -- this is not
5 a new thing for you, Mr. Chairman. I
6 first met you up at the 21st Ward. You
7 travel up that way extensively and you
8 know the surroundings.

9 COUNCILMAN KENNEY: It's a
10 great district.

11 COUNCILMAN JONES: That's
12 right. And so I hope --

13 COUNCILMAN KENNEY: The 4th.

14 COUNCILMAN JONES: -- that we
15 can continue that way of life for
16 Philadelphians. We are a diverse
17 district and we want to keep it the way
18 it is.

19 Thank you.

20 COUNCILMAN KENNEY: Thank you,
21 Councilman Jones.

22 (Applause.)

23 COUNCILMAN KENNEY: That will
24 conclude our testimony on this bill. The
25 next bill we have is Bill No. 100538,

1 10/20/10 - RULES - BILL 100498, ETC.

2 which is an ordinance amending Section

3 9-605 of The Philadelphia Code, entitled

4 "Towing," by providing that a vehicle may

5 be relocated from the premises of a

6 hospital without first being ticketed,

7 under certain terms and conditions.

8 Lieutenant Healy and Mr. Forte.

9 (Witnesses approached witness

10 table.)

11 COUNCILMAN KENNEY: Please,

12 whoever is ready to start, please

13 identify yourself for the record.

14 LIEUTENANT HEALY: I'll start,

15 Councilman.

16 COUNCILMAN KENNEY: Fran, could

17 you pull that closer to you. Thank you.

18 LIEUTENANT HEALY: Good

19 morning, Chairman and other members of

20 the Rules Committee. My name is Francis

21 Healy and I'm special advisor to Police

22 Commissioner Ramsey and I'm here to

23 testify on his behalf regarding Bill No.

24 100538.

25 First and foremost, the

1 10/20/10 - RULES - BILL 100498, ETC.

2 Commissioner, as always, would like --

3 COUNCILMAN KENNEY: Lieutenant,
4 hold on one second.

5 Councilman.

6 Please identify yourself for
7 the record again and proceed.

8 LIEUTENANT HEALY: Sure. My
9 name is Francis Healy and I'm special
10 advisor to Commissioner Ramsey. I'm here
11 to testify on his behalf, as I mentioned,
12 regarding Bill No. 100538.

13 First and foremost, as always,
14 the Commissioner would like to extend his
15 gratitude for allowing the Police
16 Department to voice its opinion on this
17 legislation.

18 That being said, let me state
19 that the Police Department supports the
20 amendments offered by Councilman Kenney.
21 Although vehicles may be temporarily
22 removed for emergency reasons in hospital
23 parking lots, these illegally parked
24 vehicles must still be ticketed prior to
25 being towed to a storage facility. This

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2 amendment is consistent with the existing
3 exception for licensed parking lots found
4 in Section 9-605(d). In either scenario,
5 although an illegally parked vehicle can
6 be temporarily relocated without a
7 parking ticket, a ticket must nonetheless
8 be issued prior to them being transported
9 to a storage facility.

10 Equally important, any law
11 enforcement agency in Philadelphia is
12 authorized to issue these tickets. So
13 since parking tickets are still required
14 to be ultimately issued in these
15 scenarios, the Police Department does not
16 believe that the amendment offered in
17 this bill will undermine the integrity or
18 the intent of the original ordinance,
19 and, for this reason, the Police
20 Department has no objections to its
21 amendment and would respectfully
22 recommend its passage from this
23 Committee.

24 COUNCILMAN KENNEY: Thank you
25 very much.

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2 Please identify yourself for
3 the record.

4 MR. FORTE: Good morning,
5 members of the Council Committee on
6 Rules. My name is Joe Forte and I'm the
7 Director of Security at the Hospital of
8 the University of Pennsylvania. Thank
9 you for giving me the opportunity to
10 testify on behalf of Penn Medicine in
11 support of Bill 100538 sponsored by
12 Councilman Jim Kenney.

13 Let me begin by saying that
14 Penn Medicine fully appreciates the need
15 for greater oversight of towing
16 operations in the City of Philadelphia
17 and we applaud City Council for the work
18 you have done over the past few months to
19 improve service and safeguard the rights
20 of citizens from predatory towing
21 practices. Council Bill 100538 seeks to
22 balance these important safeguards with
23 the need for flexibility in situations
24 where patient safety could be jeopardized
25 by an illegally parked vehicle blocking a

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2 critical access point to the hospital.

3 Penn Medicine's hospitals

4 provide urgent and emergency care

5 services 24 hours, seven days a week at

6 our three acute care hospitals in the

7 City of Philadelphia: The Hospital of

8 the University of Pennsylvania, Penn

9 Presbyterian and Pennsylvania Hospital.

10 Each year we provide emergency care for

11 more than 116,000 patients, more than 300

12 patients per day in our hospital

13 emergency departments. The Hospital of

14 the University of Penn, HUP, is also a

15 Level I trauma center that provides

16 specialty trauma care to patients

17 throughout the region, and both HUP and

18 Pennsylvania Hospital also delivers more

19 than 9,000 babies combined each year.

20 These patients arrive at our hospitals

21 using different methods of

22 transportation, but, generally speaking,

23 the most critical patients are

24 transported by vehicle, both ambulance

25 and car. It is imperative that these

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2 patients have unobstructed access to the
3 main entry points of the hospital at all
4 times, and it is the responsibility of my
5 team to ensure that occurs.

6 Our primary concern is for the
7 safety of our patients during critical
8 times when the delay of even a few
9 minutes could make a difference in saving
10 a life. Council Bill 100538 would give
11 designated hospital security personnel
12 the authority to relocate a vehicle
13 blocking a critical patient access point
14 without first being ticketed by the
15 Philadelphia Police Department or the
16 Philadelphia Parking Authority under
17 certain conditions. These conditions
18 would require hospitals to follow a
19 clearly delineated process that includes
20 the completion of an official form by
21 designated hospital personnel. The
22 legislation would also mandate that tow
23 operators remain at the temporary
24 location after removing the vehicle until
25 an enforcement officer arrives and

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2 determines that the vehicle should be
3 towed.

4 In short, the legislation would
5 allow hospitals to move a vehicle parked
6 in a dangerous location immediately,
7 while still requiring compliance with all
8 the other aspects of the revised towing
9 law. We believe this is an important and
10 necessary tool for hospital security in
11 cases where an illegally parked vehicle
12 presents a clear threat to hospital
13 access for those in need of emergency
14 care.

15 We view towing as a last
16 resort, and our hospitals would reserve
17 this method only for those times when we
18 deem it to be both necessary and within
19 the scope outlined in Bill 100538. While
20 we do not have data on the number of
21 vehicles that would be affected by this
22 change, based on our past history, we
23 estimate that we see an average of five
24 vehicles per year blocking critical
25 patient access points at hospitals.

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2 While this number is small, the impact in
3 terms of access to critical emergency
4 services can be significant for a patient
5 in the back of an ambulance or a mother
6 in active labor, underscoring the need
7 for this change.

8 On a personal note, I guess
9 around eight months ago we had a
10 situation where we had a vehicle that was
11 blocking half of our entrance point to
12 our trauma center at HUP. The other part
13 of the area was filled by rescue squads.
14 Well, we had a rescue squad come in
15 seconds later and they had to unload a
16 gunshot victim on the street, around 50
17 to 60 feet away from the actual trauma
18 door. So that's an example of why this
19 is so important.

20 In summary, I would like to
21 thank you for recognizing the unique
22 challenges hospitals face in the new
23 towing laws and offering a common-sense
24 solution that we believe enhances public
25 safety while still maintaining the rights

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2 and protections of vehicle owners.

3 Thank you for giving me the
4 opportunity to provide testimony in
5 support of Bill 100538. I will be happy
6 to answer any questions you might have.

7 COUNCILMAN KENNEY: Thank you
8 very much.

9 Any questions for this witness?

10 (No response.)

11 COUNCILMAN KENNEY: Any other
12 questions?

13 COUNCILWOMAN BROWN: I do.

14 Good morning, gentlemen. In
15 trying to grasp the substance of this
16 bill, in your view, who are the winners
17 or losers looking forward?

18 LIEUTENANT HEALY: If I can
19 answer that question. I believe our
20 biggest concern from the Police
21 Department's perspective is two issues.
22 One is consumer advocacy, making sure
23 that people who have their cars towed are
24 having them legitimately towed and that
25 they have a recourse available to them.

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2 That's why we have the ticket in place.

3 The second issue is for uniform
4 enforcement. So my police officers know
5 that if somebody is taking a car from a
6 private property, that it needs a parking
7 ticket. Basically that gives my officers
8 the authority to do whatever enforcement
9 they have. They can see a car being
10 transported without a ticket, they can
11 make the car stop, determine whether or
12 not it was taken properly or not
13 properly.

14 So for those two reasons, I
15 think this ordinance -- or, I'm sorry,
16 this amendment, really it's a win-win.
17 Because I understand the need to move
18 cars temporarily in a hospital setting.
19 We need to ticket the cars, but in this
20 scenario here, the cars are being moved
21 around, jockeyed around so they can do
22 the emergency stuff that they have to do,
23 but before the cars are being actually
24 transported on Philly streets to a
25 storage facility, they still require the

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2 ticket. And, actually, that ticket will
3 have the information on it of who saw the
4 violation and who is available to testify
5 against the car owner, so the car owner
6 still has the ability or recourse to go
7 into a court and determine, hey, look, I
8 parked my car legally, you took it
9 improperly. At least he still has that
10 mechanism. My biggest problem when this
11 bill was initially drafted was it carved
12 out a completion exception. There would
13 be absolutely --

14 COUNCILWOMAN BROWN: It carved
15 out a what?

16 LIEUTENANT HEALY: A complete
17 exception for the hospital setting where
18 no tickets would be issued, and from a
19 Police Department perspective, we
20 objected vehemently, and I think we came
21 to a very good resolution. The fact is,
22 I understand the need to jockey the cars
23 so you can get the ambulance in, but
24 before that car gets transported
25 somewhere else, it still needs a ticket.

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2 So nonetheless now we're back to square
3 one, so everyone is on the same page.
4 Everyone who gets their car towed from
5 private property, I can say that with all
6 degree of certainty, should have a
7 parking ticket on it. Whether it's from
8 a private parking lot or from a hospital
9 setting, the fact is there will be a
10 ticket on it, so I can give clear
11 guidelines for my police officers from an
12 enforcement perspective.

13 COUNCILWOMAN BROWN: Okay. So
14 what I'm hearing is uniformity becomes a
15 plus universally.

16 LIEUTENANT HEALY: Absolutely.

17 COUNCILWOMAN BROWN: Across the
18 City.

19 LIEUTENANT HEALY: Correct.

20 COUNCILWOMAN BROWN: And that's
21 not a circumstance now, that doesn't
22 exist right now?

23 LIEUTENANT HEALY: Right now
24 the way the Councilman's bill was
25 originally drafted and passed, every car

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2 taken off a private property lot would
3 need a ticket.

4 COUNCILMAN KENNEY: After
5 November 12th.

6 LIEUTENANT HEALY: So what
7 happened is, that caused some problems in
8 the hospital setting, whereas we need it
9 moved now, we can't get a police officer,
10 an enforcement officer now. So what this
11 bill allows them to do is jockey the car,
12 put the information of who saw what,
13 where, when and how on the car, so when
14 the enforcement officer comes, the car is
15 still on location, although may be
16 slightly different, but the officer can
17 then write the ticket based on that
18 information, which is acceptable under
19 the Rules of Criminal Procedure for
20 summary citations.

21 COUNCILWOMAN BROWN: And in
22 some ways that protects the consumer,
23 because now at least the consumer knows
24 what the standard procedure is versus
25 having X number of folks who tow cars

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2 having all different procedures.

3 LIEUTENANT HEALY: Exactly.

4 More importantly, it gives them access --
5 that ticket gives them access to the
6 court. If they believe they've been
7 aggrieved somehow, prior to Councilman
8 Kenney's bill, you really had no
9 recourse. You had to go to these private
10 lots, pay your car, and then if you
11 thought you got ripped off, you had to
12 sue them. Now you have a parking ticket,
13 which is your ticket into a court of law
14 where a traffic court judge or originally
15 a municipal court judge can make a
16 determination whether or not you were
17 parked legally, your car shouldn't have
18 been towed, and then from that issue, the
19 judge has different discretion and
20 powers.

21 COUNCILWOMAN BROWN: I see.

22 And it's University of Pennsylvania
23 speaking today, but you're representing
24 the hospital industry; is that fair to
25 say?

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2 MR. FORTE: Yes. And truly,
3 Councilwoman, the real winners are the
4 people that are seeking critical care
5 that need to get into a hospital right
6 away.

7 COUNCILWOMAN BROWN: Okay,
8 then. Thank you for your testimony.

9 LIEUTENANT HEALY: Thank you.

10 MR. FORTE: Thank you.

11 COUNCILMAN KENNEY: Anyone else
12 to testify on this bill?

13 (No response.)

14 COUNCILMAN KENNEY: Seeing
15 none, we'll move to Bill No. 100536,
16 which is an ordinance amending provisions
17 of The Philadelphia Code relating to
18 towing; in particular, amending Section
19 9-605, entitled "Towing," by revising the
20 provisions for the licensing of towing
21 companies; by revising the rotation
22 system for towing certain vehicles; by
23 providing for fines, penalties and
24 license suspensions, and for
25 administrative adjudication of certain

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2 violations; and by delegating the
3 administration and enforcement of the
4 Section to the Philadelphia Parking
5 Authority; and amending Section
6 12-2406.1, relating to fees for towing
7 and storage of immobilized or impounded
8 vehicles; all under certain terms and
9 conditions.

10 I'd like to take the
11 opportunity to just read a statement
12 before we start, also reiterate the fact
13 that this bill will not be requested to
14 be moved out of Committee today. We
15 intend to listen to all of the testimony,
16 to make whatever changes are appropriate
17 to the bill and at a future date to vote
18 the bill out of Committee to get it to
19 the floor.

20 This is my personal statement
21 relative to this legislation.

22 Nothing more clearly
23 demonstrates the need for cleaning up the
24 towing industry in Philadelphia than the
25 recent arrest of a tow truck driver who

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2 was charged with murdering one of his
3 competitors. The incident, coupled with
4 gun violence this past summer involving
5 two competing towing operators, mask a
6 daily battle on the streets of
7 Philadelphia, where unsuspecting
8 consumers pay the price for a towing
9 industry that is sometimes out of
10 control.

11 There have been countless
12 reports in the media and hundreds, if not
13 thousands, of complaints filed against
14 tow truck operators for ripping off
15 consumers. While the harm done to
16 consumers can be measured on an
17 individual basis, the perceptual harm
18 done to Philadelphia and our tourism and
19 hospitality industry in terms of lost
20 tourist dollars is immeasurable.

21 Last spring, I joined with my
22 colleagues on Council to try to bring
23 some sanity and order to this madness. I
24 introduced legislation to prevent tow
25 truck operators from towing vehicles off

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2 private property until a ticket issued by
3 the law enforcement. The bill recently
4 signed into law by Mayor Nutter goes into
5 effect November 12th.

6 We are here today because in
7 spite of all our past efforts and good
8 intentions, towing in this city is a
9 major public safety hazard and consumer
10 protection issue. While the majority of
11 tow truck operators are law-abiding
12 businesspeople, the sad fact is that a
13 good many are not. That's why I've
14 introduced legislation, Bill No. 100536,
15 designed to bring some order and sanity
16 to the towing industry. My legislation
17 would give joint regulatory oversight of
18 towing companies to the Philadelphia
19 Parking Authority and the City's
20 Department of Licenses and Inspections.
21 This oversight would include the
22 licensing, inspection and review process
23 of tow companies, all vehicles, as well
24 as administering the rotational towing
25 program. In its current form, the

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2 legislation increases the standards for
3 the licensing of tow companies and tow
4 vehicles. It also creates much-needed
5 safeguards for drivers involved in
6 accidents whose vehicles require a tow
7 through the rotational tow program.

8 Based on feedback from the
9 industry, amendments are in the process
10 of being drafted to provide for the
11 licensing of tow truck operators to
12 enhance accountability. Additionally,
13 members of the industry have asked for
14 more stringent requirements for
15 participating in the rotational towing
16 program.

17 Feedback through testimony
18 today will also be considered. This is a
19 very complex issue with a number of
20 interested individuals. While I do not
21 intend to move this bill out of Committee
22 today, the testimony provided will be
23 considered for the amendments that will
24 be offered at a future hearing on this
25 legislation.

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2 Related to the licensing of tow
3 companies, the proposed legislation
4 raises the standards of the industry to
5 enhance public safety and trust. New
6 York City and the State of Texas are
7 examples of other jurisdictions that
8 require companies to be licensed. Their
9 fees are also similar to what is proposed
10 in this bill.

11 Licensed tow companies who
12 choose to participate in the City's
13 rotational towing program will have to
14 meet additional requirements related to
15 equipment and must follow strict
16 guidelines related to response times
17 where they may -- and where they may tow
18 a disabled vehicle. Specifically, tow
19 trucks will be required to arrive at an
20 accident scene within 20 minutes of being
21 dispatched, and no vehicle may be towed
22 without police authorization.

23 Furthermore, this legislation
24 would authorize the Parking Authority to
25 monitor and track all tows related to the

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2 rotation program and handle all billing
3 and payment matters, too. Customers will
4 be billed by the PPA, which will in turn
5 pay the towing companies. This will
6 result in uniform towing and storage
7 rates, along with acceptance of debit and
8 credit cards as well as cash.

9 All vehicles will be towed and
10 stored at a secure 24-hour Philadelphia
11 Parking Authority lot unless otherwise
12 directed by the customer. Customers can
13 also have their vehicles towed directly
14 to an auto body shop of their choice.

15 My legislation provides harsh
16 penalties for any non-approved tow truck
17 that shows up at the scene of an
18 accident. The first offense is \$500, the
19 second is a thousand, and the third
20 offense is a thousand dollar fine and a
21 six-month license suspension.

22 With that as background for
23 today's hearing, I would like to thank my
24 colleagues and open the hearing today and
25 recognize Deputy Commissioner Everett

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2 Gillison for testimony.

3 Please identify yourself for
4 record.

5 DEPUTY MAYOR GILLISON: Thank
6 you very much, Councilman. Everett
7 Gillison, Deputy Mayor for Public Safety
8 for the City of Philadelphia.

9 Good morning, members of
10 Council, members of the Rules Committee.
11 Thank you for the opportunity to appear
12 before you today on behalf of the Nutter
13 Administration to testify on Bill No.
14 100536, which seeks to amend provisions
15 of The Philadelphia Code relating to
16 towing. This bill, introduced by
17 Councilmen Kenney and Jones, offers some
18 very creative solutions to longstanding
19 problems that have existed in the towing
20 industry.

21 We have all heard countless
22 complaints of citizens who have had
23 encounters with tow operators who seem to
24 take advantage of drivers' difficult
25 circumstances. Moreover, we have heard

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2 complaints about tow operators racing to
3 accident scenes, failing to carry the
4 necessary safety equipment, failing to
5 heed a vehicle owner's instructions on
6 where to take their vehicle, failing to
7 accept credit cards for payment and
8 failing to provide safe and secure
9 storage and a host of other failures.
10 All of this conduct imperils public
11 safety.

12 The authors of this bill should
13 be commended for their creative thinking
14 in devising ways to combat these issues.
15 The proposed Code changes with respect to
16 inspections, licensing and enforcement
17 are positive suggestions at curbing these
18 abuses.

19 It was just this past summer
20 that we all heard the dangerous tale
21 about two tow operators engaging in
22 reprehensible conduct over which operator
23 would tow a vehicle involved in an
24 accident at Whitaker and Hunting Park
25 Avenues. Since that time, the

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2 Philadelphia Police Department has made
3 changes to the way in which it operates
4 the rotational towing system. Police
5 officers are no longer dispatched to
6 accident scenes via police radio, where
7 the broadcast may be intercepted by a tow
8 operator with a scanner. Officers are
9 now dispatched via their mobile data
10 terminals, to which the public has no
11 access.

12 Also, once police radio
13 dispatches an officer to an accident
14 scene, the dispatcher calls the tow
15 operator next in line on the rotational
16 list. These changes help to curtail
17 wreck chasing and the inherent dangers of
18 that practice.

19 The Police Department is
20 committed to the rotational towing
21 system. The Department desires that the
22 system operate in a safe and efficient
23 manner and will continue to monitor the
24 system and make operational changes when
25 necessary to achieve these goals. Bill

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2 No. 100536 offers a creative scheme to
3 revise the rotational towing system; in
4 particular, placing responsibilities in
5 this area with the Philadelphia Parking
6 Authority.

7 We are willing to consider any
8 solution to make the system work,
9 although we understand there may be
10 impediments to implementing that
11 particular proposed scheme. The
12 Administration pledges to continue to
13 work with all of those on Council who
14 desire to bring a sense of order and
15 sanity to the towing industry.

16 Thank you for the opportunity
17 to testify. I'll be happy to answer any
18 questions from the Committee.

19 COUNCILMAN KENNEY: Thank you
20 very much.

21 Mr. Fenerty, do you have
22 anything to add at this point?

23 MR. FENERTY: No, Mr. Kenney.
24 I was invited here by you today to answer
25 any questions which the Councilmembers

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2 may have regarding the rotational towing
3 system or how the Parking Authority would
4 handle this if called upon.

5 COUNCILMAN KENNEY: And you
6 intend to stay for the duration of the
7 hearing?

8 MR. FENERTY: Yes, I do.

9 COUNCILMAN KENNEY: Thank you.
10 Councilwoman Brown.

11 COUNCILWOMAN BROWN: Yes. Good
12 morning.

13 DEPUTY MAYOR GILLISON: Good
14 morning.

15 COUNCILWOMAN BROWN: I agree,
16 any opportunity to offer additional
17 sanity is always great for the consumer.
18 What do you believe the impediments are?

19 DEPUTY MAYOR GILLISON: Well,
20 we've all -- I think both Council's
21 lawyers and the lawyer from the City
22 Solicitor's Office say that there are
23 some issues that we have to overcome with
24 the provisions for the inclusion of the
25 Parking Authority to help us out in this

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2 area. We're looking at creative
3 solutions there. We're also looking at
4 training issues within the Police
5 Department to see if we can actually find
6 a better way of enhancing once an officer
7 gets to the scene, what their -- and
8 clearly delineate what their
9 responsibilities are and what they're
10 permitted to do under the system and what
11 they're not.

12 Any solution that is being
13 proposed, even with this solution also as
14 a model, would require increased officer
15 participation at the scene and also
16 increased reliance on either the PPA and
17 its area that it would actually come in
18 or having additional, what I call,
19 freeze-the-moment-in-time when the
20 officer gets there and clearly delineate
21 who is going to be allowed to do what at
22 what time. Those are the critical things
23 that we're still working through. We're
24 still looking at both suggestions to
25 training, but we're also looking at how

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2 we can actually enforce some of the
3 things that Councilman Kenney's bill has
4 addressed, which is licensing, weight
5 restrictions, things that the Parking
6 Authority has the ability to do, and
7 we're trying to figure out how we can
8 work together to make this a safer
9 situation for all.

10 COUNCILWOMAN BROWN: Thank you.

11 COUNCILMAN KENNEY:

12 Councilwoman --

13 COUNCILWOMAN BROWN: A portion
14 of your -- I had a follow-up.

15 COUNCILMAN KENNEY: I'm sorry.
16 I apologize.

17 COUNCILWOMAN BROWN: A
18 follow-up directly tied to the issue of
19 staffing.

20 So is it logical to think that
21 because of the potentially new duties and
22 responsibilities, there will be a need
23 for increase in staffing on both sides or
24 just with PPA?

25 DEPUTY MAYOR GILLISON: Our

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2 initial modeling from -- and these are
3 discussions that I had with Mr. Fenerty
4 over the summer -- indicated that
5 staffing would really not increase all
6 that much. It's really about how to
7 address the situation out on the scene
8 first, and that's why we are actually
9 trying to go slow in how we actually
10 address this. And I think Councilman
11 Kenney, I've been in touch with him a
12 number of times about this issue over the
13 summer, and the reason why we did the
14 mobile data terminal piece was to see how
15 does that affect the wreck chasing. We
16 have --

17 COUNCILWOMAN BROWN: What was
18 that? The reason why you did what?

19 DEPUTY MAYOR GILLISON: That
20 we've actually now put all of our
21 information out over the mobile data
22 terminals that are in the police cars is
23 because that's a secure network. It's
24 only available to law enforcement and it
25 only goes to the officer on the scene and

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2 back. That stops the scanner tipping and
3 everybody running because of what
4 information they're getting over public
5 airwaves.

6 So we've seen a reduction in
7 that kind of movement as we're getting
8 out. Of course, for every action,
9 there's an equal and opposite reaction.
10 We understand that now the scanners are
11 being, for the Fire Department, are being
12 monitored, and we're looking at how we
13 can use that.

14 The good thing I can report is,
15 I'm moving mobile data terminals to the
16 fire truck and fire matters as well, so
17 soon that will become something that is a
18 non-issue as well. But it takes -- this
19 is a very complex situation, as the
20 Chairman has indicated, that we want to
21 make sure that we get right. The
22 licensing, the amount of work that needs
23 to be done on the, I think it was, the
24 safety issue that Mr. Fenerty was talking
25 about with the tonnage for towing and all

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2 of that does seem to be -- we support
3 that being addressed, and we're making
4 sure -- we want to make sure that it's
5 done and it's addressed in a way that
6 doesn't burden the rest of the system.

7 Currently, License and
8 Inspection is responsible for doing that,
9 but we actually might want to see and
10 we're looking into supporting that aspect
11 of it that might be done better by a
12 different agency, and we're working with
13 Mr. Fenerty to see if that's something we
14 can do. But these are all things that
15 have to kind of be flushed out and that's
16 why we are moving slowly.

17 COUNCILWOMAN BROWN:

18 Slow-walking.

19 DEPUTY MAYOR GILLISON: Yeah,
20 we're slow-walking this to make sure we
21 get it right.

22 COUNCILWOMAN BROWN: And so
23 your response leads to a subsequent
24 question. Speak briefly first, though,
25 to licensing. Licensing of what?

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2 DEPUTY MAYOR GILLISON: The
3 bill talks about placing within the
4 Philadelphia Parking Authority the
5 ability to license the tow operators in a
6 way that would be uniform.

7 COUNCILWOMAN BROWN: If you
8 could stop right there, because I don't
9 want to lose my next thought.

10 So does the Parking Authority
11 currently have a practice where you
12 subcontract with X industry to handle any
13 of the operations of the Parking
14 Authority?

15 MR. FENERTY: We --

16 COUNCILMAN KENNEY: Please
17 identify yourself for the record.

18 MR. FENERTY: Vince Fenerty,
19 Executive Director of the Parking
20 Authority.

21 Councilwoman, the only thing we
22 do subcontract currently is some
23 heavy-duty wrecker work when our wreckers
24 are not available. We only have three
25 heavy-duty wreckers, and also some

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2 recovery work, of which the equipment is
3 too expensive for the Parking Authority
4 to purchase.

5 COUNCILWOMAN BROWN: So with
6 this new enterprise, is what it becomes,
7 or it becomes a new segment duty of the
8 Parking Authority; is that fair to say?

9 DEPUTY MAYOR GILLISON: No. I
10 don't see it that way and I don't believe
11 that we've discussed it that way.

12 COUNCILMAN KENNEY: It's just
13 important to note that the Parking
14 Authority will not be towing vehicles
15 from the accident scene. Private tow
16 companies will still, if they qualify for
17 the rotation system, will be doing that
18 work. The difference is that the car,
19 rather than being taken to a private
20 impoundment lot or to sometimes a body
21 shop, which is another problem, it will
22 go to the Parking Authority lot, where
23 the chain of custody will be kept
24 consistent.

25 COUNCILWOMAN BROWN: That

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2 clarity is important.

3 COUNCILMAN KENNEY: So the
4 private towing industry will still be
5 going to the accident scenes when
6 discharged or dispatched by the PPA to
7 tow the truck and will be paid for it.

8 COUNCILWOMAN BROWN: Okay. I
9 don't want to lose my thought. So then
10 the PPA becomes the spoke in the wheel
11 with regards to those private towers who
12 get the opportunity; is that fair to say?

13 MR. FENERTY: That would be
14 fair to say, yes.

15 COUNCILWOMAN BROWN: And the
16 process you use at PPA to ensure equity
17 across the board for opportunity is what?

18 MR. FENERTY: If we were to do
19 this, it would be a rotational tow
20 system, and everything we do would be
21 approved by the Deputy Mayor, Mayor
22 Gillison's office.

23 COUNCILWOMAN BROWN: All right,
24 then. Thank you both for your testimony.

25 Thank you, Mr. Chairman.

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2 COUNCILMAN KENNEY:

3 Councilwoman Miller was in line. I'm
4 sorry, Councilman Kelly.

5 COUNCILWOMAN MILLER: Good
6 morning. I'd like to get information on
7 how one gets on the rotation list. Is it
8 difficult? Is it easy?

9 DEPUTY MAYOR GILLISON: No.
10 It's actually --

11 COUNCILWOMAN MILLER: What are
12 the steps?

13 DEPUTY MAYOR GILLISON: It's
14 actually quite easy. Currently, there is
15 a form that is required that is sent out
16 by either Revenue or License and
17 Inspection. I'm not sure. I think it is
18 License and Inspection. Persons sign up
19 for the matter. They have to meet
20 certain guidelines. Those guidelines are
21 how fast you can actually get to a
22 particular area of the City and how fast
23 you would be required to respond when
24 your number comes up on the rotational
25 tow. They have to almost aver in the

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2 application that they will be able to get
3 to this particular place whenever
4 notified, and we have divided the City
5 up -- or the ordinance divides the City
6 up into various zones. So people can be
7 on two contiguous zones, but can't be on
8 like, I can be anywhere in the entire
9 City and I have one truck. It does
10 not -- that doesn't exist.

11 So I believe right now we have
12 approximately 87 to -- somewhere between
13 87 and 95 businesses that are on the
14 system, and they are ranked. And then
15 all that happens is that whenever the
16 next person comes up, they're moved on
17 and they are assigned the tow.

18 COUNCILMAN KENNEY: If I may
19 add, so operationally right now, a call
20 goes to 911 about an accident. There are
21 911 operators also dispatching other
22 things. So it's not always a high
23 priority to get the rotational tow system
24 started. We believe that having 911 flip
25 the call to the PPA 24/7 dispatcher, who

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2 will have the consistent list of people
3 who will be called consistently and the
4 next person up.

5 The other benefit we believe is
6 that there will be a history, a list, of
7 how many times you are called in a year,
8 how many times you failed to respond or
9 how many times you did respond. And so
10 it's a more -- we came to the conclusion
11 that looking at past practice, L&I, as
12 much as they work and as hard as they
13 work, don't have the people to do this.
14 We tried to get the Police Department
15 involved because we wanted a little more
16 consistency from them, and they've done a
17 much better job than nothing before, but
18 it's still not their main mission. Their
19 main mission is not inspecting tow
20 trucks. It's fighting crime. So we
21 believe -- and the rest of Council will
22 agree or disagree -- that the most
23 logical place to go after that would be
24 the Parking Authority that actually tows
25 things and is involved in towing.

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2 And, again, it's important to
3 reiterate that we're not removing the
4 towing practice from the private tow
5 companies. It is simply the
6 qualification process and the operation
7 of the rotational tow, but they'll still
8 be doing the work.

9 COUNCILWOMAN MILLER: Okay. So
10 we have a car accident and 911 is called,
11 and then they call on the mobile data.

12 DEPUTY MAYOR GILLISON: They
13 put it out -- not call. It's actually --
14 imagine it's a computer in the car, so
15 you get a text.

16 COUNCILWOMAN MILLER: It's
17 mobile, though. It's not over the
18 scanner.

19 DEPUTY MAYOR GILLISON: That's
20 correct.

21 COUNCILWOMAN MILLER: And then
22 who calls the Parking Authority?

23 DEPUTY MAYOR GILLISON: The
24 police officer at the time they arrive at
25 the scene. Well, it's not -- the Parking

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2 Authority is not involved now, but the
3 Councilman's suggestion is that at the
4 911 entity, that that person at the
5 dispatch would end up calling the Parking
6 Authority for --

7 COUNCILWOMAN MILLER: For them
8 to call?

9 DEPUTY MAYOR GILLISON: Right.

10 COUNCILWOMAN MILLER: And then
11 the Parking Authority calls the tow
12 company?

13 DEPUTY MAYOR GILLISON: That's
14 correct. That's the change that the
15 Councilman's bill is looking at. I'm
16 still looking at the dispatch of the
17 police officer to the scene to make sure
18 that what is it operationally that we
19 need to do to improve that response.

20 The Parking Authority doesn't
21 have the enforcement powers of going to a
22 particular location and making sure that
23 people are acting the way they need to be
24 acting at the time of an accident. So we
25 are looking at our training and our

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2 response right now to make sure that when
3 we get to the scene, how do we let the
4 officers know that they're in charge of
5 that scene. They're dealing with people
6 who obviously are upset, distraught, and
7 they have to not only freeze the scene
8 but also wait to make sure that currently
9 it is that officer's responsibility to
10 notify dispatch to call in a tow, whether
11 or not one is needed or not. That's in
12 that officer's discretion at this current
13 time, and that's what we are actually
14 reviewing and have been reviewing since
15 August, is there a better way that we can
16 do either improving training or improving
17 what we're doing to help this issue out
18 and to make sure that we don't put the
19 public in any additional situation that
20 seems to be in a negative situation, I'll
21 put it that way.

22 COUNCILWOMAN MILLER: All
23 right. You know, when you're involved in
24 an accident, you're really just
25 frustrated and you just want to get it

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2 over with.

3 So once the officer determines
4 that there is the need for a tow truck --
5 now we're back to rotation -- how many
6 zones do you have citywide, how many?

7 DEPUTY MAYOR GILLISON: I
8 believe currently -- I have to get back
9 exactly the number. I think it's six.
10 It's either six or seven.

11 Six. Thank you.

12 COUNCILWOMAN MILLER: Six
13 zones. And then a tow operator can be on
14 two of the zones?

15 DEPUTY MAYOR GILLISON: Two
16 contiguous zones.

17 COUNCILWOMAN MILLER: And you
18 have 87 listed tow operators?

19 DEPUTY MAYOR GILLISON: Yes.
20 My last count when I was looking at it in
21 August when this came back up, it was 87
22 to 89, somewhere in that area.

23 COUNCILWOMAN MILLER: You know,
24 what I heard early on with the rotation
25 was that certain companies were being

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2 called all the time and other companies
3 were not being called.

4 (Applause.)

5 DEPUTY MAYOR GILLISON: I can
6 tell you that one of the things that is
7 required is that we have an audit of the
8 number of times people are responding and
9 have been called. So if that is a
10 question, I'll be glad to provide the
11 Chair the information.

12 COUNCILWOMAN MILLER: That is a
13 question, because I've always had that,
14 and I just -- my interest is to make sure
15 that we're not going to hurt small
16 businesses.

17 (Applause.)

18 COUNCILWOMAN MILLER: And I'm
19 wondering if, with the Parking Authority
20 doing the rotation, if it will improve
21 the rotation, if it will improve. If it
22 will -- I mean, hopefully they'll have a
23 good record. You have records, you said?

24 DEPUTY MAYOR GILLISON: Right.

25 COUNCILWOMAN MILLER: I'd be

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2 real interested in seeing it. I also
3 want to see how many minority firms are
4 also on your list of the 87 plus or
5 whatever number of towers.

6 I do have more questions, but I
7 know Jim has been over here trying to get
8 in, so I'll let him get in, but also
9 later I just want to talk a little bit
10 more about what the Parking Authority's
11 responsibilities will be in licensing and
12 also in the qualifying, I think, in
13 qualifying tow trucks. All right.

14 COUNCILMAN KENNEY: Councilman
15 Kelly.

16 COUNCILMAN KELLY: Thank you,
17 Mr. Chairman.

18 I just want to be crystal
19 clear, that after a vehicle is towed from
20 the scene to the Philadelphia Parking
21 Authority's lot, then the owner of the
22 vehicle would have the right to make the
23 following decisions, whether it's towed
24 by that same towing operator or another
25 one, they can call another one?

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2 MR. FENERTY: That's correct.

3 Once the vehicle --

4 COUNCILMAN KELLY: In other
5 words, once it's in your lot, then it's
6 up to the owner of the vehicle to make
7 the decisions on where the car goes from
8 there?

9 MR. FENERTY: It's up to the
10 owner to make the decision, and the owner
11 could call any licensed tow company
12 that's licensed in Philadelphia to
13 retrieve the vehicle.

14 COUNCILMAN KENNEY: Or they can
15 call a dealership or --

16 COUNCILMAN KELLY: A dealership
17 or whoever.

18 COUNCILMAN KENNEY: Whoever is
19 going to fix the car.

20 MR. FENERTY: Whoever, body
21 shop, whoever.

22 COUNCILMAN KELLY: I would like
23 to know, is there a standard fee that's
24 going to be set up for vehicles towed to
25 your lot?

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2 MR. FENERTY: It's included in
3 this bill, Councilman Kelly. It's going
4 to be \$175.

5 COUNCILMAN KELLY: A hundred
6 seventy-five. That would be a standard
7 fee to get it from the scene of an
8 accident to your lot; is that correct?

9 MR. FENERTY: Yes.

10 COUNCILMAN KELLY: All right.
11 Thank you.

12 COUNCILMAN KENNEY: I mean,
13 understand -- so let's make sure we
14 understand the back story here relative
15 to the increase in the towing fee. It
16 was done to accommodate the loss of
17 revenue that may happen with not being
18 able to store the car at a private lot.
19 So we're trying to be a little
20 considerate to the private tower by
21 increasing the fee, because we recognize
22 there may be a drop in revenue relative
23 to the PPA storage. So we're trying to
24 balance this as best we can.

25 MR. FENERTY: All fees will be

1 10/20/10 - RULES - BILL 100498, ETC.

2 set by City Council.

3 COUNCILMAN KENNEY: As always.

4 COUNCILMAN KELLY: Thank you.

5 COUNCILMAN KENNEY: Councilman
6 DiCicco.

7 COUNCILWOMAN MILLER: I have
8 another question.

9 COUNCILMAN KENNEY:
10 Councilwoman Miller.

11 COUNCILWOMAN MILLER: I'm not
12 sure, but didn't we do the bill where a
13 private owner -- where an owner of a
14 vehicle could call a private company
15 themselves --

16 COUNCILMAN KENNEY: Yes.

17 COUNCILWOMAN MILLER: -- to get
18 their car towed?

19 (Applause.)

20 COUNCILMAN KENNEY: Yes.

21 That's in this bill.

22 COUNCILWOMAN MILLER: Okay.

23 Good. Because that was one of the
24 problems I heard early on about the
25 rotation, was that you were not

1 10/20/10 - RULES - BILL 100498, ETC.

2 allowed --

3 COUNCILMAN KENNEY: No. This

4 bill permits you at the scene --

5 (Applause.)

6 COUNCILMAN KENNEY: This bill

7 permits you at the scene to call your

8 brother-in-law if he has body shop. You

9 don't have to participate in the rotation

10 system. So you can have it go anywhere.

11 COUNCILWOMAN MILLER: All

12 right. That's good.

13 And I just want to know a

14 little bit, Mr. Fenerty, about the

15 qualifications of a vehicle -- of the tow

16 truck. I'm not trying to be a tow truck

17 driver or I don't have a tow truck

18 company, but I never even thought until

19 Councilman Kenney said to me today

20 earlier when we were talking about this,

21 I never even thought about whether a tow

22 vehicle qualified or not. I just figured

23 they all did.

24 MR. FENERTY: Councilwoman, in

25 this ordinance, there are -- it is

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2 outlined what a proper tow vehicle is.
3 It would be a standard tow vehicle. It
4 would not be a pickup truck with a sling
5 laid across the bottom of it to show up
6 at the scene. It would be a qualified
7 tow truck, which would have certain
8 weight classes to tow other certain
9 weight classes. They would be inspected
10 by our mechanics, our state-licensed
11 mechanics, which are already on staff.
12 We will just give them some additional
13 duties. If they qualify, they can be
14 placed on rotational towing, if they
15 wish, whatever they apply for, or there
16 are many companies may just apply for tow
17 licenses that now go to L&I. But what we
18 will do is, we will standardize the
19 inspection. They will have to pass a
20 state inspection once a year and they
21 will have to have a tow vehicle, not a
22 pickup truck converted into a tow vehicle
23 for random calls.

24 COUNCILWOMAN MILLER: Okay. So
25 is that different from what they have to

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2 do now? Wouldn't they have to pass --

3 MR. FENERTY: I'm sorry.

4 COUNCILWOMAN MILLER: Wouldn't
5 they have to pass state inspection now?

6 MR. FENERTY: They would have
7 to pass state inspection now, taking the
8 vehicle to their own mechanic. It would
9 be required under this ordinance that it
10 would go to a Parking Authority mechanic
11 to pass inspection. That way, prior to
12 it being licensed, it would be deemed
13 roadworthy by a qualified mechanic who
14 works for the Authority under the
15 supervision of the City of Philadelphia.

16 COUNCILWOMAN MILLER: Okay.
17 Would it be the -- it's the same cost, I
18 guess?

19 MR. FENERTY: Same?

20 COUNCILWOMAN MILLER: Coming to
21 the Parking Authority mechanic versus
22 going to your own private or whoever.

23 MR. FENERTY: It may even be a
24 little bit cheaper. I don't know what
25 the Councilman said in here. I don't

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2 recall off the top of --

3 COUNCILMAN KENNEY: And, again,
4 we have not finalized all of the fees at
5 this point. We're still in discussion.
6 We want to make them mirror the private
7 industry as best we can.

8 COUNCILWOMAN MILLER: Okay.

9 All right. Thank you.

10 COUNCILMAN KENNEY: Thank you.

11 Councilwoman Quinones-Sanchez.

12 COUNCILWOMAN SANCHEZ: Yes.

13 Thank you. I want to note before I begin
14 my questioning that this incident -- what
15 led us to some of these incidents
16 happened in my councilmanic district, and
17 I think it's important to note that the
18 author of this is trying to deal with an
19 issue that we all in Council have had a
20 concern about, which is when the industry
21 takes advantages of folks in the street
22 and when they behave in a way that, as
23 Gillison mentioned, Deputy Mayor
24 Gillison, is unsafe in the streets, and I
25 share the author's concern for that. And

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2 I hope that the industry takes these
3 discussions as a message that we are
4 serious about getting this right for the
5 safety of folks and that we need the
6 industry to be more cooperative in how we
7 get there.

8 That said, I want to ask Deputy
9 Mayor Gillison, Councilman Rizzo had
10 worked on the towing rotation. Can you
11 speak to what you see the current
12 problems of our current rotation system
13 and why we would be looking to give this
14 authority over to the PPA?

15 DEPUTY MAYOR GILLISON: Well, I
16 think that -- and, again, we are still in
17 the process of trying to understand the
18 positives and the negatives that are out
19 there. We've had the rotational system
20 now for about, I guess, a year and a
21 half, almost two years. As we have gone
22 forward, we've learned a lot of different
23 things. Obviously there's -- I will say
24 again, for every action that is taken,
25 there's an equal and opposite reaction.

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2 Rotational towing is a good
3 thing, not only from a business point of
4 view but it gives people opportunities to
5 grow their business and to be here in the
6 City of Philadelphia. The problems,
7 quite frankly, were the fact that the
8 scanner issue. We thought that by having
9 the rotational tow, that we would end up
10 keeping people from running to the sites.
11 The scanner situation allowed -- and one
12 of the issues in the rotational towing
13 that allowed for the private person to
14 have the opportunity to negotiate with
15 whoever was present put the police
16 officer, we have found, in the position
17 of trying to barter a deal in the middle
18 of it, and technically government is not
19 supposed to be in the middle of that
20 private relationship that can be
21 established on the street. So we ended
22 up putting officers in the position of
23 when they get there, trying to figure out
24 what is the need of the consumer, the
25 person who is involved. At the same

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2 time, trying to manage the safety issue.

3 And that's where I said that what we have

4 learned, especially in the last two

5 months, is that we have to provide a

6 better way for the officers to negotiate

7 on the scene what their responsibilities

8 are under the bill and the law that's

9 here in the City of Philadelphia. And we

10 are addressing that. We thought that we

11 would first try to address the rushing to

12 the scene by taking the information off

13 the public airwaves and putting it

14 directly to the officer. That gives them

15 additional time, number one. And time is

16 of the essence here.

17 Number two, once the officer

18 gets there, under the bill we can

19 actually ticket people.

20 COUNCILWOMAN SANCHEZ: But I

21 want to speak to what we have now,

22 because clearly if we have problems with

23 our system now, we need to understand

24 that before we create a new policy --

25 DEPUTY MAYOR GILLISON: That's

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2 correct.

3 COUNCILWOMAN SANCHEZ: -- and
4 then we're testing something else. So I
5 want to know, what is wrong with our
6 current system?

7 DEPUTY MAYOR GILLISON: The
8 training issue we have to improve, and we
9 are working on the improvement. We've
10 already moved the MDT to give us some
11 data as to how we're handling the
12 situation now. That's only been in
13 effect for less than two months.

14 The problem of what the
15 responsibilities of the officer are if
16 they arrive on the scene and a person is
17 hooked up and they're not on the
18 rotational tow, is that a violation of
19 this ordinance, yes or no, and what is
20 the penalty going forward. The Law
21 Department has opined that it is a
22 violation of the matter, and, therefore,
23 the officer can issue a ticket, and it
24 can be up to a thousand dollars under the
25 current ordinance.

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2 We haven't issued those
3 tickets. I think the officers needed to
4 be told directly what their
5 responsibilities are.

6 So we have identified certain
7 problems now. They become quite
8 apparent, especially now that we have
9 more time once we get to scenes to assess
10 who needs to do what at what time going
11 forward.

12 So these are the issues that
13 have come forward. This is the data that
14 we have been analyzing, and we are
15 looking at what training needs to be done
16 to help the officers.

17 COUNCILMAN KENNEY: Just so I
18 may add too also, one of the things we
19 discovered with the current rotation
20 system is of the 87 or 89 companies on
21 the list, some of them aren't even
22 licensed. I mean, the issue was that
23 some of them owe like lots of taxes.

24 COUNCILWOMAN SANCHEZ: But who
25 has oversight of that right now?

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2 COUNCILMAN KENNEY: L&I. But
3 the issue is that even -- and I won't
4 mention the names of the companies, but
5 even the four or five that have been
6 recently identified were on the rotation
7 list. There's no way they should ever
8 have been on that list, and that's part
9 of the problem when, I think it was, the
10 last Administration implemented the
11 rotation. They wanted to understandably
12 make it open for as many people as
13 possible, but there needs to be some
14 standards of business practice that folks
15 need to come up to in order to be
16 eligible, because we are putting a
17 license of the City of Philadelphia on a
18 truck, that if something happens, we're
19 open to liability. Some of those
20 converted Ford trucks, if something
21 happens with them, they flip over or they
22 flip something else over, we have
23 actually authorized them to be on the
24 street with that license on the side,
25 which has caused lots of issues.

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2 COUNCILWOMAN SANCHEZ: So my
3 question is around, what is the current
4 role of L&I and what would it be under
5 this current proposal? Because I see
6 that as a failure of L&I.

7 I mean, we've introduced bill
8 after bill around cross referencing
9 people's BPTs with licensing. So why did
10 L&I issue licenses to people who owed us
11 taxes and, therefore, are in violation,
12 and what is their certification process
13 now?

14 DEPUTY MAYOR GILLISON: The
15 certification actually -- well, if you
16 remember, a lot of this with L&I comes
17 down to a paper process that we are now
18 trying to change into an electronic
19 matter. Literally, the cross referencing
20 that we're all trying to do in order to
21 make sure that revenue is coming into the
22 City that needs to be collected, all of
23 those things -- the complexity of what
24 we're trying to do, you have L&I, which
25 has a limited number of people that do

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2 the inspections, quite frankly, there are
3 a limited number of people that are
4 available to do the cross referencing.

5 You can move things by paper,
6 and we all know what we've been trying to
7 do over the last three years to get rid
8 of paper and to move it more towards an
9 electronic system. There are
10 developments either in RFIs or RFPs to
11 help us do this across the City, but that
12 takes time. It's not something you can
13 just implement tomorrow. You can put a
14 stack of paper forward and send it over
15 to Revenue, who would send it over to
16 Law, who would send it back, but that's
17 something that we have to do in a way
18 that is measured that gives people time
19 to do what we need to do. And, quite
20 frankly, the way that the ordinance is
21 written, there's a lot of responsibility
22 that L&I has on it that needs to be
23 shared between L&I, the Police and
24 Revenue and Law, and all of that is
25 something that I have to coordinate

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2 within my office to make sure that we end
3 up addressing this in a collaborative way
4 with all the departments required.

5 One of the things and one of
6 the suggestions is, is that by relieving
7 L&I, is that going to be a positive or a
8 negative when it comes to who would
9 actually do that, and the question that
10 Councilman Kenney was asking that we're
11 still reviewing is, is PPA the person to
12 do it.

13 I've had many conversations
14 with Mr. Fenerty over the summer, the
15 licensing issue and the weight class
16 issue. They brought things to the table
17 during our discussions over the summer
18 that make sense, quite frankly.

19 And so we're trying to look at
20 this, make sure that when we fix it, that
21 we come forward with a fix that is
22 holistic, that will allow us to do the
23 things we need to do, but I just didn't
24 want to say that this is the -- we've
25 identified a lot of the problems. Now

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2 we're trying to figure out how can we
3 improve the current system while we're in
4 this system and then, quite frankly, work
5 on the longer-term solution, of which
6 this may be a way forward and it may
7 actually suggest other things that have
8 to be done as we go forward to fix this.

9 COUNCILWOMAN SANCHEZ: I guess
10 my concern, and I shared it with
11 Mr. Fenerty directly, there's a lot of
12 things in government we don't do
13 correctly but are our responsibility, and
14 it's easy enough to say we're going to
15 find somebody in private industry or
16 anywhere else to do it and abdicate our
17 responsibility. I think you're adding
18 another hand to the plate, which to me
19 would make that whole process of check
20 and balances more complicated, not less
21 complicated.

22 (Applause.)

23 COUNCILWOMAN SANCHEZ: So I
24 have a real concern about that, because
25 there's a lot of departments in the City

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2 we can sit here and say, Well, you know
3 what, I know a computer tech firm that
4 does this better and this better, and
5 we'd be all over that.

6 That said, how is L&I -- what's
7 going to be L&I's role in the proposal
8 and how is it going to interface with
9 Revenue and Parking Authority,
10 particularly because the City doesn't
11 have direct oversight of Parking
12 Authority? What's L&I's role in this, in
13 the proposal?

14 COUNCILMAN KENNEY: From our
15 discussions, L&I wanted to legally
16 maintain the responsibility of issuing
17 the license. They didn't believe that
18 the issuance of the license --

19 COUNCILWOMAN SANCHEZ: To the
20 car or to the towers?

21 COUNCILMAN KENNEY: To the
22 truck. They didn't believe that the
23 legal -- they didn't want to abdicate the
24 legal responsibility of issuing the
25 license to the tower.

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2 They are willing, as far as we
3 have known and could figure out so far,
4 to take the advice of the Parking
5 Authority relative to the condition of
6 the truck, the weight of the truck, the
7 needs of the truck, qualifications and,
8 based on their analysis, be the formal
9 issuance of the license.

10 The way it works now is that --
11 as you know, L&I in many areas is
12 stretched to the limit. They didn't have
13 the folks either qualified to do it or
14 enough folks to do it, and that's how the
15 Police Department got involved. So when
16 the Police Department, the tow unit, got
17 involved, it got a little better, but
18 over a couple of years, it went back to
19 seeming that anybody who came looking for
20 a license got one. And some of -- as
21 Mr. Fenerty said, some of those trucks
22 who have been illegal and not
23 street-worthy for a number of years start
24 appearing with licenses on them.

25 So it was more a jurisdictional

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2 issue with L&I maintaining the formal
3 licensing thing while they dealt with the
4 Parking Authority. But, again, the
5 Parking Authority is not exactly City
6 government, but it's not exactly a
7 private entity either, so it's kind of a
8 hybrid agency that we don't have total
9 control over for sure, but seems to be
10 the most appropriate within the City's
11 governance abilities to deal with the
12 problem directly. I don't think it's L&I
13 or the Police.

14 MR. FENERTY: Councilman, as
15 you know, I appear in front of City
16 Council very frequently. If we were to
17 be delegated part of this or all of this,
18 we would issue whatever Council and
19 Deputy Mayor Gillison would want, monthly
20 reports, quarterly reports, yearly
21 reports, on any aspect of it. We would
22 bill the rotational towing system, which
23 would be computerized, that at any given
24 time be printed out, that we would devise
25 it in such a system that there would be a

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2 monthly report that would show what calls
3 came in, who they were assigned to, if
4 someone turned it down, if someone was
5 re-called because they took too much time
6 to get there and if another tow truck was
7 assigned.

8 We intend to do this with baby
9 steps. And I think as all Councilmembers
10 know, whenever information has been asked
11 from the Parking Authority, there's no
12 one in Council to say we have not
13 responded. So we're not going to act on
14 our own, and through the discussions
15 which I had with Mayor Gillison over the
16 course of the summer, we would be
17 reportable to his office for all of our
18 actions, our regulations and all
19 reporting.

20 COUNCILWOMAN SANCHEZ: I have
21 one more question for Vince and I'll let
22 the rest of the testimony go forward.
23 One of the things that I mentioned to
24 Fenerty was my concern about the Parking
25 Authority applying their other rules and

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2 regulations as part of this process, and
3 I'll explain.

4 From a consumer perspective,
5 I'm in an accident, I get towed to the
6 Parking Authority lot. Am I going to
7 have to pay what could be contested
8 tickets to get my car?

9 (Applause.)

10 MR. FENERTY: As I had replied
11 to you that --

12 COUNCILWOMAN SANCHEZ: I just
13 want it for the record.

14 MR. FENERTY: As I had replied
15 to you with that point, any vehicle which
16 is towed to the Parking Authority doesn't
17 get released until the vehicle goes
18 through the Bureau of Administrative
19 Adjudication. If the regulations were
20 set that one did not have to do that or
21 if there was a modification to the
22 regulations such as setting a hearing and
23 come back later, that would have to be
24 set by the City Council on how exactly --

25 COUNCILMAN KENNEY: Excuse me.

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2 Just a question. If you go to BAA now --
3 your car was towed in a loading zone or
4 whatever and you go to BAA now and you
5 have tickets, you can go to 9th and
6 Filbert, wherever it is, and you put a
7 program together where you're going to
8 pay over time. That clears you up,
9 doesn't it?

10 MR. FENERTY: You can go to
11 Bureau of Administrative Adjudication,
12 which is not governed by the Parking
13 Authority -- it's a City entity, an
14 independent City entity -- explain the
15 circumstances. They would set what's
16 called bail on the car, a minimum amount
17 to get the car out, place you on an IPP,
18 which is a time payment plan, which is
19 required under Section 12-2400 of the
20 City Code, and then the vehicle could be
21 released.

22 COUNCILMAN KENNEY: But you
23 don't have to pay your tickets in full if
24 you're contesting them or you're paying
25 them over time; you'll still get your car

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2 back?

3 MR. FENERTY: You would still
4 get your car back after you went in front
5 of a hearing examiner.

6 (Audience members talking.)

7 COUNCILWOMAN SANCHEZ: After
8 you went in front of the hearing.

9 COUNCILMAN KENNEY: Excuse me.
10 I'm sorry. Everyone will have an
11 opportunity to testify, but we're not
12 going to take testimony from the gallery.
13 We just can't do it.

14 So we understand the process
15 and the record is not confused, if I have
16 ten parking tickets and my car gets towed
17 and I go to a lot to pick it up and they
18 tell me it's ten tickets, you got to
19 clear this up, and I go to BAA, what
20 happens?

21 MR. FENERTY: You will have a
22 hearing, a bail hearing, in front of a
23 hearing examiner. They will set what the
24 minimum collateral is for the release of
25 the vehicle, conduct a hearing on the

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2 innocence or guilt, if it's been timely.

3 If the tickets are five or six years old,

4 they will just put you on a time payment

5 plan. But there is a requirement that

6 you would have to post some type of

7 collateral to get the vehicle out, and

8 that is determined on an individual case

9 under statute set by City Council that's

10 determined by a hearing examiner.

11 COUNCILMAN KENNEY: Okay. But

12 you get your car back?

13 MR. FENERTY: Yes.

14 COUNCILWOMAN SANCHEZ: I think

15 that's one of the things we have to flush

16 out in this, but I'll let the rest of the

17 testimony and then --

18 MR. FENERTY: That is something

19 we would have to discuss with Council,

20 whatever the --

21 COUNCILMAN KENNEY: But also

22 the same thing with insurance.

23 MR. FENERTY: Well, no one gets

24 out of the impoundment lot under any

25 circumstance unless the vehicle is

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2 insured or unless an insurance company or
3 a lienholder or the claimant, they come
4 in, they're covered by their insurance to
5 pick it up. We do require everyone who
6 retrieves their vehicle to be insured and
7 the vehicle to be registered.

8 COUNCILMAN KENNEY: And that's
9 state law?

10 MR. FENERTY: Yes.

11 COUNCILMAN KENNEY:
12 Councilwoman Brown.

13 COUNCILWOMAN BROWN: Of the
14 current 89 on the rotation list, is
15 residency in Philadelphia an eligibility
16 factor?

17 DEPUTY MAYOR GILLISON: I don't
18 know.

19 Everett Gillison, Deputy Mayor
20 for Public Safety.

21 I don't know. I'll have to
22 research and get it back to the Chair.

23 COUNCILMAN KENNEY: He can
24 check it. I do believe the arrangement
25 is that if you are not a resident, if you

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2 don't have a business residing in
3 Philadelphia and the township or
4 municipality outside of Philadelphia
5 prohibits Philadelphia towers from doing
6 work there, you're precluded. If you
7 live in a township that allows
8 Philadelphia towing companies to
9 participate on a rotation list or to do
10 tow work in that township, you are
11 eligible to apply here. It's a
12 reciprocity issue. If they're
13 prohibiting us, we're prohibiting them.
14 If they're allowing us in, we allow them
15 to apply.

16 COUNCILWOMAN BROWN: Okay.

17 COUNCILMAN KENNEY: I believe.

18 DEPUTY MAYOR GILLISON: We'll
19 have to confirm that.

20 COUNCILWOMAN BROWN: So we'll
21 get clarity on that.

22 And the follow-up question is,
23 members of Council are always -- and I
24 stepped out, so forgive me if the
25 question was already raised -- of making

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2 sure that businesspeople of color and
3 women are in the mix of opportunity. So
4 of that 89, what's the breakdown in terms
5 of --

6 DEPUTY MAYOR GILLISON: That
7 was a question that was asked,
8 Councilwoman, I guess when you left, and
9 I have pledged to the Chair that I will
10 get the list of the firms, the number of
11 minority and women who are currently in
12 it, and I would provide that to the
13 Chair. I didn't bring that with me
14 today.

15 COUNCILWOMAN BROWN: Okay.
16 Thank you very much.

17 Thank you, Mr. Chairman.

18 COUNCILMAN KENNEY: Are there
19 any other questions for these witnesses?

20 (No response.)

21 COUNCILMAN KENNEY: Seeing
22 none, thank you very much.

23 Mr. Fenerty, if you can --

24 I don't know if you have the
25 time or not, if you could hang in there

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2 just a little bit. If not, I understand.

3 But, Mr. Fenerty, you're going
4 to stay, right?

5 MR. FENERTY: I have until
6 1:15.

7 COUNCILMAN KENNEY: All right.
8 Next list panel is Jose Giral, Sheri
9 Pagano and Mikina Harrison, please.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN KENNEY: Please
13 identify yourself for the record.

14 MR. GIRAL: Good morning,
15 Councilman. My name is Jose Giral.

16 COUNCILMAN KENNEY: Please
17 proceed.

18 MR. GIRAL: For about 11 years
19 I have owned a small towing company which
20 is located in Philadelphia. Currently, I
21 am on the City's towing rotation. If
22 this bill is passed, I'll be forced to go
23 out of business.

24 While I understand and agree
25 with the spirit in which this legislation

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2 was crafted, this bill is not the answer.

3 Currently, on Philadelphia
4 interstates, the State Police use the
5 Parking Authority for all tows, excluding
6 private tow companies. I understand that
7 the City cannot do anything to help us on
8 the expressway, but they can help us
9 here. I see this bill as a foundation
10 for things to come.

11 Philadelphia is not the only
12 city that had these problems in this
13 industry. There are a lot of different
14 ways cities have dealt with this similar
15 issues, but none of which involve the
16 Parking Authority. I believe that Police
17 and License and Inspections should
18 maintain authority and work with the
19 industry in order to resolve these
20 problems.

21 I provided some Councilmembers
22 with a few solutions that have been
23 proven to work in other cities. One idea
24 is issuing a tow operator license. This
25 will create a record of operators so they

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2 can be monitored. Another idea is
3 modifying the current rotation system
4 already in place.

5 The Parking Authority will be a
6 partner in my business -- by my business
7 by me having to tow cars back to the
8 Parking Authority so they can collect
9 storage and prevent me from maybe even
10 acquiring the second tow. Consumers will
11 be charged an extra \$25 every tow to
12 cover the Parking Authority's
13 administration costs. Also, by granting
14 them the memorandum of understanding is
15 how they got the authority to tow
16 exclusively on the state highways from
17 the state.

18 Furthermore, if this bill gets
19 passed, owners picking up their vehicles
20 at the Parking Authority lots would have
21 to pay the outstanding tickets. I agree
22 that everyone should pay their tickets,
23 but that might not be the right time and
24 place.

25 I'd like to say that the

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2 current rotation system has not had
3 significant time to be adjusted in order
4 to work, so enacting the current bill
5 would just be starting all over again.
6 And, most importantly, by giving the
7 Parking Authority enforcement powers,
8 this would only increase the cost of tows
9 to the consumers, but also increase
10 application and license fees. Most
11 importantly, during tough times.

12 Thank you.

13 COUNCILMAN KENNEY: Thank you
14 very much. I appreciate your testimony.
15 I just want to make sure the record is
16 clear. The raise in towing fee suggested
17 from 150 to 175 was done to try to help
18 the industry save some money. If you
19 want us to back it up to 150 again, I
20 mean, that can be done in the
21 legislation.

22 I don't mind hearing complaint
23 about some things that you may disagree
24 with relative to the bill, but the 175
25 from 150 was done to help, not to hurt.

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2 MR. GIRAL: To help who? The
3 Parking Authority? Because that's where
4 it's going to.

5 COUNCILMAN KENNEY: No. It was
6 helping --

7 (Applause.)

8 COUNCILMAN KENNEY: When we
9 finally do the bill, if folks still feel
10 the same way, we can knock it back to 150
11 if it's a consumer protection --

12 MR. GIRAL: Why would anything
13 have to be going to the Parking
14 Authority? Right now the current
15 rotation does not -- it's \$150 and it
16 goes straight to me, and it's a straight
17 fee, which that's what we charge.

18 COUNCILMAN KENNEY: And we were
19 trying to make you whole.

20 MR. GIRAL: Also in this bill,
21 what happens is, you have to tow the car
22 back to the Parking Authority, right?
23 Which that takes away storage fees that I
24 could be collecting.

25 COUNCILMAN KENNEY: That I

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2 understand.

3 MR. GIRAL: And also maybe I
4 might have a -- get a second tow out of
5 it by towing it from my business to
6 wherever the owner wants to.

7 COUNCILMAN KENNEY: I'm not
8 disputing any of your testimony, other
9 than the fact that the 175 was done to
10 make the 150 that you get whole. That's
11 the only reason it was done. So I just
12 want to make sure that the record is
13 clear that that was done basically --

14 MR. GIRAL: As a courtesy to
15 us?

16 COUNCILMAN KENNEY: No, out of
17 discussion with the industry, not out of
18 courtesy, just to try to make you whole,
19 that's all. So I just want to make sure
20 that was understood.

21 Please identify yourself for
22 the record.

23 MS. HARRISON: Hi. Good
24 afternoon. My name is Mikina Harrison
25 and I am owner of A-Bob's Towing in

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2 Philadelphia.

3 I only got notice of this
4 recently. I did not receive this in the
5 mail, so I haven't had a lot of time to
6 prepare most that I have a problem with
7 in the bill. But one of them is, we do
8 private lot enforcements, and there is a
9 particular lot over at Haldeman and the
10 Boulevard that's owned by a private real
11 estate company that we contract with, and
12 one of their clients is Chickie and
13 Pete's, and lots of times people park
14 their cars there when they go on road
15 trips, and Chickie and Pete's call us to
16 enforce their lot, and in this bill it
17 suggests that we have to wait for police
18 officers or PPA to come and ticket the
19 vehicles first, and in the past we
20 already had a delay with police dispatch.
21 Lots of times the system was down, we
22 could not obtain the three-digit number,
23 and that basically decreased a lot of the
24 cars that we could tow, which caused lost
25 revenue.

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2 Currently, since the police
3 don't even come out for regular
4 fender-benders, I'm concerned with the
5 response time it would take for them to
6 come and ticket a car on a private lot.
7 That's the first problem.

8 The second problem is, it takes
9 the ownership out of the person that
10 actually owns their private lot. If they
11 contract with us and we are going to them
12 in a very quick fashion to remove the
13 vehicle so that Chickie and Pete's can
14 actually accommodate their customers, why
15 would they have to wait for the police to
16 ticket their cars?

17 (Applause.)

18 COUNCILMAN KENNEY: First, your
19 testimony is not on this bill. The bill
20 that was already passed is going into
21 effect November 12th.

22 MS. HARRISON: I'm sorry. I
23 was told it was inside of this as well.

24 COUNCILMAN KENNEY: No.
25 There's another bill that deals with

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2 hospitals relative to that piece of
3 legislation. But relative to the issue
4 of the ticket to tow, the reason that we
5 got to where we are is because we
6 believed that you needed a neutral
7 arbitrator, a neutral person who had no
8 financial interest, to decide whether or
9 not that car was actually illegally
10 parked, because we've had numerous
11 complaints of folks who, of course, one
12 side says one thing, one side says the
13 other, I wasn't parked illegally, yes,
14 you were, and the people take care their
15 car. We needed someone, Parking
16 Authority, Police Department, University
17 Police, SEPTA, anyone's eligible or
18 authorized to issue a parking ticket. It
19 does not have to be just the Philadelphia
20 Police.

21 In instances where we have
22 well-known, ongoing issues, Chickie's and
23 Pete's, for example, both there and in
24 South Philadelphia, we have made
25 arrangements. The Parking Authority has

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2 agreed that when we know there's a
3 possibility of large numbers of cars
4 parked illegally, they will put folks out
5 there, because it's in their interest
6 also to write those tickets from a
7 revenue standpoint and to get you on your
8 way with the illegally parked cars.

9 So we can make those
10 arrangements on special circumstances
11 when there's an ongoing, regular problem,
12 and we've gotten that commitment from the
13 Authority.

14 MS. HARRISON: Is there some
15 type of standard that you guys have
16 labeled as a reasonable response time?

17 COUNCILMAN KENNEY: No. We're
18 going to monitor that and adjust
19 accordingly. Again, a lot of these
20 issues we're dealing with -- and I'm
21 sorry that you're having to deal with
22 them in a financial way -- had to do with
23 the way the industry conducts -- some of
24 the people in the industry conducted
25 themselves over the years. For example,

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2 just last week, just last week, with all
3 this discussion of towing going on, just
4 last week a Parking Authority tow truck
5 stopped a private tow company from
6 removing a car from the curb in a loading
7 zone. Now, the car may in fact have been
8 illegally parked over time in a loading
9 zone. That private tower had absolutely
10 no right to take that car, none, but
11 already had it hooked, ready to take it,
12 and if the Parking Authority hadn't
13 showed up with the police, he would have
14 taken that car.

15 These are the problems that
16 we're trying to address. Do I want to
17 burden the Police Department any further
18 for having to go out and put a ticket on
19 a car? But I'd rather have that done
20 than a person lose their car because a
21 tow truck driver decided, whose financial
22 interest is at stake, that that car is
23 parked illegally. I mean, just last week
24 it happened. Even with all the
25 discussion that we're having over the

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2 past couple months, they're still taking
3 cars from the curb illegally. So I need
4 a ticket on that car in order for it to
5 go.

6 But as far as the individual
7 circumstances that you've described,
8 we're going to address those on a
9 case-by-case basis, with help from the
10 Police Department and the Parking
11 Authority. I mean, we'll monitor it as
12 it goes forward.

13 Let me tell you, there's no
14 perfect piece of legislation that's ever
15 going to come out of here, and everything
16 gets adjusted every couple of years. My
17 first piece of legislation on towing I
18 think was passed in 1993 and we still
19 haven't fixed it. So we keep on going at
20 it and people still try to get around it,
21 but I'm sure that will happen if this
22 thing passes. But we'll see.

23 MS. HARRISON: Well, Sarah from
24 your office faxed me Bill No. 100213. So
25 is that everything that we're discussing

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2 today? Is that correct?

3 COUNCILMAN KENNEY: No. This
4 is Bill No -- what we're dealing with now
5 is Bill No. 100536, which is --

6 MS. HARRISON: I have that as
7 well, but she had handed me 213 and I
8 thought we were discussing that.

9 COUNCILMAN KENNEY: 213 was
10 signed by the Mayor, and we are amending
11 213 today to help hospitals move cars
12 quicker from their emergency zones for
13 emergency room -- their emergency areas.

14 MS. HARRISON: Okay. So in
15 Bill No. 536, it contains a lot of the
16 things that's in 213. So that's why I
17 was --

18 COUNCILMAN KENNEY: And, again,
19 once you have a chance to acclimate
20 yourself to the bill and study it, we're
21 not moving the legislation out of
22 Committee today. We will be having one
23 or probably two more hearings before
24 we're finished. So you're welcome to
25 come back or to communicate with Sarah by

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2 letter or by e-mail what your concerns
3 are that we can try to address.

4 MS. HARRISON: Well, some of
5 the things I did look over would be the
6 \$500 fee, right?

7 COUNCILMAN KENNEY: Five
8 hundred dollar fee for which?

9 MS. HARRISON: A licensing fee,
10 a relicensing fee. And currently -- for
11 the business privilege license or license
12 for towing? I wasn't clear on that.

13 COUNCILMAN KENNEY: The initial
14 licensing is 500. The additional
15 licensing yearly is three.

16 MS. HARRISON: And that's a
17 change, correct?

18 COUNCILMAN KENNEY: Yes.

19 MS. HARRISON: Okay.

20 COUNCILMAN KENNEY: I think --
21 I mean, again, I recognize the fact that
22 you've just gotten the bill, and
23 hopefully you could peruse it and then
24 come back to our next hearing or
25 communicate with Sarah and we can try to

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2 accommodate your issues.

3 MS. HARRISON: Absolutely. One
4 last thing. While testimony was going
5 on, one of my other colleagues had
6 mentioned that when we were speaking
7 about the rotational system and if we are
8 allowed to be on their county, then they
9 can be on our county, I was told that was
10 false, that two out of the three
11 heavy-duty trucks that do towing for PPA
12 do not reside in the county.

13 COUNCILMAN KENNEY: But that's
14 not the issue we're dealing with here.

15 MS. HARRISON: I just wanted to
16 make sure you knew that.

17 COUNCILMAN KENNEY: I
18 understand, but that may be accurate, but
19 in fact has nothing to do with this
20 legislation. And the reason that we have
21 this discussion about reciprocity is
22 because I don't want to be in a situation
23 where we start prohibiting Bristol and
24 other places, Delaware County, from
25 towing here and then they retaliate by

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2 passing legislation that keep us out. So
3 it's kind of a mutually "if you let us
4 in, we'll let you in."

5 MS. HARRISON: All right.

6 Well, I appreciate your time.

7 COUNCILMAN KENNEY: But I'm
8 sure you'll be back in another hearing.
9 Thank you.

10 MS. HARRISON: Thank you.

11 COUNCILMAN KENNEY:

12 Councilwoman Brown.

13 COUNCILWOMAN BROWN: Thank you,
14 Mr. Chairman.

15 I want to ask you the same
16 question I asked the two first witnesses.
17 In your view, who are the winners and
18 losers in this proposal?

19 MR. GIRAL: We're the losers
20 and the Parking Authority are the
21 winners.

22 COUNCILWOMAN BROWN: You are
23 the losers because?

24 MR. GIRAL: Because they
25 actually taking revenue away from us and

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2 basically creating a system that is not
3 right.

4 COUNCILWOMAN BROWN: What value
5 do you see in uniformity across the
6 system? Or, no, maybe you don't --

7 MR. GIRAL: I think there's a
8 need to uniform the system. And there's
9 already a system in place. I think what
10 we need to do is go back to that system
11 and try to fix it basically with the help
12 of the Police Department and L&I, not the
13 Parking Authority.

14 COUNCILWOMAN BROWN: Is there
15 uniformity in the existing system?

16 MR. GIRAL: Yes, the existing
17 system.

18 COUNCILWOMAN BROWN: In what
19 way? Describe it.

20 MR. GIRAL: There's a lot of
21 changes. I spoke to City Council about
22 even creating a operator's license, which
23 every individual that operates a tow
24 truck would have to apply for a license
25 and, of course, they would have to have a

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2 driver's license and they would have to
3 be in good standing to curb the violence
4 that's been going out there, because at
5 the end of the day, the towing rotation
6 does not by itself curb the violence
7 that's been going out there and all the
8 nightmares that you hear. That's not the
9 only solution.

10 COUNCILMAN KENNEY: At the
11 suggestion of the industry, we intend to
12 put in that requirement.

13 COUNCILWOMAN BROWN: The
14 operator's license?

15 COUNCILMAN KENNEY: Operator's
16 license, yes.

17 COUNCILWOMAN BROWN: Chairman
18 addressed the issue of the \$150 and how
19 it appears, based on this testimony,
20 that's an item that can be negotiated.
21 You also mention you believe that storage
22 fees -- talk more about storage fees.

23 MR. GIRAL: Well, what happens
24 in this bill, when me as a private tower
25 and as part of the rotation, what I'm

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2 going to have to do is tow the car back
3 to the Parking Authority, which what
4 they'll do is generate revenue actually
5 from the storage fees and take away from
6 me maybe even towing the car a second
7 time.

8 So basically the way the
9 rotation sits right now, I go, I pick up
10 a vehicle, I bring it back to my storage
11 facility, I collect storage and I also
12 get to tow the car a second time
13 hopefully, not all the times, but that's
14 revenue that's generated for small
15 businesses. In this case, what happens
16 is, you're just going to get a tow, which
17 consumers are going to get penalized for
18 additional \$25 for. The Parking
19 Authority is going to collect storage
20 fees and they're going to generate money,
21 and they are going to take away an avenue
22 for me to tow the car a second time, and
23 also put a hardship on the consumers by
24 having to pay their parking tickets. You
25 know, I believe that everybody should pay

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2 their parking tickets, but maybe not when
3 you just got into an accident and someone
4 is in the hospital or you just came out
5 the hospital. You know, that might
6 not -- because paying the parking tickets
7 at that time --

8 (Applause.)

9 MR. GIRAL: Paying the Parking
10 Authority, everybody says it's real easy,
11 you go there and you pay your parking
12 tickets, you make payment arrangements,
13 but most people are going to lose a day
14 of work, they don't have transportation
15 to get there, they just got into an
16 accident. There's a lot of things that
17 are in between, a little gray area I
18 would say.

19 COUNCILMAN KENNEY:

20 Councilwoman, again, I understand the
21 concern, but understand the activities
22 we're trying to curtail with this. If it
23 doesn't go back to the Parking Authority
24 lot, the person on the scene who is owns
25 the car can direct it anywhere they want.

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2 They can direct it anywhere they want,
3 and they can still tow it to their
4 private lot, to a body shop of their
5 choice. The problem is that in an
6 accident -- and the witness has described
7 the circumstances quite well, because
8 you're disoriented, you're frustrated,
9 you may be hurt -- what's been happening
10 is that the tow truck operator will
11 present the person with a consent form,
12 which the person often signs. And no one
13 should ever sign one of those consent
14 forms, because once the consent form is
15 signed, all of our regulations and rules
16 are out the window. That tow truck
17 operator, if he has an agreement with the
18 body shop, can take it to the body shop,
19 he can take it to his or her own
20 impoundment lot.

21 Some of the operators have the
22 following processes: It gets to the body
23 shop and if you go to the body shop as
24 the owner and you don't want that body
25 shop doing your work, he will gouge you,

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2 because he wasn't getting the insurance
3 work on your car. And this is some of
4 the industry.

5 If you're towed on a Saturday
6 night at 10 o'clock and you go to pick up
7 your car Sunday morning at 12:01, two-day
8 storage, not a 24-hour -- this would
9 require a 24-hour, \$25 pay. Some of them
10 are not open 24/7. They're closed on a
11 Sunday. They close at a certain time.
12 The person has to pay the additional
13 storage fee. The Parking Authority, it's
14 24/7, they take credit cards. Some
15 operators refuse credit cards and want
16 cash only, and we've been working on that
17 problem.

18 Look, I recognize that this is
19 a hardship for -- going to be a hardship
20 for some people, but I didn't -- this
21 body did not put us here. It's the
22 activities of some of the folks in the
23 industry, too many frankly, that have
24 decided that that automobile has a value.
25 Whether it's a luxury Lexus or it's a car

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2 that's ten years old, there's a value to
3 those. There's the insurance repair
4 value, there's the parts value. And I
5 don't mind people getting value out of
6 that, but not at the expense of consumers
7 and not at the expense of the driving and
8 walking public, because people are racing
9 to catch these big tunas.

10 COUNCILWOMAN BROWN: Now, on
11 the issue of the consent form, in the way
12 that Mr. Chairman just described it, is
13 that your understanding as well?

14 MR. GIRAL: Well, the way the
15 current system is --

16 COUNCILWOMAN BROWN: I need to
17 narrow the question. On the issue of the
18 consent form, is the way Mr. Chairman
19 just described it, is that what happens?

20 MR. GIRAL: No. Currently,
21 with the City's rotation program -- I'm
22 on the rotation tow program. Currently,
23 if I get called to a rotation, right, I
24 tow the --

25 COUNCILWOMAN BROWN: I need to

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2 ask you to hold up, because the question
3 is not about rotation. I'm really
4 interested in what is happening with that
5 consumer at the scene of the accident
6 specifically as it is related to the
7 consent form. In your view, being a
8 member of the industry, how do you handle
9 the consent form?

10 MR. GIRAL: Well, I don't think
11 I understand the question. I'm sorry.

12 COUNCILWOMAN BROWN: Okay.
13 It's my understanding that procedure is
14 that --

15 MR. GIRAL: The procedure in
16 which circumstance? They're in the
17 rotation?

18 COUNCILWOMAN BROWN: No, not
19 regarding the rotation, but regards to
20 the document or the form that you present
21 to the person that's been in an accident
22 that gives you, the tow operator, the
23 legal right to then remove the car. Do
24 you present a consent form?

25 MR. GIRAL: Yes.

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2 COUNCILWOMAN BROWN: Is that
3 uniform across the industry?

4 MR. GIRAL: Yes. There are set
5 rates right now. There's set rates, and
6 basically the customer has the right to
7 tow their vehicle wherever they want to
8 tow their vehicle to.

9 COUNCILMAN KENNEY: But
10 understand, Councilwoman, once you sign
11 the form, there's no protection. If an
12 accident victim decides they want their
13 car to go to their brother-in-law's body
14 shop or this gentleman's lot, they have
15 the absolute right to do it, but once the
16 consent form is signed, the flood gates
17 open and the car goes to a body shop or
18 it goes to a private lot and you have a
19 much more difficult time getting it out
20 than you do at a Parking Authority lot.

21 COUNCILWOMAN BROWN: See, my
22 interest --

23 MR. GIRAL: Well, can I just
24 say --

25 COUNCILWOMAN BROWN: My

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2 interest rests purely with one of the
3 three factors of this wheel, points of
4 this triangle. What is going to be in
5 the best interest of the consumer, of the
6 person whose car --

7 MR. GIRAL: Are you saying the
8 consent form is the same as the towing
9 report?

10 COUNCILWOMAN BROWN: No.

11 MR. GIRAL: The towing
12 agreement?

13 (Someone talking from the
14 audience.)

15 COUNCILMAN GREENLEE: Excuse
16 me. She can't pick up if you just yell
17 from the audience. It has to be relayed.
18 He's the witness.

19 MR. GIRAL: When you're
20 involved in an accident in Philadelphia,
21 you're allowed to call your own tow to
22 the scene. If you don't have a tow,
23 currently the police officer can call a
24 rotation tow.

25 COUNCILWOMAN BROWN: Or the

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2 third option is, members of the industry
3 hear about it and they all scramble and
4 race to the scene.

5 MR. GIRAL: Yeah, there are
6 some practices like that. I agree.
7 Now -- and Councilman Rizzo's bill tried
8 to address that issue.

9 COUNCILWOMAN BROWN: Okay.

10 MR. GIRAL: And he created a
11 towing rotation, which created a uniform
12 system to deal with issues like that.

13 So currently on the towing
14 rotation, if I get called to an accident
15 scene, I offer the option to tow the
16 vehicle whenever the customer wants to.

17 COUNCILWOMAN BROWN: Okay.

18 MR. GIRAL: If the customer is
19 not there and they're in the hospital and
20 they can't make that decision, then it
21 comes back to my lot. I charge a set
22 fee, which is already mandatory for me to
23 charge. It's \$150 to tow and \$25 a day
24 storage.

25 COUNCILWOMAN BROWN: Okay.

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2 MR. GIRAL: There are already
3 laws in place that address that issue.
4 And when the customer comes to pick up
5 the vehicle, of course we try to offer
6 the service to have the vehicle towed a
7 second time for him whenever -- if he's
8 not present at the scene of the accident.
9 This is going -- this bill is going to
10 take that away from us.

11 I hope I answered your
12 question.

13 COUNCILWOMAN BROWN: Yes. The
14 clarity is very helpful.

15 MR. GIRAL: Thank you.

16 COUNCILWOMAN BROWN: Thank you
17 for your testimony.

18 COUNCILMAN GREENLEE: Thank
19 you. Any other -- oh.

20 COUNCILMAN KENNEY: Any other
21 questions for these witnesses?

22 COUNCILWOMAN SANCHEZ: I have
23 one. I want to ask Jose Giral, what do
24 you see has been the problem with our
25 current rotation system and our

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2 implementation?

3 MR. GIRAL: I think it just --
4 they created it and they just let it run.
5 They didn't address certain issues.

6 COUNCILWOMAN SANCHEZ: What are
7 those issues? I think we need to be very
8 specific about it.

9 MR. GIRAL: I think what the
10 Managing Director said is good, having
11 the training for the police officers. I
12 think that's an interesting point that he
13 brought up.

14 COUNCILWOMAN SANCHEZ: How
15 about in terms of Councilwoman Donna Reed
16 Miller talked about whether the
17 rotational system was being followed? Do
18 you guys feel comfortable that the
19 rotation was followed, that there was a
20 mechanism for tracking that or not?

21 MR. GIRAL: Well -- I'm sorry.
22 What was that again?

23 COUNCILWOMAN SANCHEZ: The
24 rotational, do you think it has been
25 fair? We created these districts and

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2 then we allowed people to apply. Was
3 that implemented correctly?

4 MR. GIRAL: Yeah. I think the
5 application process was pretty fair. I
6 think it was fair.

7 COUNCILWOMAN SANCHEZ: Okay.
8 What other issues would you foresee --
9 other than the police training, what
10 other things do you think we did not get
11 right? One of the things that this
12 proposal does is issue -- gives PPA the
13 authority to inspect the trucks.

14 MR. GIRAL: Currently, the
15 Police Department does the inspections.
16 I think they do a pretty good job by
17 inspecting the vehicles. I don't think
18 giving it to the Parking Authority is
19 going to make any difference, because I
20 don't think the problems are in the
21 trucks themselves. That's the biggest
22 issue. They think that -- I understand
23 what the Councilman with the weight
24 limits on certain trucks. I understand,
25 but I don't think that's the problem.

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2 COUNCILWOMAN SANCHEZ: But you
3 do recognize there's some bad trucks out
4 there?

5 MR. GIRAL: Yeah, there are
6 definitely some bad trucks.

7 COUNCILMAN KENNEY: But the bad
8 trucks got licenses on them, and if the
9 Police Department slapped a license on a
10 bad truck, that's a problem with the
11 inspection process.

12 MR. GIRAL: You know, some of
13 these trucks are actually legal in other
14 states. That could be argued back and
15 forth, because -- you might be saying
16 that, but in other states, those trucks
17 are actually legal. Over here you want
18 to make them illegal, but in other states
19 they are legal. They can get a
20 registration, they can be licensed in
21 other counties as tow trucks. But, like
22 I said, that could be argued all day. I
23 don't think that's the problem.

24 COUNCILWOMAN SANCHEZ: Thank
25 you.

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2 COUNCILMAN KENNEY: Councilman
3 Rizzo.

4 COUNCILMAN RIZZO: Thank you,
5 Councilman Kenney and the Rules
6 Committee. I appreciate any solution,
7 any resolution to the problems that we
8 are experiencing. So, again, I thank you
9 for your interest in this, but I do want
10 to make sure that we do try to work with
11 what we already have, and next Tuesday,
12 October the 26th at 10:00 a.m., the
13 Committee of the Whole, all members of
14 City Council, will be meeting in this
15 Chamber to try and repair the rotational
16 towing system. And, again, if the
17 Parking Authority is the answer to the
18 solution, at this moment I don't think
19 that that is the entire answer to the
20 solution. I'm for whatever makes this
21 better for the industry.

22 (Applause.)

23 COUNCILMAN RIZZO: Better for,
24 it was already stated, the consumer.

25 So I think together we've got a

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2 base to work with, that we should work
3 very hard to make it effective before we
4 go to the drastic step to hand this off
5 to a state agency.

6 MR. GIRAL: I agree. I agree
7 with the Councilman.

8 (Applause.)

9 COUNCILMAN KENNEY:
10 Councilwoman Miller has a question.

11 COUNCILWOMAN MILLER: Hi. I
12 think what Councilwoman Sanchez was
13 asking when she mentioned my name, my
14 comment was I had heard that rotation was
15 not fair, that some trucks or tow trucks
16 were not being utilized.

17 Just by show of hands, has
18 rotation been fair? Have your companies
19 been called? Can you just show your
20 hands if it has not, if your company has
21 not, if it has not been fair?

22 (Some audience members raising
23 hands.)

24 MR. GIRAL: I think it hasn't
25 been used properly, and that's what

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2 happens. You know, people don't get
3 called because they're not using the
4 rotation the way they should.

5 COUNCILWOMAN MILLER: What does
6 that mean? Clarify that, "not used
7 properly."

8 MR. GIRAL: Basically the
9 Police Department is not utilizing it the
10 way they should utilize it.

11 COUNCILWOMAN MILLER: What do
12 you mean? I mean, if you have a list --

13 MR. GIRAL: What happens is,
14 when the police officer comes to the
15 scene of the accident, if the customer
16 doesn't have their own tow, they supposed
17 to pick from the rotation list, and
18 that's not happening. And if it is
19 happening, it's happening very limited.
20 So obviously if you have 96 companies and
21 there's only one tow a week, obviously
22 nobody is getting called. I get called 4
23 o'clock in the morning, 5 o'clock in the
24 morning when nobody else picks up the
25 phone. That's basically what's happening

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2 out there.

3 COUNCILWOMAN MILLER: So what
4 you're saying then could be that every
5 time there's an accident, the people
6 involved, the owners of the vehicle, have
7 their own company that they call?

8 MR. GIRAL: A lot of times,
9 yes.

10 COUNCILWOMAN MILLER: I mean, I
11 know you just used one call a week
12 hypothetically. However, I'm just trying
13 to figure out whether that rotation
14 system is working.

15 MR. GIRAL: It needs to be
16 fixed.

17 COUNCILWOMAN MILLER: All
18 right.

19 COUNCILMAN RIZZO: Point of
20 information.

21 COUNCILMAN KENNEY: Yes.

22 COUNCILMAN RIZZO: Point of
23 information. Thank you.

24 One of the problems, again
25 being the author of this initial

1 10/20/10 - RULES - BILL 100498, ETC.
2 legislation, the problem that we have --
3 and it's no disrespect to the
4 Philadelphia Police Department or the
5 Administration. You hit it right on the
6 head. It wasn't managed properly.

7 MR. GIRAL: Exactly.

8 COUNCILMAN RIZZO: If a police
9 officer came to the scene of an accident
10 and there was, quote, a wreck chaser at
11 the scene, that made them happy and they
12 said everything is fine here and left the
13 scene of the accident and there was no
14 management. The rotational towing system
15 was put into place to give everybody
16 working in the City and amended it so it
17 would in fact include everybody.

18 MR. GIRAL: And not just people
19 listening to the scanners, not even the
20 guys wreck chasing, just the officers
21 themselves not using the system. There
22 are times that vehicles are just left in
23 the middle of the street that could be
24 called over rotation and they just don't
25 do it. So I don't want to put blame on

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2 people wreck chasing. It's about the
3 officers themselves utilizing the system.

4 COUNCILMAN RIZZO: I understand
5 that, but in fact the officer on the
6 street being so very busy, when they saw
7 a tow truck, that satisfied their need.
8 They didn't care whether it was X, Y, Z.
9 It was a tow truck that cleared the
10 intersection and onto the next
11 assignment. If it was done the way it
12 was designed, one of you would have been
13 dispatched to the scene of that accident
14 and appropriately handled the situation.

15 COUNCILMAN KENNEY: And under
16 this legislation, one of them will be
17 dispatched by the Parking Authority and
18 they won't have to worry about the police
19 being overworked.

20 Councilman Kelly.

21 COUNCILMAN KELLY: Yeah.

22 MR. GIRAL: There's other
23 cities that have dealt with wreck chasing
24 and all illegal practices, and they never
25 used the Parking Authority. And I'd just

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2 like to say that on the expressways, on
3 95 and on 76, the Parking Authority does
4 the towing exclusively. They have cut us
5 out of that business. We are completely
6 out of that business. We can't even tow
7 up there. What do you guys have to say
8 about that?

9 COUNCILMAN KENNEY: I would say
10 go talk to your State Representative and
11 your State Senator, because that's who
12 did it.

13 MR. GIRAL: Well, that's why
14 we're here. Now there's an issue in the
15 City and we're coming up to you to help
16 us with that.

17 COUNCILMAN KENNEY: I have no
18 control over the State Police or PennDot.

19 MR. GIRAL: But you have
20 control right now in the City of
21 Philadelphia and you're trying to give it
22 to the Parking Authority so they can
23 control it, and by the time you know it,
24 they'll have total control over it,
25 they'll cut us out and they'll be doing

1 10/20/10 - RULES - BILL 100498, ETC.

2 the towing.

3 (Applause.)

4 COUNCILMAN KENNEY: Councilman
5 Kelly.

6 COUNCILMAN KELLY: Right.

7 Thank you, Mr. Chairman.

8 I just want to be clear on
9 something that Councilman Kenney has
10 addressed, some of the problems that
11 consumers have. What is your hours of
12 operation?

13 MR. GIRAL: My hours of
14 operation? Monday through Friday, 9:00
15 to 5:00.

16 COUNCILMAN KELLY: 9:00 to
17 5:00, okay. Do you take credit cards?

18 MR. GIRAL: Yes, we do take
19 credit cars, and I am available 24 hours
20 a day for towing. The office itself is
21 9:00 to 5:00, but my order of operation
22 is 24 hours a day.

23 COUNCILMAN KELLY: Would you
24 happen to know if most of your colleagues
25 are the same?

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2 MR. GIRAL: Well, I can't speak
3 for my colleagues. I participate in the
4 program, and most people, yeah, you know
5 what, most people do tow 24 hours a day,
6 yes.

7 COUNCILMAN KELLY: And they
8 also accept credit cards?

9 MR. GIRAL: And we have no
10 problem --

11 COUNCILMAN KENNEY: It's not
12 the towing. The 24-hour towing is not
13 the issue. It's getting the car out.

14 COUNCILMAN KELLY: I know.
15 It's getting the car out, right.

16 MR. GIRAL: We don't have any
17 problem if it stays with the current
18 system to have extended hours. We're
19 open for ideas like that.

20 COUNCILMAN KELLY: Well, in
21 other words, if it's 6 o'clock in the
22 evening, how does a person obtain their
23 car? Can they?

24 MR. GIRAL: Like I said, we
25 don't have any problems with offering

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2 extended office hours to address that
3 issue, yes. Most people won't show up to
4 pick up their vehicles anyway, but I can
5 understand the possibility, and, yes, we
6 can make the office available 24 hours a
7 day, if that would answer your question.

8 COUNCILMAN KELLY: In other
9 words, there would be somebody there or
10 someone that they could contact to get
11 their car out that same night?

12 MR. GIRAL: If that's one of
13 the issues, I'm sure that can be
14 addressed. We can work on that.

15 COUNCILMAN KELLY: All right.
16 Thank you, Mr. Chairman.

17 COUNCILMAN KENNEY:
18 Councilwoman Miller, do you have any more
19 questions?

20 COUNCILWOMAN MILLER: No.

21 COUNCILMAN KENNEY: Thank you
22 very much for your testimony.

23 Mr. D'Angeles, Mr. Elliott and
24 Mr. Johnson, please.

25 (Witnesses approached witness

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2 table.)

3 COUNCILMAN KENNEY: Good

4 afternoon. Please identify yourself for
5 the record.

6 MR. D'ANGELO: Good afternoon,
7 Council. My name is Anthony D'Angelo --

8 COUNCILMAN KENNEY: Could you
9 do me a favor, could you -- I'm sorry.

10 MR. D'ANGELO: It's Anthony
11 D'Angelo.

12 COUNCILMAN KENNEY: I
13 apologize. It was written D'Angeles.

14 MR. D'ANGELO: I'm the owner of
15 George Smith Towing. George Smith has
16 been around for 50 years and I've
17 operated the business the last eight
18 years. My expertise is in the illegal
19 park towing industry. We also are
20 involved in roadside assistance, and
21 today I'm here to speak on behalf of all
22 of the towing industry, which includes
23 different facets of towing, if everyone
24 wasn't aware of that, such as transport,
25 roadside assistance, accident recovery,

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2 repo and illegal park towing.

3 There are over 300 licensed tow
4 companies operating in the City of
5 Philadelphia, many of which have multiple
6 tow trucks. This would indicate that
7 there are thousands of jobs at stake in
8 the towing industry, many of them filled
9 by minorities, along with many dollars of
10 tax revenue created by small business.

11 Bill 100536 indicates that the
12 PPA, an agency of the government, will be
13 taking jobs from these private businesses
14 by controlling everything from pricing to
15 doling out jobs to enforcement. We as an
16 industry feel that we should not be
17 regulated by an agency that is
18 governmental/private and is also a
19 competitor. This is another example of
20 Big Brother taking over.

21 (Applause.)

22 MR. D'ANGELO: We also disagree
23 with some of the finer points of the
24 bill, but we'll save that for a later
25 time.

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2 Council, I'd like to ask you to
3 please take these points into
4 consideration when it's time to vote on
5 Bill 100536, and if you could please take
6 into consideration revisiting Bill
7 100213, which pertains to ticketing
8 vehicles illegally parked on private
9 property owned by private citizens.
10 Please vote no on these bills.

11 I would like to thank Council
12 for your time and consideration.

13 COUNCILMAN KENNEY: Thank you
14 very much for your testimony.

15 MR. D'ANGELO: You're welcome.

16 COUNCILMAN KENNEY: Please pull
17 that microphone close to you, whoever is
18 going next. Thank you. Please identify
19 yourself for the record, whoever is up.

20 MR. JOHNSON: My name is Jordan
21 Johnson. I'm a tow truck operator of 14
22 years in the City of Philadelphia.

23 Being honest, I don't have any
24 speech or anything prepared for you guys,
25 but I'm more so here to address certain

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2 things that came up that, in my opinion,
3 were false as far as tow truck agreements
4 being signed. Once they're signed, we
5 can just take them wherever we want to
6 go, that's totally false. It's not the
7 practice, as the Councilwoman was asking
8 earlier.

9 There was a little bit of
10 misunderstanding, but I want to clarify
11 any questions or anything you guys might
12 have about our practices as tow truck
13 operators.

14 COUNCILMAN KENNEY: Please
15 identify yourself for the record and
16 proceed.

17 MR. ELLIOTT: My name is Ralph
18 Elliott. I run Siani's Towing in
19 Philadelphia.

20 There's a lot of testimony this
21 morning about key points to this bill.
22 I'd like to focus on the impact that this
23 bill is going to have on the towing
24 industry.

25 There's a lot of companies out

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2 here with very expensive equipment and
3 high dollar insurance payments that are
4 going to be affected and lose a lot of
5 revenue if this bill is passed. My
6 company that I run has nine tow trucks
7 that run 24 hours a day. That's 27
8 drivers with eight-hour shifts, has
9 people employed in the office, mechanics,
10 and people that run the yard. We're
11 going to have to downsize considerably
12 due to the loss of business if this bill
13 is passed. Most of the companies in this
14 industry are larger than mine and are
15 going to be affected even more so by
16 this.

17 By handing this over to the
18 Parking Authority and allowing them to
19 collect the storage on these vehicles --
20 my lot holds almost 400 cars. Each of
21 those cars produces storage every day.
22 There's going to be a large loss of
23 revenues for many of the companies in the
24 City.

25 You were talking about the

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2 towing agreements. The towing agreements
3 were given to us. The City itself
4 mandated what was supposed to be on these
5 towing agreements. We have to print
6 them. They are a standard
7 across-the-board towing agreement that is
8 the same for every company that
9 designates where the car is to be towed
10 from and where the car is to be towed to,
11 and the rates are set by the City.
12 Companies that are charging other than
13 that, that needs to be enforced, but not
14 against the entire industry. There's
15 good and bad people in every business.

16 (Applause.)

17 MR. ELLIOTT: If this bill is
18 passed, the vehicles will be towed to the
19 Parking Authority lot. The Parking
20 Authority charges a minimum of \$150 for
21 towing to get your vehicle released, even
22 if you go there directly from the
23 accident scene. Insurance companies
24 these days are not willing to pay more
25 than \$75 for a tow for a vehicle. So

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2 these people involved in an accident are,
3 right off the bat, subjected to paying an
4 extra \$75 out of their pocket to pay for
5 this tow. Then they have to pay to have
6 the vehicle towed from the Parking
7 Authority to their shop of choice, which,
8 again, is an out-of-pocket expense, that
9 basically they're being muscled into
10 using this Parking Authority and paying
11 these fees.

12 (Applause.)

13 MR. ELLIOTT: It's been
14 suggested that a professional license,
15 such as a plumber's license or a
16 contractor's license, be put into effect,
17 you know, mandating that you have a
18 current driver's license and have been
19 trained properly in the industry. That's
20 one good idea. There are many ideas that
21 are used in other cities and states
22 across the country that have had this
23 problem before, like the person said
24 earlier, that have not used a government
25 agency to take care of the problem.

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2 If L&I does not have the
3 manpower to handle the towing licenses
4 and you're not confident that the Police
5 Department is inspecting these vehicles
6 the proper way, then why isn't the focus
7 on making that situation better instead
8 of putting us out of business?

9 (Applause.)

10 MR. ELLIOTT: The rotational
11 system that's in effect right now, I'm
12 not going to mention names, but there are
13 certain companies that receive five to
14 six calls, seven calls a week for this
15 rotation system. My company receives one
16 to two calls per month. If this is the
17 situation, my company will be out of
18 business. If I can't go out and solicit
19 business free-lance like a car salesman,
20 a lumber salesman, a building contractor,
21 anybody else, I'm going to be forced to
22 go out of business.

23 (Applause.)

24 MR. ELLIOTT: I'd like to
25 answer any questions that that Council

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2 has in reference to this.

3 COUNCILMAN KENNEY: Any

4 questions for these witnesses?

5 (No response.)

6 COUNCILMAN KENNEY: Seeing

7 none, thank you very much for your

8 testimony.

9 Who else is left to testify?

10 Well, who else besides the three? Anyone

11 else?

12 (No response.)

13 COUNCILMAN KENNEY: That will

14 be our last panel.

15 (Witnesses approached witness

16 table.)

17 COUNCILMAN KENNEY: Please

18 identify yourself for the record and

19 proceed with your testimony.

20 MR. BURKE: My name is Brendan

21 Alan Burke and I would say good

22 afternoon, Council. Thank you for having

23 us here today.

24 I just have a few things I'd

25 like to go over, some key points on the

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2 fact that I've been a tower in the City
3 of Philadelphia for 20 years and I have a
4 few things I'd like to go over before
5 this bill is passed or it's even taken
6 into consideration. I want you to hear a
7 few things I have to say.

8 Has anyone spoke to any of our
9 police officers or done ride-alongs to
10 see for themselves what's happening on
11 the streets of our 21 districts or are we
12 basing everything on media sensationalism
13 or complaints? If so, what's our
14 complaint ratio compared to the PPA's?
15 I'd love to see that on paper.

16 (Applause.)

17 MR. BURKE: Using the PPA
18 creates a monopoly.

19 (Applause.)

20 MR. BURKE: What happened to
21 freedom of choice? This is America.

22 (Applause.)

23 MR. BURKE: Who cleans up the
24 debris which becomes road and walkway
25 hazards? We take all accident debris

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2 with us for proper disposal.

3 Who drives the people involved
4 in an accident home if they can't get a
5 ride at 3:00 a.m., or sets them up in a
6 hotel or motel if they are from out of
7 state? We do. Not the police, not the
8 PPA and not the salvers.

9 A vast majority of our business
10 is billed to insurance carriers directly,
11 utilizing what the consumer has paid for.
12 In the instance where charges are made
13 such as consumers with liability
14 insurance that are at fault, we are open
15 to negotiation, and charges are many
16 times waived or discounts are given. Has
17 that ever occurred at the PPA? Not that
18 I've ever heard from anyone or seen on
19 Parking Wars.

20 We are living in very tough
21 economic times, and, sure, our industry
22 has had its recent share of problems.
23 However, does that justify uprooting an
24 80-year-plus-old industry by ratifying
25 this bill? It is not free -- is it not

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2 free enterprise, along with the freedom
3 of choice, that America's foundation was
4 built upon?

5 (Applause.)

6 MR. BURKE: We are blue-collar,
7 hard-working, law-abiding, tax-paying
8 citizens that know changes must be made,
9 and with the help of L&I, along with
10 Philadelphia Police Truck Enforcement
11 Division, we believe, given a chance, a
12 fair and organized system can be found.

13 COUNCILMAN KENNEY: Thank you
14 for your testimony.

15 (Applause.)

16 COUNCILMAN KENNEY: Please
17 identify yourself for the record.

18 MR. WAKOWSKI: My name is David
19 Wakowski and I'm a tower in Philly.

20 We have like certain things you
21 were saying, like when you say "we" as
22 working on trying to make the system
23 better, who is "we"? You and Vince from
24 the PPA or is it "we" as like -- I don't
25 understand when you keep saying "we."

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2 COUNCILMAN KENNEY: It's the
3 City Administration, the Parking
4 Authority, the Police Department,
5 Department of License and Inspections and
6 members of City Council.

7 MR. WAKOWSKI: Now, you said
8 with the rotation system now, you stated
9 that a lot of people shouldn't be on this
10 rotation because they don't pay taxes,
11 their taxes ain't paid up and all. Well,
12 isn't it true that the Parking Authority
13 don't pay no taxes in the City of
14 Philadelphia? Anything they generate,
15 revenue, they pay nothing, except for
16 maybe wage taxes. But they pay for
17 nothing. They're supposed to pay for our
18 schools and stuff like that. They barely
19 do that without a fight, and that's on
20 record everywhere you go.

21 (Applause.)

22 MR. WAKOWSKI: So now you want
23 to give them more money, let them collect
24 the storage, let them put any fee they
25 want to do or parking tickets and all,

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2 like they should have the right to do
3 and -- a person shouldn't even have to
4 pay a parking ticket if they don't do
5 what they're supposed to do. They don't
6 take care of our city.

7 Then you're talking about
8 revenue. If these cars go back to a
9 Parking Authority lot -- our taxes are
10 eight percent here. If I'm an insurance
11 adjuster and I got 20 cars at this lot
12 and they're hit for \$10,000 and I got to
13 pay either Philadelphia -- send them to a
14 body shop in Philadelphia to pay 800 on
15 taxes or I can send them to Springfield
16 or Huntingdon Valley and pay 600, and if
17 I got like maybe a hundred cars a month
18 there, I'm saving hundreds of thousands
19 of dollars. I'm sending all the work out
20 of here. So not only are you going to
21 hurt the towing industry, you're going to
22 hurt the body shops, because all the work
23 is going to go out of our city. You're
24 going to hurt the revenue and you're
25 going to hurt parts people, paint people,

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2 everybody.

3 So, I mean, there's more to it
4 than just you saying about revenue.

5 That's good you brought that up, because
6 Parking Authority don't pay taxes for
7 nothing.

8 (Applause.)

9 MR. WAKOWSKI: I mean, there's
10 a lot more issues. You talk about
11 charges. You talk about people getting
12 gougued with prices. I got a copy of the
13 Parking Authority's fees right here.
14 Maybe you should look at these gouges
15 right here.

16 They get -- if somebody is in
17 an accident, they got a recovery service.
18 If they got to send a manager there, they
19 get 150 an hour. And then if he ain't
20 smart enough to flip a car over, which
21 they're very not -- you can ask the State
22 Police, we got to help them -- then
23 they'll send the supervisor for another
24 hundred an hour, and then if they need
25 another truck, it's 125. Then if they

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2 need another man with that truck, it's 85
3 an hour. So now you just turned a tow
4 that we get 150 for, you just made them a
5 thousand dollars. So they could do all
6 this stuff, but if we try to charge for
7 cleaning the highway, we're not allowed.
8 They can get for oil dry, using a strap,
9 \$250 to use a \$7 tarp to cover somebody's
10 stuff. If I tow a car back to my lot and
11 say I got a brand new Range Rover and the
12 window is busted on it and all and I use
13 a tarp and I cover it up so it don't get
14 wet inside and destroy their car, I don't
15 charge them nothing. They get \$285.

16 I mean, so there's a big
17 difference here. Like we want to know
18 like why is it so interested to give this
19 to PPA when they don't pay our city taxes
20 and they don't do nothing we do. And
21 there's a lot of companies that are going
22 to hurt.

23 (Applause.)

24 COUNCILMAN KENNEY: Thank you
25 for your testimony.

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2 Could you please identify
3 yourself for the record.

4 MR. CLARK: Sure. Lawrence
5 Clark, Founder of the People Choice
6 Movement.

7 The People Choice Movement had
8 a testimony on this Philadelphia Parking
9 Authority this past Saturday, October
10 16th, 2010. In the process, we gathered
11 over hundreds of testimonies in one hour
12 saying that the Philadelphia Parking
13 Authority and the BAA, which the Bureau
14 of Administrative Adjudication, with
15 their illegal towing and the unjust
16 ticket practices.

17 So our support in this bill, we
18 are against, because the PPA is unjust
19 with their practices and illegal towing.
20 We oppose this bill that gives the PPA
21 the authority to violate the citizen
22 consumer right of choice by geographic
23 limits as the enforcement agency shall
24 specify. This bill should be abolished
25 until Council can introduce an ordinance

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2 to establish a reasonable financial
3 hardship program to release one's
4 vehicle. This violates the consumer by
5 denying the right to choose who will
6 service their vehicle or tow in the time
7 of crisis. This bill shows no compassion
8 for the owner, operators or the vehicle,
9 who is in the hospital, also have to deal
10 with the possibility of unpaid prior
11 parking tickets, impound to be released
12 to the auto bodies or the collision
13 shops. Council should not pass this bill
14 to further enable the Philadelphia
15 Parking Authority the right to use law to
16 entrap citizens to collect fees through
17 deceitful practices.

18 (Applause.)

19 MR. CLARK: In closing, I
20 respectfully say to this committee, do
21 not give an enforcement agency this much
22 power or authority to take hostage a
23 person vehicle because of parking
24 tickets. Parking tickets should not
25 carry more weight than a moving

1 10/20/10 - RULES - BILL 100498, ETC.

2 violation.

3 Thank you.

4 (Applause.)

5 COUNCILMAN KENNEY: Thank you

6 very much for your testimony.

7 Any questions for the

8 witnesses?

9 Councilwoman Brown.

10 COUNCILWOMAN BROWN: Yes. Good

11 afternoon, gentlemen. Please share with

12 me your view, your perspective about the

13 current rotation system as it currently

14 exists.

15 MR. WAKOWSKI: You want me to

16 answer that?

17 COUNCILWOMAN BROWN: All of

18 you.

19 MR. WAKOWSKI: As far as the

20 rotation system in Philly goes, I mean,

21 it's a good system if it works. But now

22 if there's problems with it, why don't we

23 just -- like we're willing to do things

24 to help correct the problems. If we got

25 to get these different licenses per

1 10/20/10 - RULES - BILL 100498, ETC.
2 driver, if you got to have each driver,
3 like a cab driver has a chauffeur
4 license, if each tow truck driver has to
5 have one, then you can identify who that
6 person is more and you can do different
7 things to check and to make sure
8 everything is okay with this guy and make
9 them pass the test, make them more
10 accountable. And if you hold the
11 businessowners -- and I'm a
12 businessowner. If you hold them more
13 accountable for who they hire and have
14 strict fees on it, then we would have
15 less problems in there, because I'm not
16 going to hire somebody that just walked
17 out of prison or anything like that. I'm
18 going to do a check first on who I'm
19 hiring or see how things go before I put
20 this individual in one of my trucks if
21 I'm held accountable for that.

22 COUNCILWOMAN BROWN: And I do
23 believe Mr. Chairman said that you all --
24 the process will lead to an operator's
25 license. So that will help remedy some

1 10/20/10 - RULES - BILL 100498, ETC.

2 of what I'm hearing. And you are in
3 favor of an operator's license?

4 MR. WAKOWSKI: Oh, yeah. I'm
5 in favor of it for that, but I'm not in
6 favor for PPA giving that license. They
7 have no right to give that. That should
8 come from L&I.

9 Here's the situation. He
10 brought up about these tow trucks, these
11 pickup trucks. I have a few dualies that
12 are rated the same as an F-350 tow truck,
13 11,000 pounds, 12,000 pounds and all, and
14 last year the Philadelphia Truck
15 Enforcement, which is our agency for
16 checking trucks, made us all go to the
17 place that manufactures the backs that
18 slide into these trucks that are legal in
19 about 30 other states that use them that
20 I know of and we had to get them all
21 certified to the truck. They're
22 registered to that VIN number. They're
23 certified, which now makes that truck a
24 tow truck. Whether they know that or
25 not, I paid 1,150 a truck, \$1,150 a

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2 truck. Out of ten of them I got to get
3 them all certified.

4 So now when you talk about
5 doing things out, I paid 11,500 last
6 year. So every year they do something
7 different, I got to throw these trucks
8 away now. And some of them -- like I got
9 loans on a lot of them, 50,000, 60,000.
10 I can't just trade it into a bank and go
11 get a loan on an \$80,000 truck now,
12 because then they're going to say you're
13 out of equity. I'll be broke. I'll be
14 out business in a matter of a day if
15 something like that goes through. And
16 it's not just me. There's other people
17 that have them. There's a lot. And,
18 like I said, they're used in the streets.

19 But there's cops and there's
20 laws. If somebody is flying through the
21 streets whether -- PPA does it. If you
22 look, I don't know if you're ever sitting
23 in traffic on 676 or 95 and all. If
24 there's an accident there, they fly up
25 the shoulder and they beep their horns,

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2 got their lights on. They got cop horns
3 in the PPA tow trucks, like the cop
4 sirens and all. They're in PPA tow
5 trucks. How can they have that? PPA
6 don't have a tow license. None of their
7 trucks get inspected by Truck Enforcement
8 for that. They don't use tow license and
9 they don't have to sign a towing
10 agreement.

11 A towing agreement that people
12 asked about was passed and made so that
13 we have that sign. All's that does --
14 the person could have their car towed
15 from here to Florida if they want. It's
16 their choice. They come up with an
17 agreement right there, like customers
18 know where their going is going before
19 they sign that paper. The City of
20 Philadelphia and the cops made us do
21 these towing agreements that said --
22 because years ago, tow trucks were
23 supposedly stealing cars. So now if you
24 don't have this towing agreement signed
25 and you get pulled over, they want to

1 10/20/10 - RULES - BILL 100498, ETC.

2 lock you up, take your truck until they
3 get a hold of the owner of the car to
4 find out did they give you permission to
5 tow it.

6 COUNCILWOMAN BROWN: I see.

7 MR. WAKOWSKI: So now if you're
8 on your way to work in the morning and I
9 tow your car and I say -- Ms. Clark, is
10 it?

11 COUNCILWOMAN BROWN: Brown.

12 MR. WAKOWSKI: Ms. Brown, if I
13 say I'm going to tow your car to the
14 mechanic for you, Yeah, okay, Dave, tow
15 my car down to Pep Boys.

16 All right.

17 I got to get on the subway. I
18 got to go to work.

19 You got no reception. If I'm
20 towing your car and I get pulled over,
21 now I can get locked up for having your
22 car until you somehow or another want --
23 like somebody gets in touch with you and
24 says, Yeah, did you give Dave from Select
25 permission to tow your car?

1 10/20/10 - RULES - BILL 100498, ETC.

2 Yeah.

3 Okay. Well, he's been locked
4 up for ten hours because we couldn't get
5 a hold of you.

6 COUNCILWOMAN BROWN: So that
7 sounds like a gap in the system that
8 needs to be fixed going forward.

9 Could I hear your view about --
10 thank you for your testimony -- your view
11 about the rotation process.

12 MR. BURKE: I think the
13 rotation works. I just don't think
14 there's enough business on the streets
15 for all these tow companies to take
16 advantage of. I'm what you so-call a
17 wreck chaser, which I don't even like to
18 use that terminology. I'm a body shop
19 consultant or an accident recovery
20 specialist, and that's what I do and I've
21 been doing it for 20 years,
22 professionally by the way.

23 Four different companies
24 smeared us all. For the 20 years I've
25 been doing this, we've had very few

1 10/20/10 - RULES - BILL 100498, ETC.

2 incidents. These recent incidents, which

3 I do agree, they're definitely negative,

4 I don't have no dispute with that.

5 Something does need to be done. However,

6 upon us here that are here with us today,

7 we have some ideas that we want to go

8 over that are going to remedy that

9 problem. It's going to keep people that

10 are on parole and convicts out of these

11 trucks. People are going to have valid

12 OONs that are checked every six months,

13 and we're able to sustain that with our

14 own industry. We're actually paying

15 revenue in.

16 With the PPA we want to keep

17 them out a hundred percent. They already

18 took the highways from us, which really

19 was a huge detriment to us. We clean up

20 95 and 76. We took care of that for

21 years. There was no problems. Once PPA

22 took it over, that cut 40 percent out of

23 our salaries. We don't really make

24 enough money.

25 So onto the flip side of that

1 10/20/10 - RULES - BILL 100498, ETC.

2 coin, M band and the rotation does work.

3 However, I just don't think there's

4 enough business for all these tow

5 companies. So there is guys that do

6 solicit business. I do myself. But I

7 don't have any -- you look at my

8 complaint record compared to PPA's, I

9 think it's going to be a pretty lopsided

10 victory right there for me. I barely

11 have any complaints. All my towing

12 agreements are signed. I'm very

13 professional, and I don't have any

14 complaints. If there is complaints, we

15 release the vehicle, what's stated on the

16 towing agreement, which I have signed

17 every time, and an officer receives a

18 copy of that towing agreement every time.

19 COUNCILWOMAN BROWN: I see.

20 Thank you for your testimony.

21 Sir.

22 MR. CLARK: Again, that's

23 speaking on the citizens of Philadelphia

24 who have been victimized by the

25 Philadelphia Parking Authority. I think

1 10/20/10 - RULES - BILL 100498, ETC.

2 this bill need to --

3 COUNCILWOMAN BROWN: I need to
4 narrow --

5 MR. CLARK: Okay. I'm going to
6 narrow it down.

7 COUNCILMAN KENNEY: Excuse me.
8 Are you a tow truck operator?

9 MR. CLARK: No, but I'm going
10 to answer my questions.

11 COUNCILMAN KENNEY: No, I
12 understand, but she's asking you about
13 the rotation system.

14 MR. CLARK: I'm going to say
15 it. I think this bill should give them
16 the opportunity to be part of this
17 decision before a bill is passed.

18 (Applause.)

19 MR. CLARK: I don't think that
20 government should get involved without
21 giving y'all the opportunity to be part
22 of that decision.

23 COUNCILWOMAN BROWN: Thank you.

24 MR. WAKOWSKI: We all basically
25 think the rotation, it does help out a

1 10/20/10 - RULES - BILL 100498, ETC.

2 lot, and basically if everybody works
3 together, as us with City Council and the
4 Police Department and L&I, if we all work
5 together, we can make it work perfect.
6 It's just everybody has to work together
7 instead of doing things differently.

8 MR. BURKE: If the people that
9 are involved in the accident are disabled
10 and they choose not to use someone that's
11 on scene such as myself, then they have
12 the option to use the rotation. They
13 should have the freedom of choice.

14 COUNCILMAN KENNEY: How do you
15 get to the scene?

16 MR. BURKE: How do we get to
17 the scene of an accident?

18 COUNCILMAN KENNEY: If you're
19 not called on the rotation list, how do
20 you get there?

21 MR. BURKE: Very simple. We
22 listen to scanners like you had stated,
23 and there's nothing illegal about that.
24 It says we're allowed to have scanners on
25 our tow licenses.

1 10/20/10 - RULES - BILL 100498, ETC.

2 COUNCILMAN KENNEY: And even
3 though the Police Department changed it
4 to an MDT, you moved over to the Fire
5 Department band?

6 MR. WAKOWSKI: It's not a
7 matter of moving over. It's all -- see,
8 there's free airwaves in the world.

9 COUNCILMAN KENNEY: I
10 understand.

11 MR. WAKOWSKI: Now, there is a
12 thing that was passed in 1986.

13 COUNCILMAN KENNEY: But are you
14 a rotation tower?

15 MR. WAKOWSKI: I am not on
16 rotation.

17 COUNCILMAN KENNEY: Are you on
18 the rotation list?

19 MR. BURKE: I am, yes.

20 COUNCILMAN KENNEY: So why
21 aren't you waiting for a call instead
22 of --

23 MR. BURKE: Very simple.
24 Because I'll tell you -- I'll answer that
25 very clearly for you, Councilman Kenney.

1 10/20/10 - RULES - BILL 100498, ETC.

2 Because I probably have gotten three to
3 four calls in three months. How am I
4 going to feed my family with that? Am I
5 going to live off of \$450?

6 (Applause.)

7 MR. BURKE: Keep in mind,
8 Councilman Kenney -- let me also say
9 this: I appreciate what you're trying to
10 do with this bill. You're trying to
11 clean up our industry. However, I pay
12 for my own fuel. It cost me \$100 a night
13 to run my truck. How am I supposed to
14 survive on the rotation if I'm making
15 \$150 every two weeks?

16 COUNCILMAN KENNEY: But it's
17 clear in our Code that you're not allowed
18 to use municipal radio to solicit
19 business. It's in our Code. We passed
20 that a long time ago.

21 MR. WAKOWSKI: 1986 they passed
22 that any licensed tow truck operator --

23 COUNCILMAN KENNEY: Who is
24 "they"?

25 MR. WAKOWSKI: It's in one of

1 10/20/10 - RULES - BILL 100498, ETC.

2 your bulletins. I'll bring you in a

3 copy --

4 COUNCILMAN KENNEY: I wasn't

5 here in '86.

6 MR. WAKOWSKI: I'll bring it to

7 your office, a copy of it, or have it

8 faxed over.

9 COUNCILMAN KENNEY: Is it City

10 Council?

11 MR. WAKOWSKI: It's been passed

12 over on news bulletin and all. It says

13 on some Code and bill number that any

14 licensed tow truck in the City of

15 Philadelphia may monitor police radio as

16 long as it has a valid tow license.

17 COUNCILMAN KENNEY: And this is

18 1986?

19 MR. WAKOWSKI: 1986.

20 COUNCILMAN KENNEY: And in 1992

21 or '93 or 4 we passed an ordinance that

22 prohibited it.

23 MR. WAKOWSKI: You never passed

24 that ordinance to prohibit it. And also

25 in 1983, there was a bill listed for a

1 10/20/10 - RULES - BILL 100498, ETC.
2 rotation system in Philadelphia, and it
3 wasn't fair -- if it wasn't going to be
4 legal and fair for everyone in the tow
5 business to have the tow license, then
6 they were supposed to never have a
7 rotation system in Philadelphia. That
8 was passed in 1983.

9 COUNCILMAN KENNEY: Bill
10 100498, Page 12 -- this is the current
11 law. This is not the proposed law.
12 Current law. Section 4, Subsection (a),
13 Upon the City's establishment of a
14 rotational towing system, no person shall
15 engage in towing from the scene of an
16 accident or with respect to a disabled
17 vehicle that is either impeding traffic
18 or on the shoulder of a limited access
19 highway, unless that person has been
20 either selected through the operation of
21 such rotational tow system, established
22 under this Subsection, or has been
23 selected or permitted to perform such a
24 tow from a state highway by the State
25 Police.

1 10/20/10 - RULES - BILL 100498, ETC.

2 MR. WAKOWSKI: It don't say
3 nothing about scanners in there. Am I
4 right or wrong? It don't say nothing
5 about scanners.

6 COUNCILMAN KENNEY: Unless
7 you're dispatched to the scene, you're
8 not supposed to be there under current
9 law.

10 MR. WAKOWSKI: Let me ask
11 you --

12 MR. BURKE: We're dispatched to
13 the scene by the customers a lot of
14 times.

15 COUNCILMAN KENNEY: That's
16 fine. That would be the situation here.

17 MR. BURKE: That's not fine,
18 because you're saying that you're taking
19 that right away from those customers by
20 having the PPA take it.

21 (Applause.)

22 COUNCILMAN KENNEY: No. They
23 can call you themselves.

24 MR. WAKOWSKI: What happened to
25 free enterprises and all? Whatever

1 10/20/10 - RULES - BILL 100498, ETC.

2 happened to free enterprises?

3 And also, like I explained to
4 you I think on Monday when I talked to
5 you at our little meeting in your office,
6 there's things we used to do, like we
7 used to patrol 95, 76, 676. That all
8 went to Parking Authority. If there's a
9 disabled there and all, Parking
10 Authority -- the State Police, they don't
11 care if you stopped to help that person
12 out, because they know it's going to take
13 them 45 minutes to an hour for Parking
14 Authority to get there. So they don't
15 care if the car is broke down. If it's
16 an accident, they demand they're going to
17 wait, block traffic for an hour or so.

18 But our thing is, a lot of us
19 don't even stop now to help the disabled.
20 So imagine if it's one of your family,
21 husband, your kid there that's disabled
22 with a flat. We won't help you now, stop
23 to help you, because we don't -- we're
24 never called for nothing on there. Some
25 drunk driver or somebody comes, blasts

1 10/20/10 - RULES - BILL 100498, ETC.

2 you and hurt someone in your family,
3 imagine how you'll feel. They took the
4 highways from us, so we don't even want
5 to help them out.

6 COUNCILMAN KENNEY: That just
7 happened to me on 76 a couple months ago
8 and a big green PennDOT truck came and
9 changed my tire.

10 MR. WAKOWSKI: They come every
11 couple hours.

12 COUNCILMAN KENNEY: I just blew
13 out my tire and he was there in less than
14 a minute.

15 MR. WAKOWSKI: Check all your
16 complaints about the State Police and PPA
17 on 76.

18 COUNCILMAN KENNEY: I'm talking
19 about PennDOT.

20 MR. WAKOWSKI: It doesn't
21 happen that fast. PennDOT is only out in
22 the daytime. They're gone after 5
23 o'clock, 6 o'clock. So I wouldn't say
24 that, because they're not there 24 hours
25 a day. We used to be out there 24 hours

1 10/20/10 - RULES - BILL 100498, ETC.

2 a day.

3 COUNCILMAN KENNEY: I hear you.

4 Any questions for these

5 witnesses?

6 (No response.)

7 COUNCILMAN KENNEY: Seeing

8 none, that will conclude our public

9 hearing for the day. We will now engage

10 in our public meeting.

11 The Chair recognizes Councilman

12 Greenlee for a motion on Bill No.

13 100554 -- I'm sorry; on the amendment to

14 100554.

15 COUNCILMAN GREENLEE: Thank

16 you, Mr. Chairman. I move the adoption

17 of the amendment to Bill No. 100554.

18 (Duly seconded.)

19 COUNCILMAN KENNEY: It's been

20 moved and seconded.

21 All in favor?

22 (Aye.)

23 COUNCILMAN KENNEY: There are

24 none opposed. Bill No. -- excuse me.

25 Bill No. 100554, the amendment

1 10/20/10 - RULES - BILL 100498, ETC.

2 has been approved.

3 The Chair recognizes
4 Councilmember Greenlee on a motion on the
5 amended bill.

6 COUNCILMAN GREENLEE: Thank
7 you, Mr. Chairman. I move that Bill No.
8 100554, as amended, be reported out of
9 this Committee with a favorable
10 recommendation and rules of Council be
11 suspended to allow for first reading at
12 our next session of Council.

13 (Duly seconded.)

14 COUNCILMAN KENNEY: Moved and
15 seconded.

16 All in favor?

17 (Aye.)

18 COUNCILMAN KENNEY: There are
19 none opposed. Bill No. 100554, as
20 amended, reported out of this Committee
21 with a favorable recommendation and a
22 request made for rules suspension to
23 allow for first reading at our next
24 Council session.

25 The Chair recognizes

1 10/20/10 - RULES - BILL 100498, ETC.

2 Councilmember Goode for a motion to
3 approve the amendment to Bill No. 100498.

4 COUNCILMAN GOODE: Thank you,
5 Mr. Chairman. I move the amendment to
6 Bill No. 100498 be approved.

7 (Duly seconded.)

8 COUNCILMAN KENNEY: Moved and
9 seconded.

10 All in favor?

11 (Aye.)

12 COUNCILMAN KENNEY: There are
13 none opposed. The amendment to Bill No.
14 100498 has been approved.

15 The Chair recognizes
16 Councilmember Goode on the amended bill.

17 COUNCILMAN GOODE: Thank you,
18 Mr. Chairman. I move that Bill 100498,
19 as amended, be reported out of the
20 Committee with a favorable recommendation
21 and the rules of Council be suspended so
22 as to permit first reading at our next
23 Council session.

24 (Duly seconded.)

25 COUNCILMAN KENNEY: Moved and

1 10/20/10 - RULES - BILL 100498, ETC.

2 seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN KENNEY: Excuse me.

6 Excuse me. We're in a public meeting,
7 please.

8 It's been moved and seconded.

9 All in favor?

10 (Aye.)

11 COUNCILMAN KENNEY: There are
12 none opposed. Bill No. 100498, as
13 amended, reported out of this Committee
14 favorably and a request made for rules
15 suspension to allow first reading at our
16 next Council session.

17 The Chair recognizes
18 Councilmember Brown on the amendment to
19 Bill No. 100538.

20 COUNCILWOMAN BROWN:

21 Mr. Chairman, I move that Bill No. 100538
22 be amended.

23 (Duly seconded.)

24 COUNCILMAN KENNEY: Moved and
25 seconded.

1 10/20/10 - RULES - BILL 100498, ETC.

2 All in favor?

3 (Aye.)

4 COUNCILMAN KENNEY: There are
5 none opposed.

6 The Chair recognizes
7 Councilmember Brown on the amended bill.

8 COUNCILWOMAN BROWN:

9 Mr. Chairman, I move that Bill No.
10 100538, as amended, be reported out of
11 Committee with a favorable recommendation
12 and further move that the rules of
13 Council be suspended.

14 (Duly seconded.)

15 COUNCILMAN KENNEY: It's been
16 moved and seconded.

17 All in favor?

18 (Aye.)

19 COUNCILMAN KENNEY: There are
20 none opposed. Bill No. 100538, as
21 amended, reported out of this Committee
22 with a favorable recommendation and a
23 request made for rules suspension to
24 allow first reading at our next Council
25 session.

1 10/20/10 - RULES - BILL 100498, ETC.

2 Bill No. 100536 will be held to
3 the call of the Chair.

4 Thank you for your attendance
5 and your cooperation.

6 (Committee on Rules adjourned
7 at 12:55 p.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on October 20, 2010, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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