

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON LICENSES AND INSPECTIONS

4

- - -

5

Room 400, City Hall

Philadelphia, Pennsylvania

6

Monday, February 5, 2007, 11:00 a.m.

7

- - -

8

9

Bill No. 060618 - An ordinance amending
Chapter 10-1200 of the Philadelphia Code
entitled "Posting of Temporary Signs" by
allowing signs to be posted on utility poles
and streetlights, all under certain terms and
conditions.

13

14 COUNCILMEMBERS PRESENT:

15 Daniel J. Savage, Chair

Blondell Reynolds-Brown

16 Jannie L. Blackwell

Darrell L. Clarke

17 Frank DiCicco

Brian Kelly

18 Juan Ramos

19

20

21

22

23 V A R A L L O Incorporated

Litigation Support Specialists

24 1835 Market Street, Suite 600

Philadelphia, Pennsylvania 19103

25 215.561.2220 215.567.2670

1

2 WITNESS

PAGE

3 LICENSES AND INSPECTIONS

4 - Otis Haigler Jr. 6

5 Director of Legislative Affairs

6 - David Perri, Chief Code Engineer..... 16

7 Lance Haver, Director of Consumer Affairs 23

8 City of Philadelphia

9 CENTER CITY DISTRICT

10 - Nick Maile, Counsel..... 52

11 - Alyssa Feeder, Dir. of Communications... 52

12 John Fenton, University City District..... 62

13 Senior Director of Operations

14

15 Russell Medden, Private Citizen..... 66

16

17 Mary Tracy, Director, SCRUB..... 72

18

19 Lynn McConville, Project Manager..... 79

20

21 Pennsylvania Resources

22

23 Gary Spawn, Private Citizen..... 91

24

25

26

27

28

29

30

31

32

33

34

35

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 COUNCILMAN SAVAGE: Good

3 morning. The Committee on Licenses and
4 Inspections is now in session.

5 Will the clerk please read the
6 bill for today.

7 THE CLERK: An ordinance
8 amending Chapter 10-1200 of the
9 Philadelphia Code entitled "Posting of
10 Temporary Signs" by allowing signs to be
11 posted on utility poles and
12 streetlights, all under certain terms
13 and conditions.

14 COUNCILMAN SAVAGE: The Chair
15 recognizes Councilwoman Blackwell, the
16 sponsor of this bill.

17 COUNCILWOMAN BLACKWELL: Thank
18 you very much, Mr. Chairman.

19 We sponsored this bill in order
20 to allow responsible posting of
21 public-interest signs. We believe that
22 it is a First Amendment right that will
23 allow in certain circumstances only
24 those signs of public interest to be
25 posted. No commercial signs, no "We

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Want to Buy Your House" signs, no "We
3 Can Help You With Predatory Lending"
4 signs, no any of those things are
5 permitted.

6 And we tried to do it in a
7 limited way to only ask for utility
8 poles and street poles. Otherwise, the
9 bill is intact.

10 The Administration has added on
11 one zillion other enforcement
12 initiatives and rules and regulations.
13 We're happy to support all of those.

14 We have submitted two
15 amendments. One amendment would exempt
16 the 1st, 5th, 6th, 7th, and 10th
17 districts as well as the area bounded by
18 the north side of Vine Street, the
19 Delaware River, the south side of South
20 Street, and the Schuylkill River. And
21 so we submit that in the interest of my
22 colleagues.

23 We also submit other amendments
24 that the Administration has proposed,
25 and we are hoping -- we are hopeful that

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 the committee will see fit to report out
3 this bill. We want to work in
4 cooperation with everyone.

5 We believe that it is a First
6 Amendment issue. We respect the rights
7 of all of those whose people may feel
8 differently about the issue, but we hope
9 the committee will adopt the amendments
10 and feel fit to report out the bill.

11 Thank you very much.

12 COUNCILMAN SAVAGE: You're
13 welcome.

14 I would like to recognize the
15 quorum as present. Members of the
16 Committee joining us today are
17 Councilwoman Krajewski, Councilman Juan
18 Ramos, Councilman Darryl Clarke, and
19 Councilman Jack Kelly.

20 We will now hear testimony on
21 Bill No. 060618.

22 Is there anyone here from the
23 Administration to testify?

24 (Witnesses come forward.)

25 COUNCILMAN SAVAGE: Good

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 morning. Could you please identify
3 yourself for the record.

4 MR. HAIGLER: Good day,
5 Councilman Savage and members of the
6 Committee. I am Otis Haigler, Jr.,
7 Director of Legislative Affairs for the
8 Department of Licenses and Inspections.

9 Today I'm here to provide
10 testimony on Bill 060618, which, if
11 enacted, will allow the posting of signs
12 on traffic lights and utility poles in
13 the right-of-way.

14 The unrestricted posting of
15 posters or stickers on utility poles,
16 street lights, trees, and other
17 structures is a source of blight within
18 the neighborhoods throughout our city.
19 As introduced, Bill 060618 will remove
20 the prohibition against the posting of
21 signs on utility poles and street lights
22 that now appears in the Philadelphia
23 Code, Section 10-1202(a), and would
24 impose no restriction going forward on
25 signs that would be posted.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 As you know, the current
3 prohibition on signs placed on certain
4 structures and trees in Section
5 10-1202(a) was enacted following a
6 successful challenge to the
7 constitutionality of several provisions
8 in the Chapter 10-1200.

9 Prior to its revision in 2005,
10 changes in the chapter had authorized
11 the posting of temporary signs under
12 certain circumstances, but its
13 provisions arguably were internally
14 inconsistent and inconsistently
15 enforced. The enactment and the blanket
16 prohibition was an appropriate response
17 at the time, and the Administration
18 testified in support of it.

19 To enforce Bill 060618, the
20 Department of Licenses and Inspections
21 is prepared to reinstitute the issuance
22 of temporary signs, licenses, and
23 stickers should it become law. There,
24 however, must be constraints imposed on
25 any exception to the prohibition in

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 order to minimize the likelihood of
3 blight.

4 I will be happy to answer any
5 questions at this time.

6 And also, for the record, I had
7 heard about the proposed amendments, at
8 least the carve-out amendments, and our
9 position would be opposed to such
10 amendments for carve-outs of any
11 particular district. We feel that for
12 enforceability, we would need to have
13 the bill as intact to be enforced.

14 COUNCILMAN SAVAGE: Would there
15 be any policy or procedure for
16 monitoring the takedown or cleanup of
17 the signs if this does go through?

18 MR. HAIGLER: Currently, with
19 the prohibition that we have in place,
20 the ban allows us to remove signs and to
21 invoice the persons who place the signs
22 on the utility poles and to collect what
23 the costs would be -- have been incurred
24 on the City for the removal of the signs
25 and also to impose a \$75 CVN or ticket

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 for each sign that's posted.

3 Under your current provisions,
4 no, there's nothing in the current law
5 that says that.

6 COUNCILMAN SAVAGE: Okay. And
7 how long would the signs be allowed to
8 hang for?

9 MR. HAIGLER: Under the
10 introduced ordinance, there was no time
11 limit.

12 COUNCILMAN SAVAGE: Okay. Are
13 there any other questions from members
14 of the Committee?

15 COUNCILMAN KELLY: I have a
16 question.

17 COUNCILMAN SAVAGE: The Chair
18 recognizes Councilwoman Krajewski.

19 COUNCILWOMAN KRAJEWSKI: Thank
20 you.

21 Isn't there a bill (inaudible -
22 off mic) pay for a permit?

23 MR. HAIGLER: No, ma'am,
24 Councilwoman. That bill was amended so
25 that it would be an outright ban on all

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 signs. That was the previous bill to
3 the bill that was enacted, I believe it
4 was, in 2004 that placed a ban an all
5 signs on utility poles, street lights,
6 or any structure in the public
7 right-of-way. Once that bill was
8 amended, we really didn't have to worry
9 about paying a certain fee for --

10 COUNCILWOMAN KRAJEWSKI: For
11 the length of time to take it down.

12 MR. HAIGLER: For the length of
13 time to take it down; that's correct,
14 ma'am.

15 COUNCILWOMAN KRAJEWSKI: All
16 right. Thank you.

17 COUNCILMAN SAVAGE: The Chair
18 recognizes Councilman Kelly.

19 COUNCILMAN KELLY: Thank you.

20 Mr. Haigler, you just mentioned
21 that you wouldn't be for this bill if
22 there were any exceptions to it; in
23 other words, any district that was
24 exempted from the provisions in this
25 bill. And it would be very, very

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 difficult for your department to enforce
3 any or to police it.

4 MR. HAIGLER: That's correct.

5 COUNCILMAN KELLY: Is that
6 correct?

7 MR. HAIGLER: That's correct.

8 COUNCILMAN KELLY: Okay. So if
9 there are any exceptions to it, you
10 would be against it.

11 MR. HAIGLER: That's correct.

12 COUNCILMAN KELLY: Am I clear
13 on that? Okay.

14 MR. HAIGLER: And that is a
15 matter of policy, I think of, the
16 administration. As a matter of policy
17 for the administration, they're opposed
18 to carve-outs of basically most any
19 ordinance that would be enacted; they
20 feel that ordinances should be uniform
21 and applied across the city.

22 COUNCILMAN KELLY: Wasn't this
23 bill -- wasn't there a bill years ago
24 with this same type of provisions; in
25 other words, you would have to -- a

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 candidate would have to get -- buy
3 stickers and put it on the posters, and,
4 of course, remove it ten days after the
5 election, and then they could take the
6 posters back and get reimbursed?

7 MR. HAIGLER: Yes, there was.
8 That --

9 COUNCILMAN KELLY: How
10 successful was that? If it was
11 successful.

12 MR. HAIGLER: Well, um, it was
13 a matter of, I guess, compliance,
14 compliance with that ordinance, and I
15 guess it really would speak for itself
16 that if you drove around the city after
17 the time period had expired, you may
18 have saw -- seen signs still posted
19 months, maybe even up to a year, after a
20 certain time period where the poster has
21 taken the sign down.

22 COUNCILMAN KELLY: Okay. So in
23 your opinion, it was moderately
24 successful, or it wasn't at all?

25 MR. HAIGLER: I don't believe

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 it was really successful.

3 COUNCILMAN KELLY: Okay.

4 That's what I wanted to hear.

5 I have another question too,
6 and it has to do with public utility
7 poles. Isn't a fact now that it's
8 illegal to put anything on a public
9 utility pole?

10 MR. HAIGLER: No, it's not.

11 That's not the case. It's illegal.

12 COUNCILMAN KELLY: Illegal,
13 yeah.

14 MR. HAIGLER: It's illegal
15 presently to post any sign on any
16 utility pole, streetlight, or any other
17 structure in the public right-of-way.

18 COUNCILMAN KELLY: So it would
19 still be illegal even if we passed this
20 bill?

21 MR. HAIGLER: No. This bill
22 will allow you to post signs on utility
23 poles and streetlights, but it would
24 prohibit signs on other structures in
25 the public right-of-way.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 COUNCILMAN KELLY: Yeah. I
3 just wanted to know the rationale of
4 having a bill -- well, having a previous
5 bill which made it illegal for -- to put
6 it on any public utility.

7 In other words, I would like to
8 hear from either the electric company or
9 whatever to hear their side of it.
10 There must be a reason why we -- why we
11 find it -- you know, why it's illegal to
12 put these posters on a public utility
13 bill.

14 MR. HAIGLER: I believe you
15 probably should --

16 COUNCILMAN KELLY: But it's
17 illegal -- as of today, it's illegal?

18 MR. HAIGLER: Utilities have
19 always maintained opposition to the
20 placement of signs on their structures
21 for safety purposes -- safety purposes
22 of the utility workers, especially where
23 the signs were placed on there with
24 nails or staples or something of that
25 nature, where, if a utility worker were

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 to slip off the structure, they might
3 harm themselves.

4 So I think that was the main
5 opposition from the utility companies,
6 that it presented a safety concern for
7 their workers.

8 COUNCILMAN KELLY: So it would
9 be safe to say, then, that the utility
10 companies would be against anything
11 which would permit posters on their
12 signs.

13 MR. HAIGLER: I can't speak for
14 the utility companies.

15 COUNCILMAN KELLY: Okay. But
16 it seems like that's -- that would be
17 the way they would go.

18 Okay. Thank you.

19 Thank you, Mr. Chairman.

20 COUNCILMAN SAVAGE: The Chair
21 recognizes Councilman DiCicco.

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

24 Good morning, Mr. Haigler.

25 MR. HAIGLER: Good morning.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 COUNCILMAN DICICCO: I think

3 Councilman Kelly asked most of the

4 questions I was about to ask.

5 But do you have any statistics

6 as to the number of violations that have

7 been issued to folks who put the illegal

8 posters up or illegal signs?

9 MR. HAIGLER: Yes, we do.

10 Mr. Perri, the acting

11 commissioner for the department, is with

12 me today and has that information that

13 he will provide.

14 MR. PERRI: Good morning,

15 members of Council, my name is David

16 Perri. I'm the chief code engineer for

17 the Department of Licenses and

18 Inspections.

19 The statistics that we have are

20 in year 2005: 3,871 posters were

21 removed from 972 locations. Also in

22 2005, 119 code violation notices, which

23 are basically tickets, were issued.

24 In the year 2006, 3,323 signs

25 were removed from 886 locations, and 349

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 code violation notices were issued.

3 COUNCILMAN DICICCO: Of those
4 violations that have been issued, were
5 we able to collect any of the fines?

6 MR. PERRI: I do not have
7 statistics on what the collection rate
8 was on the fines.

9 COUNCILMAN DICICCO: Do you
10 know if we collected any fines at all?

11 MR. PERRI: The fine collection
12 is done by the Bureau of Administrative
13 Adjudication, and it's outside of the
14 Department of Licenses and Inspections.

15 COUNCILMAN DICICCO: Do you
16 know whether your department was
17 successful in identifying the
18 individuals who had posted these signs?
19 'Cause we're not just talking about
20 political posters.

21 I mean, there are a lot of
22 these signs that get put up and have an
23 888 number or some number, and I've
24 tried calling those numbers. And
25 generally, I get a voice mail. I

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 identify myself as to who I am, and I
3 basically tell them on my own terms why
4 they should take the signs down, but
5 normally, it falls on deaf ears.

6 And I was just curious as to
7 whether or not we're able to track these
8 people down at all.

9 MR. PERRI: We do make an
10 attempt to track down the owner of the
11 individual signs. Obviously, it's in
12 our interests to know who that is so
13 that we can issue code violations and
14 otherwise get compensated for the cost
15 of removing them.

16 We do have problems identifying
17 some of these sign owners. But in those
18 cases, those would be the first signs to
19 come down.

20 COUNCILMAN DICICCO: One other
21 question. I guess it's more of a
22 statement.

23 How does one know that there is
24 a prohibition on posting of signs in the
25 City of Philadelphia? Other than the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 fact that if they post it, then you --
3 if you're lucky or fortunate enough to
4 find them, we can cite them or give them
5 a warning.

6 I mean, there's really no -- I
7 don't know if most people understand
8 that there's a prohibition in this city,
9 and I wonder if we're doing anything the
10 this in that area.

11 The legitimate person who comes
12 in to business, they'll come in, get a
13 business license to do business,
14 obviously, in the City of Philadelphia,
15 and I'm sure that they would be made
16 aware if certain types of advertisements
17 are permitted or not permitted.

18 It's these ad hoc companies
19 that just, overnight you wake up and
20 there's these signs for -- as
21 Councilwoman Krajewski and I were
22 talking about earlier -- "House for
23 Sale" or "We Buy Houses for Cash," all
24 those kinds of signs that just literally
25 appear overnight.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 MR. HAIGLER: On the
3 department's website, there is a link to
4 a letter that goes to -- particularly to
5 campaigns about the illegal posting of
6 the signs, and it's also a link to a
7 particular law that was enacted that
8 bans signs in general.

9 So if somebody were to go to
10 the department's website, they would see
11 that link right there, and they could
12 click right on to that.

13 Other than that, I would
14 surmise that it would be something where
15 there would have to be constant
16 reeducation of the public as to what the
17 requirements are.

18 And if you see a situation
19 where the -- you see an increase in the
20 notices, that there is an increase in
21 it, then there would have to be some
22 sort of a publication and reeducation of
23 the public.

24 COUNCILMAN DICICCO: What is
25 the cost of a fine? Is it on a per-sign

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 basis?

3 MR. HAIGLER: Yes, it is. It's
4 \$75 per sign.

5 COUNCILMAN DICICCO: How much?

6 MR. HAIGLER: It's per offense
7 per sign.

8 COUNCILMAN DICICCO: How much?

9 MR. HAIGLER: It's \$75 per
10 ticket.

11 COUNCILMAN DICICCO: Per sign?

12 MR. HAIGLER: Per sign.

13 COUNCILMAN DICICCO: And we
14 don't have -- you have the numbers but
15 you don't have them today of the amount
16 of money that's collected based on the
17 violations that were issued?

18 MR. HAIGLER: No, we don't.
19 That's information that would be at the
20 Bureau of Administrative Adjudication.

21 COUNCILMAN DICICCO: Thank you.

22 Thank you, Mr. Chairman.

23 COUNCILMAN SAVAGE: The Chair
24 would like to recognize that
25 Councilwoman Blondell Reynolds-Brown has

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 joined us.

3 Mr. Haigler, since there are
4 currently no provisions in this bill
5 concerning length of time, signs can
6 hang or registration. Does the
7 Administration have any recommendations
8 on how to regulate these signs?

9 MR. HAIGLER: I'll defer to
10 Mr. Perri for information on that.

11 MR. PERRI: The amendments that
12 I believe are being proposed do have
13 some conditions, and one of the
14 conditions would be that the signs would
15 be removed within 90 days of obtaining
16 the official departmental stamp. So 90
17 days from when the license is issued for
18 placing the sign, the signs would have
19 to be removed

20 COUNCILMAN SAVAGE: Okay.

21 Thank you.

22 Are there any other questions
23 from members of the Committee?

24 COUNCILMAN DICICCO: Yes.

25 Mr. Chairman, if I may?

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 COUNCILMAN SAVAGE: I would
3 like to recognize Councilman DiCicco.

4 COUNCILMAN DICICCO: I just
5 received an e-mail from Ed McBride from
6 PECO; I think he's on his way down here.
7 He says in his e-mail:

8 "It is illegal by state statute
9 to place anything on utility poles that
10 is not a part of the business."

11 So there is a state statute as
12 well, and Ed McBride is on his way down.

13 COUNCILMAN SAVAGE: Thank you,
14 Councilman.

15 Are there any other questions
16 from members of the Committee at this
17 time?

18 (No further questions.)

19 COUNCILMAN SAVAGE: I would
20 like to have Lance Haver.

21 Thank you for your testimony.

22 MR. HAIGLER: Thank you.

23 MR. PERRI: Thank you.

24 (Witness comes forward.)

25 COUNCILMAN SAVAGE: Good

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 morning.

3 MR. HAVER: Good morning,
4 Mr. Chairman.

5 COUNCILMAN SAVAGE: Good
6 morning. Identify yourself for the
7 record, please.

8 MR. HAVER: Sure. My name is
9 Lance Haver. I'm the director of
10 consumer affairs for the City of
11 Philadelphia.

12 I'm here to voice my support
13 for allowing political candidates the
14 right to post their campaign posters on
15 poles during the election cycles.

16 It seems strange to me that
17 here in Philadelphia, the birth place of
18 American democracy, that there are those
19 that feel it is more important to keep
20 posters off of poles than it is to allow
21 for as much public discussion about
22 elections as possible. I cannot
23 understand why the signs of a vibrant
24 democracy are not considered a public
25 treasure but, instead, a public

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 nuisance. It is almost as if we have
3 forgotten that elections are events to
4 be proud of, that public discussion and
5 civil debates are what have allowed us
6 to grow as a country and come ever
7 closer to reaching the promise of our
8 founding fathers.

9 I believe that if we want to
10 foster a true democracy where
11 challengers have access to the public
12 and they're not overpowered by the power
13 of incumbency to raise money or the very
14 rich to buy an office, we must ensure
15 low-cost ways for the challengers to
16 campaign.

17 If this bill is passed, it will
18 provide challenging candidates with a
19 low-cost opportunity to build their name
20 recognition. It will take steps to
21 level the playing field between the
22 incumbents and challengers, the wealthy
23 candidates and the candidates of working
24 people.

25 And that is what is best for

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 democracy and, therefore, best for our
3 society and our city.

4 Yes, the posters can become
5 trash if they are left up for too long;
6 they fall to the curb and are left there
7 to rot. The solution to that problem is
8 to require those who post the posters to
9 remove them and clean up afterwards or
10 pay to have that done.

11 Stopping the posters from being
12 posted is, as the old adage says,
13 throwing the baby out with the bath
14 water.

15 I would urge Council to require
16 a nominal fee to be paid for the rights
17 to use the posters and require
18 candidates who put their posters up to
19 take them down after the election. I
20 believe that 50 percent of the nominal
21 fee should be set aside for the Mural
22 Arts Program, with the request that
23 additional murals be painted to remind
24 us of the value of a vibrant democracy.
25 In that way, Council can balance the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 competing interests from which they will
3 hear today.

4 That concludes my testimony.

5 I'd be happy to answer any questions.

6 Thank you.

7 COUNCILMAN SAVAGE: Thank you
8 for your testimony.

9 I would like to recognize
10 Councilwoman Krajewski.

11 COUNCILWOMAN KRAJEWSKI: Thank
12 you, Mr. Chairman.

13 Are you referring to all signs,
14 like the signs that we see on the trees
15 on the telly poles, "Cash for Homes"?

16 MR. HAVER: Absolutely not.

17 COUNCILWOMAN KRAJEWSKI: Real
18 estate signs?

19 MR. HAVER: Absolutely not,
20 Councilwoman.

21 COUNCILWOMAN KRAJEWSKI: Well,
22 how can you discriminate against one and
23 not the other?

24 MR. HAVER: Well, I believe
25 it's very clear. There's commercial

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 interests and there's public interests.

3 And I believe we have the right, and
4 should have the right, to discriminate.

5 People who are trying to sell
6 something are in a different category
7 than people who are supporting a
8 democracy and running for office.

9 We do that with our mailings,
10 we do that with campaign -- when people
11 to choose to advertise on television.
12 We have different rates for all of those
13 things, and we should have different
14 standards for political campaigns,
15 whether it's an issue campaign or a
16 candidate campaign, than we have for
17 commercial speech.

18 COUNCILWOMAN KRAJEWSKI: Well,
19 don't you feel that this is just a small
20 rendition of billboards?

21 MR. HAVER: Well, I -- again,
22 I'm not quite sure what you mean there,
23 Councilwoman, so I'm not sure how to
24 answer.

25 COUNCILWOMAN KRAJEWSKI: We

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 have laws against the billboards, but
3 you feel that this should not be; is
4 that right? With the posters?

5 MR. HAVER: Well, I think that
6 people should have the right to put up
7 posters during election cycles, yes. I
8 don't think that would have anything to
9 do with billboards.

10 COUNCILWOMAN KRAJEWSKI: Well,
11 then that would also give the rights of
12 different unions also to put up signs
13 and vendors to put up signs. And we
14 know and you know that they never take
15 them down.

16 MR. HAVER: Right.
17 Councilwoman, no, it not give the right
18 to commercial interests to put up signs;
19 yes, it would give the rights of people
20 who are engaged in political discussion
21 to put up signs.

22 You know, there is a cost to
23 running elections. No one complains
24 about the cost of buying election
25 machines, no one complains about the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 cost of running the elections; that's
3 part of the cost of democracy.

4 Now, I believe that Council can
5 do other things as well, like making the
6 cable TV stations available to
7 candidates so that people have an
8 opportunity to hear what the issues are.

9 But I am very fearful that if
10 we continue to go in the direction where
11 offices are bought and it's not a part
12 of the public discussion and people
13 don't know who's running that we will
14 lose a vibrant part of our democracy.

15 COUNCILWOMAN KRAJEWSKI: Well,
16 like in the case of elections, that's
17 one of the reasons I think that when we
18 have the process of committeemen and
19 volunteers who knock on doors and get
20 the word out about these candidates.

21 You also have homes where they
22 put the signs in their windows. We have
23 businesses that will apply as well.

24 How can you discriminate
25 against the political system and not the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 other vendors?

3 MR. HAVER: I believe we do
4 that all the time. We have nonprofit
5 rates, we have political rates, we have
6 different laws for commercial interests
7 than we have for nonprofits.

8 I don't believe there's
9 anything inappropriate about
10 discriminating on the basis whether it's
11 commercial speech or nonprofit speech.

12 COUNCILWOMAN KRAJEWSKI: So in
13 short, you're saying it's all right for
14 the political signs but not for the
15 rest?

16 MR. HAVER: Absolutely.

17 COUNCILWOMAN KRAJEWSKI: Thank
18 you.

19 MR. HAVER: You're welcome,
20 Councilwoman. It's nice to see you
21 here.

22 COUNCILMAN SAVAGE: The chair
23 would like to recognize Councilman
24 DiCicco.

25 COUNCILMAN DICICCO: Thank you.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 And thank you, Mr. Haver.

3 I'm a supporter of most of the
4 things that you've done for the city and
5 the consumers. I do take exception to
6 the fact that you're encouraging us, as
7 lawmakers, to discriminate.

8 I was not always an incumbent.
9 I ran in 1995. I think I purchased 350
10 posters. I didn't put them on poles; I
11 asked people to either put them in their
12 windows or store fronts.

13 I view posters as another form
14 of visual pollution. And I've had some
15 issues with Miss Tracy, who's here, on
16 billboards and outdoor advertising over
17 the years, and everyone knows my battles
18 in that. And I'm not totally adverse
19 against advertising, but I think there's
20 an appropriate way in which it is done.

21 I don't know of anyone who was
22 ever elected to public office because of
23 being able to be able to put posters on
24 poles.

25 We live in a much more modern

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 society where advertising is much more
3 available and cheaper. My opponent sits
4 at his desk at the Redevelopment
5 Authority and on a daily basis blasts --
6 e-mail-blasts the entire constituency of
7 the City of Philadelphia. More blogs go
8 through that office than any poster
9 could attempt to try to make him
10 somewhat known throughout the political
11 arena.

12 I think when our founding
13 fathers talked about freedom of speech,
14 I mean, we didn't have cable TV, we
15 didn't have radio; we had newspapers and
16 we probably had kiosks or posting boards
17 throughout the city where people would
18 put up their little notices about things
19 that were going on.

20 This modern age that we're in
21 certainly does not, in my opinion,
22 hamper the ability for anyone, whether
23 they have a large war chest or a not so
24 large war chest, from getting their
25 message out. I mean, it's an electronic

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 media we live in, and it's free in most
3 cases.

4 My legislative assistant
5 reminds me -- thank God for
6 technology -- that the courts have
7 already ruled that you cannot
8 distinguish between public interests and
9 commercial posters; also that City
10 Council has no control over cable TV.

11 And I think that would be an
12 admirable effort on the part of the part
13 of the cable TV franchise folks to give
14 us that time, but we can't force them to
15 do that. So --

16 MR. HAVER: If I may,
17 Councilman --

18 COUNCILMAN DICICCO: Yeah. In
19 essence, I just -- I mean, I -- in a
20 perfect world, what you have described
21 may work, but it doesn't. If we're
22 going to go out and say it's okay for
23 us, as elected officials or aspiring
24 elected officials, to post, how do we
25 get the message to the person, as the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Councilwoman pointed out, who wants to
3 put a sign up that says "Cash for Your
4 Home" or "Used Cars Wanted"? How do
5 they know that they're not allowed but
6 we are?

7 I mean, I think that is -- I
8 think that's -- that's really an
9 injustice that we put ourselves, as
10 elected officials, above everybody else
11 in the universe, to say we can post, we
12 can create visual graffiti, we can allow
13 these things to stay up because probably
14 the success rate of collecting on the
15 fines is probably minimal at best, but
16 it's not okay for you, the average
17 citizen, to go out and sell yourself or
18 your product; it's only okay for people
19 in public office.

20 That's my opinion.

21 MR. HAVER: If I may respond
22 just very quickly.

23 First, I believe Council could
24 use the public stations that Council
25 hearings are often televised on.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Second, I recognize that many
3 people consider the posters visual
4 graffiti, but art is one of those
5 strange things where I can walk by the
6 Calder sculptures and wonder what I'm
7 looking at and other people can see
8 great beauty.

9 I like the idea that people
10 know there's elections. Maybe I'm a
11 little weird -- some could argue people
12 who like the Calder sculptures are a
13 little weird -- but one of the things
14 that makes the city vibrant is our
15 density and our exchanges of ideas.

16 I do agree with you we have to
17 enforce the laws, we have to fine people
18 who don't follow.

19 And third, yes, we have all
20 these advancing technologies, but we
21 also have public space, and I think the
22 public has a right to use it and know
23 what's going on.

24 COUNCILMAN DICICCO: Well,
25 again, I'm not an attorney, but my

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 understanding is the courts don't view
3 utility poles as public space, and I
4 could be wrong on that.

5 I mean, what you're suggesting
6 is a beauty contest. I mean, the
7 better-looking candidate gets elected
8 because you say something about beauty
9 is in the eyes of the beholder or
10 something like that, so --

11 I mean, I don't know. I'm not
12 going to suggest that I'm better-looking
13 than my opponent; that has nothing to do
14 with it.

15 I think I'm a better person.

16 COUNCILWOMAN BLACKWELL: We
17 think you are.

18 COUNCILMAN DICICCO: Well,
19 thank you, thank you.

20 (Laughter.)

21 COUNCILMAN DICICCO: You're
22 trying to convince me to support this
23 bill, I can see.

24 But I don't know. I just --
25 there is so -- it is not -- elections

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 are expensive if you want to get up on
3 cable and you want to do tons of mailing
4 and a lot of other things; I'm fully
5 aware of that.

6 But there are very inexpensive
7 ways in which you can get your message
8 out. There are coalitions, there are
9 advocacy groups all over this town.

10 And there are issues out there
11 today -- I mean, the casino issue is
12 citywide. There are more groups than I
13 can imagine, than I want to think of,
14 that are out there fighting casinos, and
15 every potential candidate has jumped on
16 one of those trains, and they're getting
17 their message out.

18 So, again, I don't know what
19 posters -- I remember we had this debate
20 a number of years ago when David Cohen
21 was here, the late David Cohen, and I
22 happened to be out in Bucks County
23 someplace -- I forget where I was.

24 And I came into the City of
25 Philadelphia and, no exaggeration, as

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 soon as I crossed the boundary between
3 City Line Avenue or whatever avenue it
4 is from Bucks County into Philadelphia,
5 I knew I was in Philadelphia.

6 You know how I knew? There
7 were posters. And I believe it's either
8 Councilman Clarke or Councilwoman
9 Miller's district. It was in a
10 political year. There were some lawn
11 signs in Bucks County; there was not a
12 poster on a pole anywhere, there was not
13 any banner hung up but some lawn signs.

14 As soon as I crossed the city
15 limits, I knew I was home because every
16 single utility pole from the far end of
17 North Broad Street down to Center City
18 was plastered with posters -- posters
19 not for just one candidate but for
20 multiple candidates. You can't even
21 figure out who's running because
22 everybody else is slapping their poster
23 on somebody else's poster on somebody
24 else's poster.

25 I personally think that the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 money that's spent on posters -- this is
3 just Frank DiCicco's opinion -- you
4 could probably do a mailing and get your
5 message out a lot more appropriate than
6 it is on a poster, because they're
7 either tearing yours down, your
8 opponent, or plastering theirs over
9 yours, and there are so many candidates,
10 as you're driving, it's almost virtually
11 impossible to figure out who the hell is
12 on there.

13 And all it becomes is trash, in
14 my opinion. And it winds up in the
15 street eventually because no one's
16 taking it down.

17 And I really would much rather
18 have our inspectors who work for L&I
19 looking at dangerous buildings,
20 inspecting properties that may have some
21 issues that may be affecting quality of
22 life than going around, figuring out how
23 to take posters down.

24 Just my opinion.

25 COUNCILWOMAN BLACKWELL:

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Mr. Chairman, may I?

3 COUNCILMAN SAVAGE: Yes. The
4 Chair recognizes Councilwoman Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank
6 you.

7 I'm happy to hear my colleague
8 say that when he crossed city lines, he
9 knew he was here by the posters, and
10 that is what makes posters to me seem as
11 much a part of Philadelphia as cheese
12 steaks and Philadelphia pretzels.

13 I think that's what makes --
14 part of what makes our city the exciting
15 place it is. It generates excitement,
16 it lets people know there's an election
17 coming, and people come out to vote
18 because they realize there is an
19 election.

20 So I see it as just the
21 opposite. I understand -- you know, I
22 respect your point of view but, you
23 know, I believe that, you know, we see
24 the -- I see the glass half full and you
25 see it half empty.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 I believe that if we enforce
3 getting these signs down, people have a
4 chance to know, people get a chance to
5 vote, they know who's running.

6 And I see it just the opposite.
7 I think it's part of what makes our
8 Philadelphia a great city and part of
9 what, in a democratic process in a
10 democratic country what, makes it
11 wonderful.

12 Thank you, Mr. Chairman.

13 COUNCILWOMAN KRAJEWSKI: May I,
14 Mr. Chairman?

15 I'd like you to see what my
16 aide and I were doing over the
17 weekend -- taking some of these signs
18 down. This is what we have to contend
19 with throughout the district and
20 throughout the city as well.

21 And another one.

22 (Councilwoman Krajewski
23 displays signs and posters.)

24 I mean, we had hundreds of
25 them, believe me.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 And I -- like I have to agree
3 with Councilman DiCicco. I can't
4 understand -- it would be illegal to
5 discriminate against the political
6 posters as to the posters that I'm
7 showing you here today.

8 And you're saying that you
9 would okay this? I mean, you're fine
10 with this; is that right?

11 MR. HAVER: Once again,
12 Councilwoman, I believe those should not
13 be allowed. I would point out that we
14 have to continue to draw the distinction
15 between commercial speech and public
16 speech.

17 And I know the courts have
18 ruled but I will point out that the
19 courts change their opinions. If people
20 stopped trying, the Dred Scott decision
21 would be the final decision on slavery
22 in the United States.

23 We must go forward, we must do
24 the best we can to inform the public
25 that, yes, we want a vibrant discussion

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 about ideas, but no, we do not want
3 those signs that are in your district.

4 COUNCILWOMAN KRAJEWSKI: We can
5 go on and on, Lance, but it's still
6 illegal to discriminate against one as
7 opposed to the other. There is no way
8 you're going to be able to enforce that.

9 And I -- I agree with
10 Councilman DiCicco. It would be cheaper
11 to do a mailing.

12 Now, I've been in office for
13 quite a few years, and I have yet to
14 ever use the posters. I mean, it annoys
15 me when I see posters that are nailed to
16 trees, anywhere. Right outside my home,
17 where I have a telly pole.

18 I mean, you're never going to
19 enforce it just for political reasons.

20 And thank you.

21 MR. HAVER: Thank you,
22 Councilwoman.

23 COUNCILMAN SAVAGE: The Chair
24 would like to recognize Councilman
25 Kelly.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 COUNCILMAN KELLY: Thank you,
3 Mr. Chairman.

4 Mr. Haver, I just want to tell
5 that you I don't think this bill is
6 going to eliminate or reduce public
7 discussion about candidates' views and
8 viewpoints because what is -- what is on
9 a poster for a candidate? Basically his
10 name, the position he's running for,
11 perhaps a lever number, and maybe a
12 little slogan, but that's it.

13 Most people have no idea what
14 that candidate stands for unless that
15 candidate, as Councilman DiCicco just
16 mentioned, that he has the forum. He
17 has civic association forums that he can
18 attend. He could put advertisements in
19 local papers as well the citywide
20 papers. He has cable. He has the
21 Internet. He has television. He has a
22 lot of other things.

23 In fact, most of the reporters
24 and whatnot cover most these events, and
25 they would put the candidates'

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 viewpoints in the papers.

3 So there -- I don't think
4 there's such a downplay on his or her
5 viewpoints or opinions on what's going
6 on because you can't understand where a
7 candidate is coming from.

8 For instance, if a candidate is
9 pro-gun, against guns, is for reduced
10 taxes or higher taxes, you have no idea
11 unless that candidate does the
12 old-fashioned thing: He goes door to
13 door with some brochures. If he can't
14 afford television or he can't afford
15 newspapers, he can still get around.

16 I don't think this is really
17 that much. I think it is graffiti when
18 you see hundreds of these posters.

19 And it seems to me -- I know
20 they had this thing before and, I don't
21 think it worked then, and I don't think
22 it's going to work now because most of
23 the candidates that are running are not
24 responsible. If they were as
25 responsible as the sponsor of this bill,

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Councilwoman Blackwell, I don't think I
3 would have a problem with it, because I
4 know she's responsible. She would take
5 them down, as they should be taken down.

6 But I don't think most of the
7 candidates would fall into that, I
8 really don't. I think they would just
9 leave them up and it would just be
10 graffiti all over the place.

11 And I think that's one of the
12 things that I would like to emphasize,
13 that I don't think we're curtailing any
14 discussion of any candidate's viewpoints
15 at all.

16 MR. HAVER: If I may,
17 Councilman.

18 COUNCILMAN KELLY: Sure.

19 MR. HAVER: I absolutely agree
20 with you that there's very limited
21 discussion on the posters, but what
22 there is is information that there is
23 another candidate, and that's simply
24 something that the public sometimes
25 doesn't know.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 But I -- you're absolutely
3 right: The posters don't tell anyone's
4 positions; it's a name, a lever, maybe a
5 party affiliation.

6 But my intent was to suggest
7 that those helps people know who's
8 running and get the public to ask the
9 next question.

10 COUNCILMAN SAVAGE: The Chair
11 would like to recognize Councilwoman
12 Blondell Reynolds-Brown.

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

15 My thoughts are all over the
16 place, and I'm going to try to put them
17 in a way that adequately responds to a
18 number of legitimate concerns that have
19 been raised by my colleagues.

20 First of all, I did not support
21 this last measure when it came before us
22 a couple of years ago, and I am one who
23 -- who's benefitted from what's called
24 candidate visibility when it comes to
25 posters, and I am one who will applaud

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 the Managing Director's Office and the
3 Department of Licenses and Inspections
4 because do I know that they make calls
5 to candidates once the election is over
6 to remind us that our posters need to
7 come down.

8 This is what I -- this is --
9 there are two additional layers I would
10 add to discussion.

11 First of all, it's factual that
12 persons -- adults -- children, like
13 adults, learn differently. Some of us
14 learn by seeing, some of us learn by
15 hearing, and some of us learn by
16 auditory, and there are six other
17 different learning styles, so that is
18 one, knowing that there is a segment of
19 our population that does respond to
20 visuals when it comes to being connected
21 with what is happening in our broader
22 community.

23 And I would submit that there
24 may be a cultural part of this debate as
25 well, because there are certain segments

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 of our community who can't read or write
3 and who do connect with the visual signs
4 of candidates posted in appropriate
5 places -- trees is not one of those
6 appropriate places -- and do respond to
7 candidate visibility when they see
8 candidates on -- where those posters
9 should be.

10 So, yes, oftentimes posters
11 only have the photo, the name, and the
12 lever number, but typically, posters are
13 -- the postering piece is a part of a
14 broader campaign strategy. That's just
15 one level, one layer, and one tactic
16 that's used when candidates are trying
17 to get the word out.

18 So, you know, with all of that
19 said, I do see a place for postering.

20 Enforcement becomes essential
21 by the various departments. And
22 candidates have to indeed, as Councilman
23 Kelly said, have to be responsible in
24 ensuring that a part of their
25 campaigning is making sure that the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 posters come down once the election is
3 over.

4 So I need to go on record
5 saying that I hear all of the very, very
6 legitimate concerns that have been
7 raised by my colleagues, but at the end
8 of the day, for Blondell, I see value
9 and candidate visibility and the purpose
10 of posters as a part of that effort.

11 Thank you, Mr. Chairman.

12 COUNCILMAN SAVAGE: You're
13 welcome.

14 Are there any other questions
15 from members of the Committee?

16 (No further questions.)

17 MR. HAVER: Thank you very
18 much, councilman.

19 COUNCILMAN SAVAGE: Thank you
20 for your testimony.

21 MR. HAVER: Thank you for the
22 opportunity.

23 COUNCILMAN SAVAGE: Is there
24 anyone here to testify on behalf of the
25 Center City District?

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 (Witnesses come forward.)

3 COUNCILMAN SAVAGE: Good
4 morning. Could you please state your
5 name for the record.

6 MR. MAILE: Good morning. I'm
7 Nick Maile. I'm the counsel for the
8 Center City District. And with me is
9 Alyssa Feeder.

10 MS. FEEDER: I'm the director
11 of communications.

12 MR. MAILE: We had prepared an
13 amendment which would exclude Center
14 City from river to river, south of Vine
15 Street from the changes originally
16 proposed in the bill. We understand
17 that the City has agreed with that
18 amendment and it's incorporated into its
19 amendment.

20 Our basic purpose is to protect
21 the commercial and tourist area from the
22 signs that will proliferate throughout
23 river to river and in the commercial
24 district. And the Center City District
25 has spent millions of dollars on

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 lighting and lamp posts to beautify the
3 area, and we just think that this would
4 be a negative, and we would ask that you
5 support the city amendment, which would
6 exempt the Center City area from any
7 signs on the light posts or the utility
8 poles.

9 MS. FEEDER: And I might just
10 add, as Nick said, we have spent over
11 \$44 million in capital funds over the
12 years installing directional signs for
13 motorists and pedestrians, decorative
14 and, in some cases, historically
15 accurate light poles, street furniture,
16 and other kinds of landscaping.

17 The City of Philadelphia and
18 parties it has contracted with has
19 installed new transit shelters, bicycle
20 racks, and benches throughout the
21 downtown.

22 The clean and orderly
23 appearance of the downtown is essential
24 to the downtown in order to retain and
25 attract businesses, visitors, and

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 residents. Therefore, the Center City
3 District strongly urges that the posting
4 of all temporary signs, regardless of
5 content, be prohibited on all utility
6 poles and streetlights in Center City.

7 MR. MAILE: And Councilwoman
8 Blackwell has agreed to our amendment.

9 COUNCILMAN SAVAGE: Okay.

10 Thank you for your testimony.

11 I'd like to recognize
12 Councilman Kelly.

13 COUNCILMAN KELLY: Mr. Maile, I
14 just want to know, what are the
15 boundaries again?

16 MR. MAILE: River to river,
17 South Street to Vine Street.

18 COUNCILMAN KELLY: South Street
19 to Vine Street.

20 MR. MAILE: Yeah.

21 COUNCILMAN KELLY: Okay, thank
22 you.

23 COUNCILMAN SAVAGE: The Chair
24 would like to recognize Councilwoman
25 Blondell Reynolds-Brown.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 The Chair would like to
3 recognize Councilman Clarke.

4 COUNCILMAN DICICCO: If I had
5 to look at that poster, you would get my
6 vote, Blondie. Absolutely.

7 (Laughter.)

8 COUNCILMAN CLARKE: Hey, it's
9 not a bad thing.

10 Thank you, Mr. Chairman.

11 Good morning.

12 Mr. Maile, you mentioned
13 earlier in your testimony that the
14 Center City District had prepared an
15 amendment for this bill? Have you
16 shared that with the District Council
17 members representing the targeted area
18 prior to the hearing?

19 MR. MAILE: We shared it with
20 the committee chair and with the prime
21 sponsor, and then we circulated it on
22 the desk.

23 We didn't circulate it as much
24 as we should have. We didn't do it till
25 like Thursday afternoon or Friday. So

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 we didn't get you, but we apologize for
3 that.

4 COUNCILMAN CLARKE: All right.

5 I just think it's probably appropriate
6 that if you're going to recommend an
7 amendment for a particular Council
8 District -- or, in this case,
9 districts -- it would be prudent to
10 circulate it to the District
11 Councilpeople.

12 Had you had any discussion with
13 any of the affected community
14 organizations or any dialogue about your
15 amendment?

16 MR. MAILE: No. We talked to
17 the Center City District folks and we
18 talked with Councilwoman Blackwell, and
19 I believe I spoke to Council President
20 Verna also.

21 But no, no community groups,
22 no.

23 COUNCILMAN CLARKE: You spoke
24 with Council President Verna?

25 MR. MAILE: Yes.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 COUNCILMAN CLARKE: Did you
3 speak to Councilman DiCicco and Clarke?

4 MR. MAILE: Yes, we spoke to
5 Councilman DiCicco.

6 COUNCILMAN CLARKE: But you
7 didn't speak to Councilman Clarke.

8 MR. MAILE: That was my
9 oversight, and I apologize.

10 COUNCILMAN CLARKE: Councilman
11 Clarke does represent a substantial
12 portion of Center City.

13 MR. MAILE: I understand.

14 COUNCILMAN CLARKE: All right.
15 Thank you.

16 Thank you, Mr. Chairman.

17 COUNCILMAN SAVAGE: The Chair
18 would like to recognize Councilman
19 DiCicco.

20 COUNCILMAN DICICCO: Just for
21 the record, Councilman Clarke, that
22 conversation took place this morning as
23 well.

24 COUNCILMAN CLARKE: Okay.

25 COUNCILMAN DICICCO: Can anyone

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 tell me what the costs are that are
3 associated with removing posters,
4 adhesive posters, stickers, or regular
5 posters that are wrapped? Anyone have
6 any idea as to what the cost is on an
7 annual base?

8 MS. FEEDER: I don't have a
9 precise figure for you but, I can tell
10 you that, as you know, it's not just a
11 matter of removing the posters, but very
12 often, it's a matter of repainting and
13 repairing.

14 So I think in the 15 years that
15 the Center City District's been in
16 operation, I can confidently say that
17 it's been in the millions.

18 COUNCILMAN DICICCO: Yeah, I'm
19 aware of that, and I guess for me it's
20 disheartening when we see, in this case,
21 the Center City Special Services
22 District, who spent millions, millions
23 of dollars on pedestrian lighting not
24 only for safety purposes but also for
25 aesthetic value. The streets look

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 greater, the fixtures look very
3 attractive, and then someone comes along
4 and decides to put posters up, which
5 obviously, again in my mind, in my
6 opinion, it's visual graffiti, but it
7 also does some physical damage to the
8 pole or to the fixture.

9 And the City does that. I
10 mean, the Avenue of the Arts from Market
11 Street south to Washington Avenue, the
12 City spent millions of dollars on
13 streetscape improvements, and we're
14 still working on making those
15 improvements better.

16 And I believe at the northern
17 end, the Avenue of the Arts North in
18 Councilman Clarke's district, similar
19 improvements have been made, or will be
20 made shortly where taxpayers will spend
21 millions of dollars of taxpayers'
22 dollars will be spent to improve not
23 only, again, the lighting to make it
24 safer but also the visual appearance.

25 And only to then allow someone

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 to come along and deface, in my opinion,
3 that very aesthetical value makes no
4 sense, because now the taxpayer has to
5 then pay for the removal, pay for the
6 repair of it. In most cases, the tape
7 does peel the paint away with it.

8 They're doing it now in my
9 district. It's too cold this week, but
10 they started last week on South Broad
11 Street, from Washington Avenue to
12 Oregon, removing stickers from either
13 political posters, commercial posters,
14 or union people who are running for
15 union offices, and all that paint begins
16 to peel and taxpayers have to foot the
17 bill to then go out and repaint those
18 poles.

19 I just -- I don't know. I
20 guess I've been battling this for about
21 11 years, this same issue. I still
22 can't figure out what the debate is, but
23 that's what democracy is all about, I
24 guess.

25 Thank you.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 COUNCILMAN SAVAGE: Thank you,
3 Councilman.

4 Is there any other questions
5 from members of the Committee?

6 (No further questions.)

7 COUNCILMAN SAVAGE: Thank you
8 for your testimony.

9 MS. FEEDER: Thank you.

10 MR. MAILE: Thank you.

11 COUNCILMAN SAVAGE: Is John
12 Fenton here to testify today?

13 (Witness comes forward.)

14 COUNCILMAN DICICCO:

15 Mr. Chairman, just for the record, if I
16 may, just to follow up on that statement
17 I made.

18 In the Center City Special
19 Services District, the pedestrian lights
20 that were installed were paid for by the
21 property owners, so this is a private
22 entity that did something to enhance the
23 quality of life in Center City for
24 everyone to enjoy, the aesthetical
25 value, as I said, and the safety value.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 So, I mean, if those folks are
3 saying to us, "We don't want these
4 posters," I think we owe them because
5 they're taxpayers who are being doubly
6 taxed because they pay an additional
7 real-estate tax over and above their
8 property tax to the Special Services
9 District.

10 This is something that a
11 limited number of taxpayers paid for,
12 but generally, the taxpayers in the City
13 of Philadelphia didn't even paid for
14 these light fixtures to be installed;
15 property owners paid for it.

16 So, I mean, where are their
17 rights? I think we need to protect
18 their right as well.

19 Thank you.

20 COUNCILMAN SAVAGE: Thank you,
21 Councilman.

22 All right. Could you please
23 identify yourself for the record.

24 MR. FENTON: Yeah. My name is
25 John Fenton. I'm the senior director of

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 operations manager for the University
3 City District.

4 COUNCILMAN SAVAGE: Good
5 morning.

6 MR. FENTON: Okay. I would
7 like to thank the Councilwoman's office
8 and the Licenses and Inspections
9 Committee for allowing me to speak in
10 reaction to the proposed ordinance to
11 amend Chapter 10-1200 of the Code,
12 entitled "Posting of Temporary Signs by
13 Allowing Signs to be Posted on Utility
14 Poles and Streetlights."

15 My name is John Fenton and I am
16 the senior director of operations for
17 University City District. The
18 University City District is a special
19 services district that provides clean
20 and safe services in a 2.2-square mile
21 area in West Philadelphia.

22 A major part of our job is to
23 provide cleaning services to keep the
24 area liter- and graffiti-free. We have
25 expend considerable time and resources

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 taking down old posters and signs that
3 litter the poles throughout the
4 district.

5 There has been considerable
6 popular reaction against sign littering
7 in the community, and people have
8 complained about it vigorously in the
9 past about the issue.

10 If the posting of temporary
11 signs cannot be effectively controlled
12 by the city, the burden and extra costs
13 of dealing with the problem will fall on
14 the University City District. If the
15 posting of temporary signs is permitted,
16 we can anticipate getting many
17 complaints from businesses, homeowners,
18 and institutions that the area is
19 getting increasingly inundated with
20 blighting signs and posters.

21 Having to attend to the problem
22 as it is increases will take away from
23 resources from other work that we do and
24 decrease our effectiveness at keeping
25 the area clean and safe.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 We respectfully ask that the
3 committee consider this aspect of the
4 problem in your deliberations.

5 Thank you for your
6 consideration.

7 COUNCILMAN SAVAGE: Thank you
8 for your testimony.

9 Is there any questions come
10 members of the Committee?

11 (No questions.)

12 COUNCILMAN SAVAGE: Thank you
13 for your testimony.

14 MR. FENTON: Thank you.

15 COUNCILMAN SAVAGE: The Chair
16 would like to recognize Ed McBride from
17 PECO. Do you have any testimony? You
18 have nothing to say at this time?

19 COUNCILMAN DICICCO: I gave it
20 already.

21 COUNCILMAN SAVAGE: Okay.

22 Is Russell Medden here to
23 testify?

24 (Witness comes forward.)

25 COUNCILMAN SAVAGE: Good

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 morning.

3 MR. MEDDEN: Good morning. My
4 name is Russell Medden.

5 And about ten years ago, I was
6 selected to be on the City's Anti-
7 Graffiti Task Force. I was one of the
8 one of the only community people -- one
9 of two community people put onto this
10 task force.

11 And within the first three
12 meetings that we had, one of the first
13 things we decided is not only did the
14 City have a problem with the graffiti,
15 but the City had a problem with illegal
16 posting. And there was very little
17 difference between what was being put
18 on -- graffiti being put on, sprayed on
19 to a light pole as a poster being put on
20 to a light pole.

21 And, unfortunately, we do know
22 that, as our Councilwoman Krajewski
23 showed us -- I'm sure all of you on the
24 way in to work today saw these posters.

25 Now, also, with Mr. Lance

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Haver, I understand that he would very
3 much like to have a place where people
4 can put their political posters up, but
5 the unfortunate thing about using light
6 posts and utility pole for any kind of
7 posters is if one person can do it,
8 somebody else is going to think they
9 can.

10 It makes no difference, no
11 matter what it is, whether it's
12 commercial, non-commercial, whether it's
13 for a nice public service or not.

14 And, unfortunately, we all know
15 human nature. Let's say we're invited
16 to a party and you're asked to come to
17 that party and help set it up, and
18 you're more than happy to do that. But
19 let me tell you something: Most of us
20 are one of the first ones to leave, and
21 not there to clean up.

22 So no matter who put these
23 posters up and whether they're told they
24 have to take them down after 30 days, as
25 the law says now, they don't do it.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 And it's not just people
3 running for political office in the
4 City. I think Councilman DiCicco
5 alluded to this. I mean, we all know,
6 or supposedly have been told, that Jimmy
7 Hoffa is someplace in concrete someplace
8 in Detroit.

9 But if you go down Oregon
10 Avenue, if you go along the Schuylkill
11 Expressway, if you go across Spring
12 Garden Street you see Jimmy Hoffa poster
13 stickers on all of the light posts.
14 Wait a minute. They don't take 'em
15 down.

16 Don't like Jimmy Hoffa? How
17 about Coryell? His poster stickers are
18 everywhere on all the poles too.

19 Unfortunately, we live in a
20 city where the agency that is involved
21 in making sure that this type of visual
22 graffiti, as it's being called, is taken
23 care of just doesn't have the resources
24 to do it. No matter how many phone
25 calls you make -- and I will tell you, I

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 have made those phone calls too --
3 nobody ever comes to take down their
4 posters. The people in their community
5 had to take down the posters. The
6 Councilwoman took down posters. That's
7 a shame.

8 The other thing is, I have been
9 taking down posters for ten years. It's
10 not fun. As I told Councilman Clarke
11 when I walked in today -- and the reason
12 I'm here is, two years ago, I took down
13 the last "Gola for Mayor" poster in my
14 neighborhoods. I don't even remember
15 Gola, okay? So they don't come down.

16 Once they do come off, you have
17 this horrible residue that's left on
18 light poles. Horrible. It doesn't come
19 off; it just collects dirt.

20 There is no way to allow any
21 type of postering, temporary or not, on
22 City property.

23 Back to Mr. McBride from PECO.
24 Those poles belong to PECO. You're
25 going to let somebody put something on

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 somebody else's property? Wait a
3 minute. Would you like someone to put a
4 poster, without you giving permission,
5 on your house? I don't think so.

6 Lastly, instead of being here
7 to say no, no, no, let's think of a way
8 that we can say yes.

9 In many cities in Europe, the
10 large advertising firms, such as Clear
11 Channel -- and they are in Europe -- and
12 JC Dessau are now putting up flat-panel
13 displays on blocks in streets in cities.
14 And what they do is, they sell the space
15 on this flat-panel display. Therefore,
16 "Buy Your House, 1-800-BUY-HOUSE" can
17 buy space on it.

18 And believe me, they can be
19 asked if they put up these -- and we're
20 asking that the advertising firms do
21 this at their expense, not at City
22 expense. Give a percentage of the
23 advertising revenue that they make from
24 these flat-panel displays back to the
25 City of Philadelphia.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Why should we be paying to take
3 somebody else's problems down when maybe
4 we can get somebody to pay us for
5 letting posters be there or advertising
6 be there?

7 We can also stipulate to these
8 advertising firms that put up these
9 displays that a certain amount of time
10 must be given to political candidates,
11 community groups, City endeavors, so
12 that not only do you see "Buy A House --
13 "We'll Buy Your House," but you will
14 also see there's a wonderful event such
15 as Odunde on South Street all over town.

16 Here's an opportunity to take a
17 bill that Councilwoman Blackwell has
18 introduced to maybe make political
19 posters a little more amenable but
20 actually as a way to think about making
21 more funds for our city, which we all
22 know we need very much.

23 I thank you very, very much for
24 your time.

25 COUNCILMAN SAVAGE: Thank you

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 for your testimony.

3 Are there any questions from
4 members of the Committee?

5 (No questions.)

6 COUNCILMAN SAVAGE: Thank you
7 for your testimony.

8 Is Mary Tracy from the Center
9 City District here to testify?

10 (Witnesses come forward.)

11 COUNCILMAN SAVAGE: I'm sorry.
12 It's Mary Tracy from SCRUB.

13 Good morning.

14 MS. TRACY: Good morning,
15 Mr. Chairman and members of the
16 committee and other members of Council.
17 I thank you for the opportunity to
18 testify today.

19 And I am the director of SCRUB,
20 the Society Created to Reduce Urban
21 Blight. It's a citywide organization
22 whose mission is to ensure that all
23 communities, regardless of income,
24 ethnicity or location, benefit from laws
25 protecting Philadelphia's visual

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 environment and quality of life. We
3 were founded in 1990 as a grassroots
4 coalition to secure passage of
5 sign-control laws, and we've been
6 working with the community groups for
7 over 17 years to improve the visual
8 environment and quality of life.

9 I am here today to express
10 grave concerns regarding Bill 060618.
11 It may have a negative impact on
12 neighborhoods across the City by
13 removing the City's ability to regulate
14 the proliferation of outdoor advertising
15 on utility poles and streetlights in
16 Philadelphia.

17 We believe that the legislation
18 would not be a positive step in creating
19 a more attractive and liveable city,
20 which is a critical factor in
21 establishing Philadelphia as a
22 world-class city welcoming new
23 residents, businesses, and tourists.

24 The charm and appearance of
25 commercial districts plays an important

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 part in a community's image, and a key
3 element of that is signage.

4 Signs say a lot about a place.

5 All too often, a community's image is
6 blighted by signs that are too large,
7 too tall, too numerous, or poorly
8 located. A proliferation of signs
9 create visual clutter that detracts from
10 the unique character and beauty of a
11 place.

12 Bill 060618 did fail -- I just
13 actually received the amendments, and so
14 I have not had more than a minute to
15 take a look at them, but, you know, the
16 bill that we looked at before failed to
17 differentiate between commercial and
18 non-commercial signs; nor did it specify
19 the size or the length of time that it
20 could be posted, and it didn't put
21 penalties for if there was failure to
22 remove.

23 It would seem to me that this
24 new -- just with a quick glance -- may
25 address some of those things, but I

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 would -- I would ask that the committee
3 table passage of this bill until we can
4 take a closer look at it because, you
5 know, any kind of laws regulating
6 signage are open to constitutional
7 challenges.

8 And I've -- I know Councilman
9 Kelly, I think you raised some very
10 excellent questions about what happened
11 the last time when we put fees on, and I
12 think those were challenged
13 constitutionally and thrown out.

14 And I think, although we're
15 really interested in, you know, Lance
16 Haver's concerns, I think we want to be
17 able to make new candidates, and even
18 the current ones, have the opportunity
19 to let people know that they're running
20 for office.

21 And I do think, though, even
22 just by looking at the growing list of
23 Councilmatic districts that don't want
24 this in their district, I think there's
25 a real strong message there. And I live

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 in the 4th Councilmatic district, and we
3 have a new Councilperson who's
4 representing us, and our district is not
5 on that list. And I don't know that the
6 Councilwoman has even been approached
7 because most people in my district
8 haven't even had an opportunity to
9 convey those serious concerns.

10 Having lived in Overbrook Farms
11 for almost 30 years, I know this is a
12 serious issue. And while they can, you
13 know, understand the posting of
14 political posters for a very short
15 period of time, I have heard many people
16 grumble about those posters failing to
17 come down and then going out and pulling
18 them out themselves.

19 So I think, you know, this is a
20 difficult issue, and I think it does go
21 to the heart of democracy and what we
22 want -- you know, what we want in our
23 city, but I think we always have to look
24 at what is the long-term impact. And if
25 that long-term impact is going to be a

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 continual proliferation, I mean, let's
3 face it, just read what happened in
4 Boston. You know, our public spaces are
5 just being inundated with commercial
6 messages. There is no place that is not
7 being looked at as a potential place to
8 put advertising.

9 And I think that as our law
10 makers, we really ask that you take a
11 long, hard look at this because it does
12 have such negative long-term impact on
13 our neighborhoods and on our city.

14 And I -- I can't help but
15 comment on the numbers that the L&I
16 spoke about, you know, the 3,871 posters
17 and that only 119 actually received
18 tickets. And, of course, they tripled
19 that the following year. Out of 3,323,
20 349 tickets were issued.

21 But we receive calls every
22 week, and I'm sure many Council
23 districts do too, especial Councilwoman
24 Krajewski. You know, the Roosevelt
25 Boulevard is full of signs; you know,

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 how do we take them down. We have
3 members of SCRUB that go out on a weekly
4 basis and remove signs and then send a
5 copy of the law.

6 So, you know, as a citizen --
7 you know, Philadelphia citizens are very
8 much affected by the signage problems
9 that we have in the City, and we look to
10 this department and to this committee to
11 maybe take a look at how we can address
12 this better.

13 Because, you know, \$75 per sign
14 for illegally signs, I mean, that could
15 be a lot of money, but it has to be
16 enforced, and it has to be enforced
17 equally. We can't take down some signs
18 and not others; that's when you get in
19 trouble with the Constitution.

20 So, you know, I really cannot
21 comment on this new amendment because I
22 haven't given it a fair reading, so I
23 would ask that you would hold off. And,
24 you know, I would be glad to do that.

25 But I really am worried that

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 those citizens who actually remove these
3 signs could actually be put in a place
4 where they're breaking the law rather
5 than those who are putting up the
6 illegal signs.

7 And I would like to introduce
8 you to Lynn McConville who works very
9 closely with SCRUB. She's actually with
10 the Pennsylvania Resources Council, and
11 she works on this issue on a regional
12 basis, and I think she's got some very
13 important information to share with you.

14 Thank you for your time.

15 COUNCILMAN SAVAGE: Thank you
16 for your testimony.

17 Are there any questions from
18 members of the committee?

19 (No questions.)

20 COUNCILMAN SAVAGE: Good
21 morning.

22 MS. McCONVILLE: Good morning.
23 My name is Lynn McConville. I'm a of
24 citizen of Philadelphia. I'm also
25 project manager for Pennsylvania

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Resources Council. We've worked for
3 years on issues of roadside
4 beautification in Philadelphia. I work
5 with Mary Tracy and SCRUB on issues of
6 signage and billboards.

7 I know there had been some talk
8 about the state statutes that are
9 relevant. I have a couple copies of the
10 two relevant statutes, if anybody was
11 interested.

12 Basically, the right-of-way
13 restrictions along state highways. For
14 practical purposes, no signage is to be
15 put on the right-of-ways along state
16 highways. That includes state highways
17 in the City of Philadelphia.

18 On a practical standpoint,
19 you've all seen the signs along the
20 state highways statewide during times of
21 the elections. Even though politicians
22 and political campaigns are supposed to
23 get written permission to put the signs
24 up, from a practical standpoint, what
25 PennDOT does is, suspend their

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 enforcement on sign removal for three
3 weeks prior to the election period. So
4 the restriction is still on the books.
5 They just do an administrative decision
6 to suspend enforcement during the period
7 of time prior to the elections.

8 The other part of the
9 Pennsylvania Code is the placement on
10 utility poles, and that basically goes
11 to driving nails, attaching with metal
12 or hard objects on any pole or on any
13 utility pole on any roadway, not just
14 state highways.

15 I took a quick look at the
16 proposed amendments, and a lot of these
17 issues are addressed with the changed
18 ordinance with these amendments.

19 I think I would second what
20 Mary has suggested with SCRUB is that
21 perhaps the committee take a minute and
22 allow everyone to look at the proposed
23 changes. I think a lot of them address
24 some of the problems, and there's a
25 potential that it could work with what

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 has been proposed.

3 It's very important that there
4 be distinction between commercial and
5 non-commercial signage. You can
6 regulate them differently. That's gone
7 through the state's -- or that's gone
8 through the Supreme Court. They
9 recognize the difference between
10 commercial speech and non-commercial
11 speech.

12 The question is, whether from a
13 practical standpoint, it's something
14 that L&I can easily enforce. Does it
15 become an issue when you have code
16 enforcement officers who have to go out
17 and try to make a decision as to what's
18 a commercial speech and what's a
19 non-commercial speech.

20 Most municipalities just ban it
21 altogether on public properties so that
22 their code enforcement officers are not
23 having to try and make this decision in
24 the field.

25 The City is currently putting

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 out a request for proposal for street
3 furniture, which is the advertisements
4 on the bus signs, trash cans, that type
5 of thing.

6 One of the reasons those signs
7 in those areas are valuable to the
8 advertising companies and why they're
9 willing to pay top dollar for those
10 locations is because it allows them to
11 put advertisements in areas where they
12 would not normally be allowed such as
13 residential areas, some of our
14 commercial areas.

15 If this proposal goes through
16 and there isn't a restriction on
17 commercial signage, that RFP is almost
18 void, because why would you pay top
19 dollar for the right to advertise on a
20 city trash can if you can put it up for
21 free on a city telephone pole or street
22 sign.

23 So it might have an impact on
24 what people would be willing to pay for
25 the right to advertise on street

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 furniture, and that's something that we
3 might need to be concerned about.

4 I think some of my concerns are
5 similar to what had been expressed
6 before. The issue of self-adhesive
7 stickers once you try and take them off.
8 And I tried to take one off recently for
9 a Santorum sticker that's just outside
10 my house. Obviously, that election is
11 over, but I can't remove it without
12 stripping all of the paint off the lamp
13 post.

14 So it becomes an issue of do we
15 to then have to repaint our posts on a
16 regular basis.

17 It's very important that
18 signage, non-commercial free-speech
19 signage, be provided for in a public
20 venue.

21 In my neighborhood, my local
22 park, Clark Park, has just put up a
23 public information kiosk that allows
24 people to post small signs in the park.
25 This is one venue that could be looked

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 at for posting of -- responsible posting
3 of responsible public-service messages
4 on city property.

5 I think it's very important
6 that we look at this so that we can
7 allow the posting of public-service
8 messages in a responsible way. There
9 are certainly ways it can be done. It's
10 not an insurmountable problem.

11 It does have to be done very
12 carefully because of the free-speech
13 issues and because of the maintenance
14 issues in public property.

15 I think the proposed amendments
16 go a long way towards solving some of
17 these problems, but I think it would be
18 good if we could take a closer look at
19 them.

20 I'd also suggest that they be
21 provided to the local chapter of the
22 ACLU -- they're very familiar with some
23 of the free-speech issues involved in
24 signage -- and also Licenses and
25 Inspections and some other Streets

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Department take a look at them and think
3 about them from a public maintenance
4 standpoint.

5 Thank you very much for
6 allowing me to speak.

7 COUNCILMAN SAVAGE: Thank you
8 for your testimony.

9 Are there any other questions
10 from members of the committee?

11 I would like to recognize
12 Councilwoman Blondell Reynolds-Brown.
13 Councilwoman?

14 COUNCILWOMAN REYNOLDS-BROWN:
15 Thank you, Mr. Chairman.

16 Thank you for your elaboration
17 on the Coordinated Street Furniture
18 Program, which is new to me, which, I'm
19 sure, it's not new to your organization.

20 Speak a bit more about this,
21 the status or an update on the RFP.
22 It's already been released and it's now
23 in the pipeline where organizations are
24 responding?

25 MS. TRACY: That's correct.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 And it actually came as a surprise to us
3 because the last time that we addressed
4 it was before Council, and we were
5 looking at various -- I think that was
6 perhaps a Council session that
7 Councilman DiCicco was chairing.

8 And we just found out that an
9 RFP has been released, and it's not as
10 specific -- it has to do with the public
11 toilet but their opening up of kiosks
12 and park benches, newsstands, trash
13 cans.

14 COUNCILWOMAN REYNOLDS-BROWN:
15 Is that right?

16 MS. TRACY: What else?

17 MS. McCONVILLE: I don't know
18 all of the -- it's a number of venues
19 that they itemize. We could send a copy
20 over.

21 COUNCILWOMAN REYNOLDS-BROWN:
22 Is this, new this Coordinated Street
23 Furniture Program?

24 MS. TRACY: Well, it's fairly
25 new and it really has -- one of -- we

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 are very concerned about it because the
3 input seems to be throwing it out to the
4 commercial vendors and come back to us
5 with ideas rather than the public
6 saying, you know, Here are the areas
7 where we think it could work, you know,
8 but not here, don't even think about
9 that.

10 You know, certainly the
11 shelters for buses, we've had that, but
12 I think this particular RFP calls for an
13 increase of over a hundred new ones.

14 COUNCILWOMAN REYNOLDS-BROWN:

15 Mm-hmm.

16 MS. TRACY: It also calls for
17 kiosks, which we don't have on our
18 street.

19 COUNCILWOMAN REYNOLDS-BROWN: I

20 see.

21 MS. TRACY: And I think there
22 are also some legal issues that we had
23 addressed at that hearing regarding
24 putting commercial advertising in the
25 public space without permission of the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 property owners. And there are some
3 court cases out there.

4 So I think the Managing
5 Director's Office --

6 COUNCILWOMAN REYNOLDS-BROWN:
7 Is administering it?

8 MS. TRACY: I think it's that
9 and the property --

10 COUNCILWOMAN REYNOLDS-BROWN:
11 Public Property?

12 MS. TRACY: And Public
13 Property.

14 So it's on the website, this
15 RFP, and we've looked at it fairly
16 closely, but we're not really sure where
17 it is in the process.

18 COUNCILWOMAN REYNOLDS-BROWN:
19 Do you know the deadline for the RFPs?

20 MS. TRACY: I don't know,
21 Councilwoman, offhand.

22 COUNCILWOMAN REYNOLDS-BROWN:
23 Okay.

24 MS. TRACY: But I can find that
25 out for you.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 COUNCILWOMAN REYNOLDS-BROWN:

3 Thank you for your testimony.

4 COUNCILWOMAN BLACKWELL: Mr.

5 Chairman?

6 COUNCILMAN SAVAGE: The Chair

7 recognizes Councilwoman Blackwell.

8 COUNCILWOMAN BLACKWELL: Thank

9 you.

10 If I may, I guess it's been two

11 years now. We met with Councilman Ramos

12 about trying to do trash cans and

13 advertise like University City District

14 and various other aspects positive about

15 our community. We had contacted

16 (indiscernible) and other stores.

17 So, you know, I think that when

18 done well, there is some place for this.

19 We just have to do it in a positive way.

20 We didn't get that worked out

21 because there was an issue about who

22 paid for what, who picks up the trash,

23 and other issues involved.

24 But, you know, the whole issue

25 of advertising, whether it be public or

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 commercial, is an important issue for
3 our city. And we believe in some areas
4 it works, and obviously, in some areas
5 it doesn't.

6 Thank you.

7 COUNCILMAN SAVAGE: Thank you.

8 Is there any other questions
9 from members of the members of the
10 committee?

11 (No further questions.)

12 COUNCILMAN SAVAGE: Thank you
13 for your testimony.

14 MS. TRACY: Thank you.

15 COUNCILMAN SAVAGE: Is Gary
16 Spawn here?

17 (Witness comes forward.)

18 COUNCILMAN SAVAGE: Good
19 morning.

20 MR. SPAWN: Good morning. My
21 name is Gary Spawn. I live on South
22 17th Street just south of South Street.
23 I thank the committee for the
24 opportunity to make some brief
25 observations.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 I live as I said just south of
3 South Street, so just outside that area,
4 that would be the borderline between the
5 haves and the have-nots of the signs if
6 that proposal were approved.

7 I'd like to point out that I do
8 think that making the distinction
9 between commercial and non-commercial
10 signs is an important part of this
11 discussion. And I do believe that if we
12 extrapolate the provisions in the
13 Philadelphia zoning code for prohibiting
14 non-accessory signs, transferring that
15 concept to what can happen on light
16 poles and telephone poles, non-accessory
17 commercial signs don't belong anyplace
18 except for where the place of business
19 is.

20 But also, I'd like to point out
21 that in the areas of the City that have
22 been most vocal about we don't want
23 these signs -- namely -- specifically,
24 I'm thinking of the Center City
25 District. The Center City District is

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 also in the area where most of the
3 telephone poles have been removed, and
4 those utilities are underground, so the
5 very same border -- Vine Street to South
6 Street, river to river -- once you go
7 outside of those districts, you find a
8 lot more opportunities to post things on
9 telephone poles.

10 So I was walking up Bainbridge
11 Street, and for a four-block area, the
12 identical two signs were posted on every
13 single telephone pole.

14 The disproportionate effect of
15 this proposal has a disproportionately
16 blighting effect, in my opinion, on our
17 more blighted neighborhoods. It allows
18 a lot more blight in the areas where we
19 need the most help fighting it.

20 Thank you.

21 COUNCILMAN SAVAGE: Thank you.

22 Is there any questions from
23 members of the committee?

24 (No questions.)

25 COUNCILMAN SAVAGE: If there's

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 nobody else here to testify, this will
3 conclude our public hearing.

4 The Chair recognizes Councilman
5 Clarke.

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

8 Mr. Chairman, can I ask the
9 Administration -- particularly L&I, and
10 I don't know if Law's here. I just had
11 one question about some of the types of
12 posters.

13 Mr. Haigler?

14 (Messieurs Haigler and Perri
15 return to the witness table.)

16 COUNCILMAN SAVAGE: The Chair
17 recognizes Mr. Otis Haigler.

18 COUNCILMAN CLARKE: Good
19 afternoon, gentlemen.

20 MR. HAIGLER: Good afternoon.

21 COUNCILMAN CLARKE:
22 Mr. Haigler, just very briefly, during,
23 I guess, CD or album releases -- I guess
24 they don't call them albums anymore; I
25 guess that's an old person's term.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 MR. HAIGLER: No, they still
3 call them albums.

4 COUNCILMAN CLARKE: They still
5 call them albums?

6 During the release of these
7 types of albums, CDs, I notice that
8 throughout the City, there's the
9 plastering of these very large posters
10 throughout the City traditionally on
11 major thoroughfares.

12 I see it along Broad Street,
13 and they plaster them up and down the
14 pole. And I've actually seen the
15 gentleman walking down the street with a
16 ladder. It's quite a science. I mean,
17 one guy carries the ladder, the other
18 guy carries the posters. He's throws
19 the ladder up, the guy scoots up the
20 posters, plasters them all the way up.
21 And I've actually stopped to look and
22 see if there's any disclaimers on those.

23 Is there any way legally we can
24 hold the artists responsible, although
25 there may not be any reference to the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 printer of the poster but the artist's
3 name on the poster? What's the legal --

4 MR. HAIGLER: I'm not an
5 attorney, Councilman, but I would -- my
6 personal view would be that if you can
7 identify who the responsible party is
8 for the sign -- and that could possibly
9 be anybody that's linked to the sign --
10 that person probably can be held
11 comfortable for the accountable for the
12 sign.

13 COUNCILMAN CLARKE: So if the
14 artist's name is on the sign --

15 MR. HAIGLER: And then they
16 would probably have to disclose some
17 information to get themselves out of, I
18 guess, the liability for the violation.
19 They probably would have to disclose
20 possibly who placed the sign
21 specifically on the pole, if it was an
22 advertising company or something that
23 worked, I guess, outside of -- worked
24 not necessarily for the artist but some
25 sort of advertising company that the

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 record company --

3 COUNCILMAN CLARKE: But they
4 actually don't have anything other than
5 the name of the album, the name of the
6 artist, and sometimes more -- actually,
7 more often than not, the name of the
8 release date. There's nothing --

9 MR. HAIGLER: More than likely,
10 it's probably the record company that
11 probably sponsored it.

12 COUNCILMAN CLARKE: All right.
13 And, you know, I understand you're not
14 an attorney.

15 Can you check with Law to find
16 out the legal ability of the City of
17 Philadelphia to go after the artist?

18 MR. HAIGLER: We certainly can.

19 COUNCILMAN CLARKE: Yeah,
20 'cause I don't -- you know, these things
21 are like huge and they plaster them up,
22 and they just indiscriminately go
23 through the neighborhoods. And I think
24 because there's no many name down at the
25 bottom, similar to Councilwoman

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 Krajewski's signs that actually have the
3 phone numbers and the address of the
4 advertiser or the company. Or in the
5 case of political posters, it's clearly
6 known who that elected official is, and
7 there's usually a disclaimer down at the
8 bottom 'cause we put that union bug and
9 everything else down there.

10 Can you track that down for me,
11 please? 'Cause I really -- I really --

12 MR. HAIGLER: We certainly can.

13 COUNCILMAN CLARKE: All right.

14 Thank you.

15 MR. HAIGLER: And we will get
16 back to you.

17 COUNCILMAN CLARKE: Thank you.

18 MR. HAIGLER: Or we will get
19 back to the Chair and the Chair can give
20 it to you, or we can call you directly.

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

23 Thank you, Mr. Chairman.

24 We are now requesting a
25 two-minute recess.

1 2/5/07 LICENSES AND INSPECTIONS - BILL 060618

2 MR. HAIGLER: Thank you.

3 (Short break taken.)

4 (Proceedings resume.)

5 COUNCILMAN SAVAGE: The
6 committee is now in session. If there
7 are no other people here to testify,
8 this will conclude the public hearing
9 for the L&I committee.

10 * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 2/5/07 L&I PUBLIC MEETING - BILL 060618

2 COUNCILMAN SAVAGE: We will now
3 move into our public meeting.

4 The Chair now recognizes
5 Councilwoman Krajewski for an amendment
6 on Bill 060618.

7 COUNCILWOMAN KRAJEWSKI: Thank
8 you.

9 Councilman, the -- I offer an
10 amendment to Bill 060618. The amendment
11 is to exclude the following districts:
12 The 1st, the 2nd, the 5th, 6th, 7th,
13 8th, 9th, and 10th all for that
14 amendment.

15 COUNCILMAN SAVAGE: Will the
16 amendment be adopted?

17 All in favor will say aye?

18 COUNCILMAN CLARKE:
19 Mr. Chairman?

20 COUNCILMAN SAVAGE: All in
21 favor -- you said -- all in favor, say
22 aye?

23 Nays?

24 COUNCILMAN KELLY: No.

25 COUNCILMAN SAVAGE: I'd like to

1 2/5/07 L&I PUBLIC MEETING - BILL 060618

2 recognize Councilwoman Krajewski for
3 another amendment on Bill 060618.

4 COUNCILWOMAN KRAJEWSKI: Thank
5 you.

6 I'd like to offer another
7 amendment including, but not limited to,
8 banners, pennants, placards and
9 stickers, advertisement flags, and
10 plaques.

11 COUNCILMAN SAVAGE: Will the
12 amendment be adopted.

13 All in favor, say aye?

14 Nays?

15 COUNCILMAN KELLY: No.

16 COUNCILMAN SAVAGE: The Chair
17 recognizes Councilwoman Krajewski for a
18 motion on Bill No. 060618.

19 COUNCILWOMAN KRAJEWSKI: I move
20 that Bill 060618 be adopted, as amended,
21 for first reading in our next session of
22 Council.

23 (Motion seconded.)

24 COUNCILMAN SAVAGE: All in
25 favor, say aye.

1 2/5/07 L&I PUBLIC MEETING - BILL 060618

2 Nays?

3 COUNCILMAN KELLY: No.

4 COUNCILMAN SAVAGE: This
5 concludes our public meeting and ends
6 our Committee of Licenses and
7 Inspections.

8 COUNCILWOMAN KRAJEWSKI: And a
9 suspension of rules.

10 COUNCILMAN SAVAGE: The Chair
11 would like to recognize Councilman
12 Kelly.

13 COUNCILMAN KELLY: Yes. Thank
14 you, Mr. Chairman.

15 I just want to go on record as
16 voting no against this bill and any
17 amendments to it for the simple reason
18 that any amendments to this bill, or
19 exclusions, if you want to call them
20 that, would not be enforced by the
21 Department of Licenses and Inspections.

22 That's the problem that I have
23 with this bill, that there would be no
24 enforcement whatsoever if we exclude any
25 district within the City guidelines, and

1 2/5/07 L&I PUBLIC MEETING - BILL 060618

2 that's why I'd be voting no against this
3 bill and any amendments to it.

4 Thank you.

5 COUNCILWOMAN KRAJEWSKI: But
6 this bill will also be held for the
7 floor so the members of Council could
8 have that option vote on this bill one
9 way or the other, Mr. Kelly.

10 Thank you.

11 COUNCILMAN SAVAGE: Thank you.

12 This concludes the public
13 meeting on the Committee on Licenses and
14 Inspections.

15 Good afternoon.

16 * * *

17

18

19

20

21

22

23

24

25

1

2

C E R T I F I C A T E

3

4

I HEREBY CERTIFY that the

5

proceedings of the City of Philadelphia

6

Council Committee on Licenses and Inspections

7

are contained fully and accurately in the

8

stenographic notes taken by me on Monday

9

February 5, 2007, and that this is a true and

10

correct statement of same.

11

12

13

14

JOSEPHINE CARDILLO
Registered Professional Reporter

15

16

17

18

19

20

(The foregoing certification

21

of this transcript does not apply to any

22

reproduction of the same by any means, unless

23

under the direct control and/or supervision

24

of the certifying reporter.)

25