

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, November 12, 2013
10:15 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN MARIAN B. TASCO

BILLS 130590, 130656, 130692, 130699, 130725,
and 130770

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COUNCILMAN GREENLEE: Good morning, everyone. Can I have everybody's attention, please.

This is the Committee on Rules. We have a quorum consisting of Councilman Goode, Councilman Henon, Councilman O'Brien, Councilwoman Bass, and myself, Bill Greenlee.

We need to get started right away because we're up against a little time issue here.

Ms. Marconi, will you please read the title of the first bill before us.

THE CLERK: Bill No. 130590, an ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by the Frankford Creek, Aramingo Avenue, Wheatsheaf Lane, Sepviva Street, Butler Street, Frankford Avenue, Valetta Street, Coral Street, Vici Street and Frankford Avenue, and by amending Title 14 of The

1 11/12/13 - RULES - BILL 130590, etc.
2 Philadelphia Code, entitled "Zoning and
3 Planning," by amending Chapter 14-603
4 "Use Specific Standards," all under
5 certain terms and conditions.

6 (Witness approached witness
7 table.)

8 COUNCILMAN GREENLEE: Thank
9 you.

10 Mr. Kramer, please.

11 MR. KRAMER: Good morning,
12 Chairman Greenlee, members of the Rules
13 Committee. I am William Kramer, Division
14 Director of the Development Division of
15 the Philadelphia City Planning
16 Commission. I am here today to testify
17 on Bill No. 130590, which was introduced
18 into City Council September 12th, 2013 by
19 Councilmember Squilla.

20 Bill No. 130590 rezones a
21 property located at 2101 Wheatsheaf Lane
22 from an existing zoning designation of
23 "I-3" Heavy Industrial to a new
24 designation of "I-2" Medium Industrial.
25 This same property was the subject of

1 11/12/13 - RULES - BILL 130590, etc.
2 Bill No. 130387, which changed the zoning
3 designations from "CA-2" Commercial to
4 its current "I-3" Heavy Industrial
5 designation. The change to "I-3" was
6 done in order to permit the site to be
7 used for a correctional facility. That
8 project is no longer under consideration
9 and Bill No. 130590 will change the
10 zoning to be consistent with both the
11 surrounding zoning designations and the
12 existing land uses.

13 In discussion with the
14 sponsoring Councilman's staff, Section 2
15 of this bill was included in error. I
16 respectfully submit an amendment to Bill
17 No. 130590 for your consideration.

18 The Philadelphia City Planning
19 Commission at its meeting of October
20 15th, 2013 recommended that Bill No.
21 130590 be approved and considered it an
22 item in accord with previous policy.

23 That concludes my testimony.
24 I'd be happy to answer any questions you
25 may have.

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN GREENLEE: Thank
3 you, Mr. Kramer.

4 Any questions for Mr. Kramer on
5 this bill?

6 (No response.)

7 COUNCILMAN GREENLEE: Seeing
8 none, is there anyone else here to
9 testify on Bill No. 130590?

10 (No response.)

11 COUNCILMAN GREENLEE: Seeing
12 none, Ms. Marconi, our next bill, please.

13 THE CLERK: Bill No. 130692, an
14 ordinance approving the forty-first
15 amendment of the redevelopment proposal
16 for the Model Cities Urban Renewal Area,
17 being the area beginning at the northwest
18 corner of Front Street and Spring Garden
19 Street, including the thirty-third
20 amendment to the urban renewal plan and
21 the twenty-eighth amendment to the
22 relocation plan, which provides, inter
23 alia, for the additional land acquisition
24 of approximately one property for
25 residential, institutional and related

1 11/12/13 - RULES - BILL 130590, etc.
2 uses; the provision of certain relocation
3 services, as required by law and
4 declaring that condemnation is not
5 imminent with respect to this Project.

6 Mary Frances Fogg.
7 (Witnesses approached witness
8 table.)

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Ms. Fogg.

12 MS. FOGG: Hi. Good morning.
13 Mr. Chairman and members of the
14 Committee, I am here to speak in support
15 of Bill No. 130692, which is the
16 forty-first amendment to the
17 redevelopment proposal and the
18 thirty-third amendment to the urban
19 renewal plan for the Model Cities Urban
20 Renewal Area. The proposal and plan
21 provide for the acquisition of one
22 parcel, which is identified as 2024 North
23 Howard Street, one vacant lot that will
24 be acquired for residential and related
25 uses.

1 11/12/13 - RULES - BILL 130590, etc.

2 2024 Howard Street was sold to
3 the Kensington Area Revitalization
4 Project, Incorporated in 1986 for
5 rehabilitation. The property has sat
6 vacant and the Kensington Area
7 Revitalization Project is no longer in
8 business. This property has had back
9 taxes dating to 1986 and, by approving
10 favorable consideration of this bill,
11 will put this vacant property back in
12 use.

13 Mr. Chairman and members of the
14 Committee, I respectfully request
15 favorable consideration of Bill No.
16 130692 and would ask for the suspension
17 of Council rules to allow first reading
18 on November 14th, 2013.

19 Thank you.

20 COUNCILMAN GREENLEE: Thank
21 you.

22 MS. FOGG: That's all.

23 COUNCILMAN GREENLEE: You're
24 just here as assistance, okay.

25 MS. FOGG: He's here if you

1 11/12/13 - RULES - BILL 130590, etc.

2 have any questions.

3 COUNCILMAN GREENLEE: Any
4 questions for Ms. Fogg on this bill?

5 (No response.)

6 COUNCILMAN GREENLEE: Seeing
7 none, thank you.

8 MS. FOGG: Great. Thank you.

9 COUNCILMAN GREENLEE: Anyone
10 else here to testify on Bill No. 130692?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, Ms. Marconi, the next bill, please.

14 THE CLERK: Bill No. 130699, an
15 ordinance amending Title 14 of The
16 Philadelphia Code, entitled "Zoning and
17 Planning," by revising parking
18 requirements for driveways located in
19 residential front yards, all under
20 certain terms and conditions.

21 Bill Kramer.

22 MR. KRAMER: Good morning,
23 Chairman Greenlee, members of the Rules
24 Committee. I am William Kramer, Division
25 Director of the Development Division of

1 11/12/13 - RULES - BILL 130590, etc.
2 the Philadelphia City Planning
3 Commission. I am here to testify on Bill
4 No. 699, which was introduced into City
5 Council October 3rd, 2013 by
6 Councilmember O'Neill.

7 Bill No. 130699 amends the
8 Philadelphia Zoning Code by revising
9 parking requirements for driveways in
10 residential front yards. The legislation
11 would allow for parking in a driveway
12 that originates in the front yard
13 provided that the vehicle can be parked
14 without blocking access to parking for
15 any other property and without blocking
16 any portion of the sidewalk or roadway.

17 In working with the Department
18 of License and Inspections, the
19 Councilman's office, and the Law
20 Department, language has been drafted to
21 amend this bill to make it clearer and
22 more enforceable. I respectfully submit
23 that amendment for your consideration.

24 The Philadelphia City Planning
25 Commission will be considering Bill No.

1 11/12/13 - RULES - BILL 130590, etc.
2 130699 at its meeting of November 19th,
3 2013. Originally I believe that this was
4 to be presented with a staff
5 recommendation of approval, but that
6 staff meeting doesn't happen until 1:00
7 this afternoon. Accordingly, I'm not
8 certain whether we will or we won't. I
9 understand that it has been brought to my
10 attention that certain neighborhoods in
11 this city would find this something
12 that's not desirable, particularly I
13 believe Roxborough in particular has come
14 to our office a number of times to get
15 rid of front-loaded parking. However,
16 that's to be discussed, and I hadn't
17 finally been able to do research on that.
18 We're working on that at 1:00 this
19 afternoon.

20 COUNCILMAN GREENLEE: Could you
21 just briefly, when you say in your
22 testimony the amendments make it clearer
23 and more enforceable, could you briefly
24 go over that for the record.

25 MR. KRAMER: Yes, sir. No

1 11/12/13 - RULES - BILL 130590, etc.
2 problem. The amendment adds a number of
3 illustrations to bring out the points as
4 to where they were supposed to be. The
5 language pretty much stayed the same. It
6 just becomes relocated within the code,
7 and what they're doing is then putting
8 the illustrations to show what could or
9 what could not occur to make it more
10 enforceable so L&I would know what to do.

11 The concern in part is if you
12 have a shared driveway, you want to make
13 sure that somebody is not able to park in
14 it to a point where they're blocking
15 other people to get to their parking
16 spaces. And in particular, I'm certain
17 this was done in relation to parking in
18 places like Parkwood Manor and Morrell
19 Park wherein people have garages that
20 instead of being used for the car are
21 used for storage and, as a result, both
22 cars get put on the driveway and the
23 second one hangs over the sidewalk, which
24 makes it pretty difficult for
25 pedestrians.

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN GREENLEE: So the
3 key is basically the car is allowed to be
4 there if it's not in any way blocking
5 access to pedestrians or other drivers?

6 MR. KRAMER: Correct. Yes,
7 sir. That's the intent.

8 COUNCILMAN GREENLEE: That's a
9 clearer way to say it or clearest way to
10 say it. Okay.

11 Any questions?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, thank you, Mr. Kramer.

15 Is there anyone else here to
16 testify on Bill No. 130699?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, here we go. Next bill, Ms.
20 Marconi.

21 THE CLERK: Bill No. 130725, an
22 ordinance amending Title 14 of The
23 Philadelphia Code, entitled "Zoning and
24 Planning," by clarifying the criteria for
25 granting a variance, under certain terms

1 11/12/13 - RULES - BILL 130590, etc.
2 and conditions.

3 Bill Kramer.

4 MR. KRAMER: Good morning,
5 Chairman Greenlee and members of the
6 Rules Committee. I am William Kramer,
7 Division Director of the Development
8 Division of the Philadelphia City
9 Planning Commission. I am here to
10 testify on Bill No. 130725, which was
11 introduced into City Council October
12 10th, 2013 by Councilman O'Neill.

13 Bill No. 130725 amends the
14 Philadelphia Zoning Code by adding
15 language to Section 14-303 of the code,
16 entitled "Common Procedures and
17 Requirements." The language to be added
18 would be to include whether use or
19 dimensional with regard to the criteria
20 for granting a variance. It is an
21 attempt to clarify that the concept of
22 least variance is to be applied to both
23 use variances as well as dimensional
24 ones.

25 The Philadelphia City Planning

1 11/12/13 - RULES - BILL 130590, etc.
2 Commission will be considering Bill No.
3 130725 at its meeting of November 19th,
4 2013.

5 I'd be happy to answer any
6 questions you may have.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Kramer.

9 Any questions for Mr. Kramer on
10 this bill?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, anybody else here to testify on
14 Bill No. 130725?

15 (No response.)

16 COUNCILMAN GREENLEE: I'm
17 sorry. There's no amendments to that,
18 right?

19 MR. KRAMER: No amendments to
20 that bill, sir, no, at least not from
21 this office.

22 COUNCILMAN GREENLEE: All
23 right. Thank you.

24 Ms. Marconi, our next bill.

25 THE CLERK: Bill No. 130770, an

1 11/12/13 - RULES - BILL 130590, etc.
2 ordinance amending Title 14 of The
3 Philadelphia Code, entitled "Zoning and
4 Planning," by revising use regulations
5 relating to medical, dental and health
6 practitioners in certain areas of the
7 City, under certain terms and conditions.

8 Bill Kramer.

9 MR. KRAMER: Good morning,
10 Chairman Greenlee and members of the
11 Rules Committee. I am William Kramer,
12 Division Director of the Development
13 Division for the Philadelphia City
14 Planning Commission. I am here today to
15 testify on Bill No. 130770, which was
16 introduced into City Council October
17 24th, 2013 by Councilmembers O'Neill and
18 Henon.

19 Bill No. 130770 amends the
20 Philadelphia Zoning Code by creating a
21 Northeast Overlay District which contains
22 the boundaries of both the 6th and 10th
23 Councilmanic Districts. The bill will
24 further prohibit medical, dental, and
25 health practitioners in properties zoned

1 11/12/13 - RULES - BILL 130590, etc.
2 either commercially or industrially.
3 This would require any new medical
4 offices to maintain a variance from the
5 Zoning Board of Adjustment. A variance
6 would also be required for expansion
7 and/or relocation of existing medical
8 offices.

9 The Philadelphia City Planning
10 Commission will be considering Bill No.
11 130770 at its meeting of November 19th,
12 2013. It will be presented to the
13 Commission with a staff recommendation of
14 disapproval. The recommendation is
15 because this type of restriction of uses
16 is considered exclusionary.

17 I'd be happy to answer any
18 questions you may have at this time.

19 COUNCILMAN GREENLEE: And
20 before any questions, could I just ask
21 everybody in the audience, I know you're
22 all trying to talk softly, but when 18
23 people talk softly, it's not softly
24 anymore and it's a little hard to hear,
25 particularly as we're trying to take down

1 11/12/13 - RULES - BILL 130590, etc.
2 every word here. So I appreciate if
3 you're having discussion, if you could
4 just step outside, I'd really appreciate
5 it. Because, again, you might not think
6 it's loud, but it adds up.

7 Can you just define a little
8 bit when you say "exclusionary."

9 MR. KRAMER: If this bill were
10 to be applied across the City as a
11 general application and take this use out
12 of those particular sections of the code,
13 in conversations with the Law Department,
14 the Law Department said then they would
15 be saying that this bill could not be
16 approved because it would be considered
17 exclusionary. And exclusionary means
18 that this particular use would not be
19 permitted anywhere. In this particular
20 case, it's not permitting it anywhere in
21 both the 6th and 10th Councilmanic
22 Districts and, therefore, the method for
23 you to do it would be to go through and
24 get a zoning variance, is how this would
25 approach. It is your right to make that

1 11/12/13 - RULES - BILL 130590, etc.
2 determination. It's our recommendation
3 that we not do that, because we do
4 believe -- and I believe there are others
5 to testify that are probably more
6 eloquent than I to speak to those issues.
7 However, that's what the recommendation
8 is from the Planning Commission, is that
9 we would recommend against it.

10 COUNCILMAN GREENLEE: I was
11 just trying to be clear on what exactly
12 is considered exclusionary. So you're
13 saying certainly if it was in the whole
14 City, it would be exclusionary?

15 MR. KRAMER: Yes, sir.

16 COUNCILMAN GREENLEE: But if
17 it's only in one-fifth of the City --

18 MR. KRAMER: Right. If you
19 pick a section of the City, you did a
20 small overlay where on a particular
21 avenue or a particular commercial
22 corridor, then it would -- you could use
23 a Webster dictionary of the term and
24 apply it to that avenue. However, that
25 doesn't come under the definition of what

1 11/12/13 - RULES - BILL 130590, etc.
2 exclusionary would be in terms of a code.
3 So that's the differentiation between
4 them.

5 You can do it. It's not
6 illegal to do it, but we're not
7 recommending that it be done.

8 COUNCILMAN GREENLEE: I got
9 you.

10 Councilman Henon.

11 COUNCILMAN HENON: Thank you,
12 Mr. Chairman.

13 And I love to hear your
14 eloquent testimony, just for the record,
15 Mr. Kramer.

16 MR. KRAMER: Thank you, sir.

17 COUNCILMAN HENON: And, again,
18 I just want to repeat what our Chairman
19 has said. So it's not illegal. You
20 would just -- it would just be refused
21 and a variance would be necessary so the
22 community would have more input as a
23 special exception. The community would
24 be involved on what types of end uses
25 would be in their neighborhoods and on

1 11/12/13 - RULES - BILL 130590, etc.
2 commercial corridors and determine
3 whether it conforms with the master plan
4 for the neighborhood?

5 MR. KRAMER: That is correct.
6 You could also say that if you were to
7 watch your Zoning Maps, you could make
8 those same type of determinations the
9 same way. But you're absolutely correct,
10 you can do it that way.

11 COUNCILMAN HENON: Great.
12 Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 Any other questions for
16 Mr. Kramer?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, Ms. Marconi, I think we have some
20 other people that want to testify on this
21 one.

22 THE CLERK: Mark Austerberry,
23 Teresa Ravert, and Kevin Klatte.

24 COUNCILMAN GREENLEE: If they
25 could all come up together. Are the

1 11/12/13 - RULES - BILL 130590, etc.

2 other two named people here?

3 Okay. If they could all come
4 up together.

5 And, Mr. Austerberry, you could
6 start. Please identify yourself for the
7 record and proceed.

8 (Witnesses approached witness
9 table.)

10 MR. AUSTERBERRY: Good morning.
11 My name is Mark Austerberry and I'm the
12 Executive Director of the Philadelphia
13 County Medical Society.

14 COUNCILMAN GREENLEE: And if I
15 could just say, we have your written
16 testimony, so you don't have to read the
17 whole -- if you could just summarize,
18 we'd appreciate it.

19 MR. AUSTERBERRY: Sure.
20 Absolutely.

21 Again, I want to thank Chairman
22 Greenlee for the opportunity to testify
23 today. The Society -- unfortunately, as
24 currently worded, the legislation makes
25 it more difficult and expensive for any

1 11/12/13 - RULES - BILL 130590, etc.
2 new or expanding medical practice in
3 Northeast Philadelphia, which needs more
4 doctors in the neighborhood instead of
5 less. This part of the City may be
6 underserved by medical professionals, as
7 the PCMS membership has about 600
8 physician members in this area.

9 Additionally, in 2012, the
10 household survey conducted by the
11 Philadelphia Health Management
12 Corporation, Southeastern Pennsylvania,
13 recently highlighted several areas of
14 concern to access. About 20 percent of
15 adults, women 40 years and older, have
16 not had a mammogram in the last two
17 years. About one in two adult males have
18 not had a prostate exam in the past year.
19 About 20 percent of women 18 years and
20 older have not had a breast exam or Pap
21 test in the last two to three years. And
22 we know that one in ten adults 18 years
23 or older do not have regular access to
24 care.

25 Additionally, Health Center 10,

1 11/12/13 - RULES - BILL 130590, etc.
2 the only City health clinic in Northeast
3 Philadelphia, is by far the busiest in
4 the City, with a waiting list for
5 first-time adult patients of about eight
6 months. Two of every five Northeast
7 Philadelphia residents either lack
8 insurance or are enrolled in Medicaid.
9 City Health Commissioner Don Schwarz
10 recently estimated that the Health Center
11 10, there are about 18,000 patients
12 without primary care providers and about
13 40 percent with chronic illness. Healthy
14 Philadelphia estimates that about 72,000
15 people in the Northeast have chronic
16 illnesses such as high blood pressure,
17 disease, and heart failure. As a result,
18 the City is studying how to build a new
19 clinic in the Northeast.

20 Equitable access to healthcare
21 is a critical issue for the City, but
22 this legislation could dissuade
23 physicians from locating in the Northeast
24 and instead choose other Philadelphia
25 neighborhoods or outside Philadelphia.

1 11/12/13 - RULES - BILL 130590, etc.

2 Philadelphia has a difficult time
3 attracting and retaining physicians,
4 especially primary care, because of the
5 City's high liability insurance rates,
6 high taxes, and high number of Medicaid
7 and Medicare patients. The new zoning
8 already makes it difficult to open a
9 medical practice in residential
10 neighborhoods, and this legislation would
11 add Northeast commercial and industrial
12 districts as well.

13 We appreciate the Council's
14 desire to ensure that certain medical
15 facilities do not disrupt the
16 neighborhood, but as some of the
17 pediatricians would say, please don't
18 throw the baby out with the bath water.
19 There must be another way to ensure
20 Northeastern Philadelphia can get the
21 access to medical care that they need
22 while addressing the ways and the
23 concerns about the facilities.

24 The membership of the
25 Philadelphia County Medical Society ask

1 11/12/13 - RULES - BILL 130590, etc.
2 the sponsorship and the Committee to
3 please consider amending or holding Bill
4 No. 130770 to address our access
5 concerns, and we thank you for the
6 consideration and support.

7 COUNCILMAN GREENLEE: Let's
8 hear from the other gentleman, and then
9 if we have questions.

10 Please. Please identify
11 yourself and proceed.

12 DR. RAO: My name is Dr. Anand
13 Rao. I am on the Board of Governors of
14 the Philadelphia County Dental Society.
15 I am also the State District Trustee for
16 the region of Philadelphia representing
17 the Pennsylvania Dental Association, and
18 I want to thank Councilman Greenlee and I
19 want to thank members of City Council for
20 allowing me to speak today.

21 Philadelphia County Dental
22 Society is a professional association
23 founded in 1886 and composed of almost
24 600 dentists practicing in Philadelphia
25 and committed to serving the oral health

1 11/12/13 - RULES - BILL 130590, etc.
2 needs of the region. Again, I want to
3 thank Chairman Greenlee for allowing me
4 to testify today regarding Bill No.
5 130770. This legislation, which would
6 create additional zoning barriers for new
7 and expanding dental practices in
8 Northeast Philadelphia, was introduced by
9 Councilmen O'Neill and Councilman Henon.

10 Dentistry has been called one
11 of the last cottage industries in the
12 country. The butcher, the baker, the
13 candlestick maker have all but
14 disappeared from the neighborhood, but
15 dentists are still there. Patients do
16 not want just a local but a neighborhood
17 dentist. Unlike medicine where a yearly
18 checkup is the norm, the entire family
19 needs to see the dentist at least twice a
20 year, and if there are further needs, the
21 number of trips to the office increases.
22 Many of our patients in fact walk to our
23 offices from their homes or from their
24 areas of business.

25 This legislation makes it more

1 11/12/13 - RULES - BILL 130590, etc.
2 difficult and expensive for any new or
3 expanding dental practice in Northeast
4 Philadelphia, which means fewer dentists
5 in the neighborhood when more are needed.
6 There are currently fewer than a hundred
7 dentists in Northeast Philadelphia, one
8 of the few areas in the City seeing
9 population growth. Because residents
10 want their dentists to be nearby or they
11 won't go often at all, it's important for
12 the City's public health that there be
13 fewer barriers to new dental offices to
14 ensure that dentists can follow the
15 population shifts. New dentists who are
16 making a decision about where to practice
17 are not going to be willing to jump
18 through the hoops of seeking zone
19 variances when they can go into a more
20 affluent suburb and start a practice with
21 lower taxes and fewer uninsured patients.

22 But here in Philadelphia,
23 access to quality dental care has already
24 become more difficult. In 2009, there
25 were 941 professionally active dentists

1 11/12/13 - RULES - BILL 130590, etc.
2 in Philadelphia, down 8.6 percent from
3 2000, and 38 percent were aged 55 and
4 over. Meanwhile, dental emergencies are
5 filling our city's already strained
6 emergency rooms and health clinics.

7 Philadelphia must do more to
8 attract and retain dentists to its
9 neighborhoods to help break down the
10 barriers to care that drive people to
11 emergency rooms. The inability to
12 surmount the barriers to oral healthcare
13 can result in delayed diagnosis,
14 untreated oral diseases and conditions,
15 compromised overall health status, and
16 occasionally even death.

17 This proposed zoning overlay
18 will result in fewer dentists in
19 Northeast Philadelphia and a decrease in
20 the oral health of those residents. The
21 new Zoning Code already makes it very
22 difficult to open up a dental office in
23 residential neighborhoods, and this
24 legislation would add Northeast
25 commercial and industrial districts as

1 11/12/13 - RULES - BILL 130590, etc.
2 well.

3 The bottom line is that it will
4 be the patients and their families who
5 will suffer, as there will inevitably be
6 a shortage of dentists in areas of the
7 City which inhibit dental office
8 development.

9 Perhaps there are some types of
10 medical facilities that are disruptive in
11 the neighborhoods, but we have never
12 heard of anyone who didn't want a dentist
13 nearby their home or their office. The
14 members of the Philadelphia County Dental
15 Society ask that the sponsors and the
16 Committee please reconsider holding Bill
17 No. 130770 or amending it to address
18 these concerns.

19 Thank you for your
20 consideration, and I'll be happy to
21 answer any questions that you have.

22 COUNCILMAN GREENLEE: Thank you
23 both. Mr. -- is it Doctor or Mister?

24 MR. AUSTERBERRY: Just Mister.

25 COUNCILMAN GREENLEE: Okay. I

1 11/12/13 - RULES - BILL 130590, etc.

2 know you mentioned the last was to hold
3 or amend. Do you have any suggested
4 amendments?

5 MR. AUSTERBERRY: We do not at
6 this time, other than we know that --

7 COUNCILMAN GREENLEE: All
8 right.

9 I'm sorry. Are there any
10 questions for either of these witnesses?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, thank you very much.

14 (Thank you.)

15 COUNCILMAN GREENLEE: I don't
16 think we have anybody else on the list
17 here. Is there anyone else here that
18 wants to testify on Bill No. 130770?

19 (No response.)

20 COUNCILMAN GREENLEE: Seeing
21 none, we'll go to our last bill.

22 Ms. Marconi, will you please
23 read the title of it, please.

24 THE CLERK: Bill No. 130656, an
25 ordinance amending Title 14 of The

1 11/12/13 - RULES - BILL 130590, etc.
2 Philadelphia Code, entitled "Zoning and
3 Planning," by further providing for
4 revised sign controls and making
5 technical changes, all under certain
6 terms and conditions; and amending
7 Chapter 9-600, entitled "Service and
8 Other Businesses," by adjusting the
9 licensing fees for commercial outdoor
10 advertising signs and information
11 required in the annual inventory of
12 signs; and amending Chapter 19-3400,
13 entitled "Excise Tax on Outdoor
14 Advertising Transactions," by adjusting
15 the excise tax on outdoor advertising
16 signs; all under certain terms and
17 conditions.

18 William Kramer from City
19 Planning.

20 COUNCILMAN GREENLEE:

21 Mr. Kramer, I know Councilman Henon would
22 like to be recognized. Before I do, I
23 just want to say that I know this issue
24 has been out there for a long time. We
25 separated it from the general Zoning Code

1 11/12/13 - RULES - BILL 130590, etc.
2 because there were specific issues that
3 had to be addressed. It was my statement
4 at that time that we hoped to address
5 these at the beginning of this year.
6 Well, we're at the end of the year, but I
7 want to particularly note that Councilman
8 Henon, his staff, and a number of our
9 staffs have been involved for quite a
10 while with the various interest groups.
11 So I want to commend Councilman Henon on
12 the work that he has done. I know there
13 will still be a lot of questions, but,
14 Councilman, you want to make a statement?

15 COUNCILMAN HENON: Thank you,
16 Mr. Chairman.

17 And I too want to thank not
18 just my staff, in particular two
19 individuals on my staff, Courtney Voss
20 and Andrew Dick, who has successfully
21 mapped out every single non-accessory
22 sign in the City of Philadelphia and all
23 of its current conditions over the course
24 of the past year and has met with all the
25 stakeholders that are involved, either

1 11/12/13 - RULES - BILL 130590, etc.
2 supporting or in opposition to any type
3 of non-accessory signs, including the
4 Administration. And I also want to thank
5 the offices of the body of this committee
6 and City Council, who has been briefed on
7 the non-accessory portion of this. It's
8 extremely complicated, as we have all
9 found out over the course of the year,
10 year and a half. It's very complicated
11 and it's serious policy that's going to
12 affect the City of Philadelphia in a
13 major way. So nobody has taken this
14 lightly.

15 So I want to thank all the
16 stakeholders that we've met regularly as
17 late as last evening. So I want to thank
18 them.

19 What this bill does, this bill
20 says there's no new billboards. Existing
21 billboards will be given a clean slate.
22 Each sign will receive a license and a
23 zoning permit that the sign hasn't
24 already had and as the court order has
25 been issued, unless a court order issue

1 11/12/13 - RULES - BILL 130590, etc.
2 has been requiring the removal.

3 The companies will be required
4 to submit a very detailed inventory to
5 L&I annually. The billboard does not --
6 if they do not submit an inventory to
7 L&I, the first inventory will not be --
8 the inventory will not be recognized as a
9 lawful status.

10 A license for each face will be
11 renewed every five years as a part of the
12 application for the license. The sign
13 companies will be required to post a bond
14 to fund the removal of the nuisance and
15 abandoned signs.

16 The tax on the billboards is
17 linked to the sales tax. If the sales
18 tax increases, so will the billboard tax.
19 Currently the sales tax is at 8 percent.

20 Over two-thirds of all signs in
21 the City are located in maintenance-only
22 areas. Maintenance-only areas include
23 areas within 500 feet of a residentially
24 zoned district, a park, 500 feet within a
25 historic zone or site, and 500 feet

1 11/12/13 - RULES - BILL 130590, etc.
2 within a school facility and on rooftops.
3 Signs in these areas can only be
4 maintained and not be converted to
5 digital or relocated. Signs in these
6 areas can be increased in height, but
7 only if the height increase is approved
8 through a special exception, which
9 includes our neighborhoods and our
10 community groups, and if the height
11 increase is a result of a government
12 sound barrier being erected within blocks
13 of the visibility of the sign. Such
14 increases will be reviewed and ensured
15 that the sign is increased at a minimum
16 amount possible to achieve the same
17 degree of visibility.

18 All signs are required to be
19 maintained in good conditions. Any sign
20 which becomes a nuisance or otherwise
21 deemed abandoned can be removed by the
22 City of Philadelphia.

23 Conversion to digital can occur
24 most easily in Digital Conversion Zones.
25 Digital Conversion Zones are drawn by

1 11/12/13 - RULES - BILL 130590, etc.
2 ordinance. Signs in Digital Conversion
3 Zones can only be converted if the sign
4 owner has a sign credit. Sign credits
5 are obtained by removing an existing
6 sign. Sign credits that are not located
7 in the Digital Conversion Zones may still
8 be converted, but in order to do so, the
9 sign owner has to obtain a special
10 exception at the Zoning Board, which
11 includes neighborhood and RCO input,
12 three sign credits from the removal of
13 three other signs. In addition, a sign
14 cannot be converted to digital if it's
15 500 feet within another digital sign or
16 the sign faces a residential district
17 within 1,000 feet of that digital
18 converted sign.

19 So in short, that's what the
20 bill does, and it's been a fair bill
21 under a process that's been long and
22 complicated. So I think if we walk out
23 of here with all sides not real happy, I
24 think we've done our job in the sake of
25 good policy for the City for years to

1 11/12/13 - RULES - BILL 130590, etc.
2 come.

3 So thank you, Mr. Chairman.

4 COUNCILMAN GREENLEE: Thank
5 you, Councilman. Again, thank you for
6 the work you've done on this.

7 Before we hear from Mr. Kramer,
8 any other questions or comments from the
9 Committee?

10 (No response.)

11 COUNCILMAN GREENLEE: I'm sure
12 we'll have some as time goes on.

13 Mr. Kramer, please start.
14 Thank you.

15 MR. KRAMER: Good morning,
16 Chairman Greenlee, members of the Rules
17 Committee. I am Williams Kramer,
18 Division Director of the Development
19 Division of the Philadelphia City
20 Planning Commission. I am here today to
21 testify on Bill No. 130656 introduced
22 into City Council September 26th, 2013 by
23 Councilmember Henon.

24 Bill No. 130656 amends the
25 Philadelphia Zoning Code by establishing

1 11/12/13 - RULES - BILL 130590, etc.
2 a new comprehensive set of zoning
3 controls for non-accessory advertising
4 signs. Most significantly, the
5 legislation prohibits the erection or
6 construction of new billboards in any
7 location, but allows the conversion of
8 existing billboards to a digital format
9 in certain "Digital Billboard Districts."
10 The bill allows for one digital
11 conversion in an approved Digital
12 Billboard District for every two
13 billboards removed. Additional changes
14 to the existing billboard zoning controls
15 include adjustments to existing spacing
16 standards from other non-accessory signs
17 and land uses, the establishment of new
18 standards for digital billboards
19 governing size, display time, change time
20 between messages, and brightness.

21 It is our understanding that
22 the discussions with various stakeholders
23 are ongoing and that amendments to the
24 bill are being prepared. We believe it
25 is important to maintain the two-to-one

1 11/12/13 - RULES - BILL 130590, etc.
2 cap and replace ratio and to establish
3 reasonable brightness standards. Because
4 the amendments are currently in progress,
5 the City Planning Commission has yet to
6 make a final recommendation on Bill No.
7 130656.

8 We wish to thank Councilman
9 Henon and his staff for engaging us in
10 the discussion to date and look forward
11 to continuing to work together on this
12 important piece of legislation.

13 That concludes my testimony.
14 If you have any questions, I'll be happy
15 to try to answer.

16 COUNCILMAN GREENLEE: Thank
17 you, Mr. Kramer. And I think those
18 issues that you talk about are being
19 still -- have been addressed in some
20 amendments too, as you said.

21 Are there any particular
22 questions for Mr. Kramer?

23 (No response.)

24 COUNCILMAN GREENLEE: No other
25 questions for Mr. Kramer?

1 11/12/13 - RULES - BILL 130590, etc.

2 Thank you very much, sir.

3 Ms. Marconi -- now, what we're
4 going to do is call people in panels, and
5 here's what I would ask, because we have
6 a number of people who would like to
7 testify and, as I said, there is a
8 Committee of the Whole that's coming up
9 early this afternoon.

10 If you have written testimony,
11 please submit it and just don't sit there
12 and read it. We would ask you to
13 summarize that written testimony. And I
14 would ask whatever verbal testimony you
15 give, please try to be as brief as
16 possible. I don't want to set limits
17 yet, but if it looks like we're going too
18 long, I'm going to have to set a time
19 limit. So thank you for your
20 cooperation.

21 Ms. Marconi.

22 THE CLERK: George Kroculick
23 and Stephanie Kosta.

24 COUNCILMAN GREENLEE: Are
25 either here?

1 11/12/13 - RULES - BILL 130590, etc.

2 Please come up.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN GREENLEE: Good
6 morning. Please identify yourself for
7 the record and proceed in whatever order
8 you'd like. And, again, have we gotten
9 written testimony from both of you?

10 MS. KOSTA: Yes.

11 COUNCILMAN GREENLEE: Okay.
12 So, again, that will be made part of the
13 record, and please summarize your written
14 statements. Go ahead, please proceed.

15 MS. KOSTA: Good morning. I am
16 Stephanie Kosta of Duane Morris and this
17 is my partner, George Kroculick. We are
18 here to speak on behalf of the outdoor
19 advertising industry. Our partner, Alan
20 Kessler, regrets that he cannot be here
21 this morning. He is in New York on a
22 matter that couldn't be rescheduled.

23 Members of the industry are
24 present today to show their extreme
25 interest in these code revisions. If

1 11/12/13 - RULES - BILL 130590, etc.
2 they could please stand, I would like to
3 introduce Barbara Bridge from Clear
4 Channel; Charlie Fertonardo and Karen
5 Ehrlich from CBS Outdoor; Leslie Gerstein
6 and Steve Gorlechen from Steen Outdoor;
7 Dominick Cipollini and Joe Felici from
8 Keystone Outdoor.

9 On behalf of the outdoor
10 industry, we would like to thank
11 Councilman Henon and his staff for their
12 tireless work in drafting a complete
13 overhaul of the Zoning Code as it relates
14 to outdoor advertising. The Committee
15 should know that what is before you
16 represents almost a year of collective
17 negotiation between community groups, the
18 Administration, the industry, other
19 stakeholders, and Councilman Henon's
20 office, and for those Herculean efforts,
21 we are very grateful. We've often
22 disagreed, and still do on many issues,
23 but we were given every opportunity to be
24 heard and address our concerns.

25 In the past year, the people

1 11/12/13 - RULES - BILL 130590, etc.
2 you see before you and the community
3 groups that you will hear from have
4 invested countless hours seeking
5 solutions to problems presented by a
6 Zoning Code that had not been revised for
7 40 years. As the Committee members know,
8 all stakeholders have been vocal, and
9 many of you have received visits and
10 phone calls from the interested parties.

11 We have heard -- we will hear
12 today, I'm sure, from people who are
13 concerned about outdoor digital
14 advertisement. In addition to creating
15 more revenue for the City from fewer
16 signs, digital billboards are used for
17 essential public services. Just to name
18 a few examples, digital billboards were
19 able to disseminate important public
20 information during Hurricane Sandy and
21 have resulted in the capture of many from
22 the FBI Most Wanted List. Using digital
23 to aid the FBI was a concept developed
24 right here in the City of Philadelphia by
25 Barbara Bridge from Clear Channel. And

1 11/12/13 - RULES - BILL 130590, etc.
2 last year during the voter ID
3 controversy, digital billboards were used
4 to communicate important last-minute
5 information about voting.

6 Our extreme gratitude to this
7 Committee and Councilman Henon
8 notwithstanding, we are cognizant that
9 many painful compromises must be made to
10 satisfy, or at least make equally
11 unhappy, all interested parties for the
12 good of the City of Philadelphia. You
13 will hear from community groups who will
14 speak about the different demands of
15 their constituencies, and we agree that
16 those constituents are important voices
17 in Philadelphia. But let us not forget
18 that the outdoor advertising industry,
19 including hundreds of workers directly
20 employed by the industry and the majority
21 of whom are Philadelphia residents, the
22 hundreds more employed by this industry
23 through subcontracting, the community
24 services provided by the outdoor industry
25 but last, but not least, the millions of

1 11/12/13 - RULES - BILL 130590, etc.
2 tax revenue to the City that is provided
3 by this industry. These are also very
4 important elements of our fine city.

5 We should note for the record
6 that we are not totally happy with this
7 bill. As my colleague Mr. Kroculick will
8 discuss in greater detail, this bill
9 contains provisions with which the
10 outdoor advertising industry is very
11 unsatisfied with. As you will hear, the
12 bill eliminates the ability for any new
13 signs at all to be erected in the City.
14 This is a provision we fundamentally
15 disagree with. It severely hampers our
16 ability to convert signs to digital and
17 is extremely costly to the industry as a
18 whole. It proposes not only an increased
19 licensing fee, but this licensing fee
20 jumps 604 percent, from \$50 a year, \$250
21 over five years, to now 1,575, \$1,575, in
22 addition to an increased excise tax rate.

23 But the industry understands
24 something that perhaps the groups that
25 may testify here today representing

1 11/12/13 - RULES - BILL 130590, etc.
2 certain segments of the City population
3 does not. The City of Philadelphia is
4 facing significant fiscal challenges. We
5 understand that in the final calculation,
6 there is really only so much Council can
7 do traditionally. Council can cut
8 services or increase taxes, an extremely
9 painful choice. But there is a third
10 choice, the creative one, one that boosts
11 the City's revenue. Members of this
12 Council have been seeking creative
13 solutions, including the potential sale
14 of PGW, advertising on the City property
15 or, in this current matter, a Zoning Code
16 that does not stifle the ability of the
17 outdoor advertising industry to operate
18 but would increase revenue to the City.
19 In the end, outdoor advertising and the
20 extremely modest expansion of digital is
21 an easier pill for the people to swallow
22 than the cutting of services or higher
23 basic taxes. In the end, you might not
24 like digital advertising. You might not
25 like billboards. You might not like

1 11/12/13 - RULES - BILL 130590, etc.
2 selling City assets, but we know that no
3 Councilperson wants to cut essential City
4 services, and no one wants to have to
5 raise basic City taxes.

6 MR. KROCULICK: Good morning.
7 My name is George Kroculich. I'm
8 Stephanie's partner.

9 We appreciate what Councilman
10 Henon has worked towards. This bill,
11 which had to take into account a plethora
12 of interlocking codes, overlay districts,
13 loud and distant voices and have them
14 coalesce into the bill and the amendments
15 you see before you, was, as Stephanie
16 said, a Herculean task.

17 We understand the compromises
18 on a number of issues in this new Zoning
19 Code. For example, maintenance of signs
20 now includes the ability to fully
21 maintain and, when necessary, replace the
22 foundation. This is a change that better
23 promotes public safety. We understand
24 the compromise on the maximum lighting
25 level called nits. We understand the

1 11/12/13 - RULES - BILL 130590, etc.
2 compromise on sign embellishment and on
3 which streets signs should be viewed
4 from. While not nearly what the industry
5 would like, these compromises are
6 something we will have to live with.

7 Unfortunately, there are a
8 number of provisions with which we must
9 take issue.

10 First, on behalf of the
11 industry, we cannot, do not, will not
12 support the ban on signs, the
13 exclusionary ban on no signs. We believe
14 this exclusionary zoning is stifling to
15 the industry, it's anti-competitive,
16 would exclude new companies from entering
17 the market, and we, therefore, object to
18 this concept.

19 Secondly, the excise tax is
20 improper. This issue has been litigated,
21 and we believed and still believe that
22 such a tax is unconstitutional. But as
23 we have in the past under protest and
24 without waiving our legal rights, we have
25 and expect to continue paying this tax.

1 11/12/13 - RULES - BILL 130590, etc.

2 Finally, the licensing fee.

3 While we understand a reasonable increase
4 in these demanding economic times, simply
5 stated, a 604 percent increase is
6 arbitrary and unreasonable. No other
7 industry in this city has seen such an
8 increase.

9 All of this in spite of the
10 fact that according to a study by
11 Econsult, a nationally known group of
12 economists based here in Philadelphia,
13 the outdoor advertising industry pays
14 over \$4 million directly to the City in
15 excise taxes, property taxes, business
16 privilege taxes, wage and other taxes.

17 In conclusion, we are hopeful
18 that by establishing this new code
19 language in clear and easy-to-understand
20 language, the rules will be plain,
21 obvious, and logical, resulting in a
22 great reduction in the amount of wasteful
23 and costly litigation instigated by
24 certain special interest groups.

25 Are we as an industry happy?

1 11/12/13 - RULES - BILL 130590, etc.

2 No. But we understand the need for
3 compromise legislation. And isn't it the
4 very definition of a compromise, as the
5 Councilman said, that no one in this room
6 will be happy at the end of the day?

7 Thank you very much for your
8 time and your efforts.

9 COUNCILMAN GREENLEE: Thank you
10 both. I want to state for the record --
11 and I just verified this with the
12 sponsor, Councilman Henon -- we are still
13 looking at that licensing fee. So that
14 is certainly not in stone by any stretch,
15 and if this Committee decides to report
16 this bill out today with all the
17 amendments we've already done, that still
18 does not mean there cannot be some
19 further amendments before it's passed by
20 the full City Council. Just so everybody
21 understands. But that license fee is
22 something we're still looking at.

23 MR. KROCULICK: Thank you.

24 MS. KOSTA: Thank you.

25 COUNCILMAN GREENLEE: Any

1 11/12/13 - RULES - BILL 130590, etc.

2 questions for either of these witnesses?

3 Councilwoman Tasco.

4 COUNCILWOMAN TASC0: Good

5 morning.

6 MS. KOSTA: Good morning.

7 COUNCILWOMAN TASC0: Could you

8 tell me what would be the ideal solution

9 that you would propose for the whole

10 billboard issue?

11 MS. KOSTA: For the whole

12 billboard issue?

13 COUNCILWOMAN TASC0: Relative

14 to this bill.

15 MS. KOSTA: I think that the

16 industry is a member of this community,

17 so we certainly understand reasonable

18 regulations. The concerns we always have

19 are concerns that would negatively affect

20 our industry disproportionately, like the

21 licensing fee. The licensing fee itself,

22 that 605 percent increase, would severely

23 impact all the companies in the industry

24 and make it very, very hard to operate --

25 to continue operations and to continue to

1 11/12/13 - RULES - BILL 130590, etc.

2 employ the people we employ and pay the
3 \$4 million in taxes a year that we pay.

4 COUNCILWOMAN TASCO: Are there
5 restrictions on where new billboards can
6 be placed now?

7 MS. KOSTA: No new
8 billboards -- under this bill, no new
9 billboards can go up in the City of
10 Philadelphia.

11 COUNCILWOMAN TASCO: Without
12 this bill, presently.

13 MS. KOSTA: Without this bill,
14 there are -- yes. There's distance
15 restrictions from residential, from other
16 billboards. There are a series of
17 different regulations that do regulate
18 where a new billboard could go, while
19 still allowing billboards to be erected.

20 COUNCILWOMAN TASCO: You talk
21 about the amount of money that the
22 billboard advertising industry pays the
23 City, \$4 million. Under this new --
24 under the new bill, does this increase or
25 would it decrease?

1 11/12/13 - RULES - BILL 130590, etc.

2 MS. KOSTA: Right now the
3 licensing fee initially would obviously
4 increase the revenue, but as companies
5 would have to balance the economics, you
6 know, you might see companies not being
7 as profitable if we have to pass those
8 costs on or if we have to modify our
9 business practices. As the revenue of
10 the industry goes down, it won't matter
11 what the licensing fee is. So it's a
12 push and pull, like anything. You can
13 put a fee up so high that it cripples the
14 industry, and then the revenue coming out
15 of that industry and the taxes coming out
16 of that industry will diminish and fall.

17 So right now the licensing fee
18 is so very high that we think that it
19 would have a negative impact over all the
20 industry and would actually push down the
21 amount of revenue coming into the City.
22 A reasonable increase -- and we have
23 spoken about reasonable increases -- the
24 industry understands that the City does
25 need that, and there are several

1 11/12/13 - RULES - BILL 130590, etc.
2 conversations. One was 15 to 20 cents
3 per square foot, which would be,
4 depending on the size of the board,
5 between 130 and 180 per board. So about
6 half of what it is being asked for now.
7 I think that the industry may be able to,
8 under certain circumstances, absorb that
9 and continue to be profitable and
10 continue to increase revenues to the
11 City. But not at \$1,575 for five years
12 per billboard.

13 COUNCILWOMAN TASCO: Thank you.

14 COUNCILMAN GREENLEE: Thank
15 you.

16 Before I recognize Councilman
17 Henon, I just do want to note, I know
18 Mr. -- I'm sorry. I'm going to --

19 MR. KROCULICK: Kroculick.

20 COUNCILMAN GREENLEE: --
21 Kroculick, in your testimony you say
22 while not nearly -- you talk about the
23 compromises and then you say while not
24 nearly what the industry would like,
25 these compromises are something we have

1 11/12/13 - RULES - BILL 130590, etc.
2 to live with. Well, there are some of
3 what you're calling compromises that is
4 what the industry wanted, correct?

5 MR. KROCULICK: Yes.

6 COUNCILMAN GREENLEE: Okay. So
7 it's not like you have to live with them.
8 You got them, right, in all fairness?

9 MR. KROCULICK: Well --

10 COUNCILMAN GREENLEE: Like, for
11 example, the maintenance of signs.

12 MR. KROCULICK: The maintenance
13 of signs seems like -- to tell you the
14 truth, that seems like a no-brainer for
15 the City and for everyone in the City,
16 because now you maintain signs to make
17 sure they don't fall down.

18 COUNCILMAN GREENLEE: And I
19 agree --

20 MR. KROCULICK: Whereas
21 previously, that was prohibited.

22 COUNCILMAN GREENLEE: And I
23 agree with you, but that's what you
24 wanted, right?

25 MR. KROCULICK: Absolutely.

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN GREENLEE: Okay.

3 All right.

4 MR. KROCULICK: I think
5 everyone wants that.

6 COUNCILMAN GREENLEE: But in
7 all fairness -- and, you know, I
8 understand you have concerns. I
9 understand your concerns, but it's not
10 like everything you compromised on. Some
11 things you got.

12 MR. KROCULICK: Mr. Chairman,
13 you're absolutely right. As we said, we
14 had a voice. Our voice was heard, and we
15 greatly appreciate it.

16 COUNCILMAN GREENLEE: All
17 right. I just want to note that there
18 were things that are in here which was at
19 the request of the industry, correct?

20 MR. KROCULICK: Yes.

21 COUNCILMAN GREENLEE: Obviously
22 not everything, as you're detailing.

23 MR. KROCULICK: Correct.

24 COUNCILMAN GREENLEE:

25 Councilman Henon.

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN HENON: Thank you,
3 Chairman.

4 Again, I just want to thank you
5 for coming, but I want to speak to the
6 ongoing conversations that we have when
7 it comes to licensing fee. So if we
8 increase the licensing fee, as we have
9 been discussing, there's been various
10 ways that we can measure how and what is
11 appropriate to administrate an increase
12 for license fees, whatever that may be,
13 but wouldn't that be an additional
14 revenue to the City? You talk about the
15 City losing revenue as opposed to an
16 increase in the license fee. In fact, we
17 would be gaining.

18 MS. KOSTA: Right. Yes. An
19 increase in a licensing fee, a reasonable
20 increase in a licensing fee, will gain
21 revenue. The issue is one of economics.
22 Like if you raise taxes so much,
23 people -- if you raise employment taxes X
24 amount, people will start dropping out of
25 the workforce, because they'll say,

1 11/12/13 - RULES - BILL 130590, etc.

2 What's the use of me working? So then
3 you'd lose that person paying taxes. So
4 if you increase fees so high that the
5 industry suffers and can't become
6 profitable, you'll see dropouts, and then
7 no matter how high the fees are, you'll
8 lose revenue. But a reasonable fee
9 increase will absolutely add to the
10 revenue of the City.

11 COUNCILMAN HENON: So those
12 conversations will continue and an
13 amendment will be forthcoming as per an
14 agreement that it's made by all parties
15 for a reasonable increase of the license
16 fee over five years. And I just want
17 to -- over five years, you had mentioned
18 the aggregate would be \$1,500. So it may
19 not be to that extent, but there will be
20 an increase in license fee to
21 administrate the new regulations set
22 forth in this piece of legislation.

23 I also want to ask -- you say
24 \$4 million in revenue to the City of
25 Philadelphia. What is the breakdown of

1 11/12/13 - RULES - BILL 130590, etc.
2 the sales tax, the percent that each face
3 or board is --

4 MR. KROCULICK: We provided 20
5 copies of that Econsult report that we
6 mentioned. I believe the --

7 COUNCILMAN HENON: Do you have
8 an estimate?

9 MR. KROCULICK: I think the
10 actual excise tax, if you cut it out of
11 the rest of the taxes, I think is around
12 two and a half million.

13 COUNCILMAN HENON: So that two
14 and a half million -- and the excise tax,
15 you're talking about the sales tax?

16 MR. KROCULICK: The billboard
17 tax.

18 COUNCILMAN HENON: Seven
19 percent, 8 percent?

20 MR. KROCULICK: That was at 7
21 percent, and that was almost two years --
22 well, that was a year and a half ago too.
23 So that was probably before some
24 additional digitals, which, of course,
25 add to the tax revenue.

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN HENON: Okay. So
3 two and a half million dollars at 7
4 percent.

5 MR. KROCULICK: I think that's
6 right.

7 COUNCILMAN HENON: Which is the
8 billboard tax.

9 MR. KROCULICK: Yes.

10 COUNCILMAN HENON: And my last
11 question is regulations. Having
12 regulations more clear and compromise,
13 what does that do to the industry? Does
14 that give you a better framework for the
15 industry to run its business?

16 MS. KOSTA: Absolutely.

17 MR. KROCULICK: Absolutely. I
18 can tell you as the person that's
19 often -- one of the people on behalf of
20 the industry that's often in front of the
21 Zoning Board, the clearer the
22 regulations, the easier it is for
23 everybody concerned to proceed.
24 Absolutely.

25 COUNCILMAN HENON: So clearer

1 11/12/13 - RULES - BILL 130590, etc.
2 for --

3 MR. KROCULICK: You've made a
4 great start.

5 COUNCILMAN HENON: Clearer for
6 the industry, clearer for the enforcement
7 agencies of the City of Philadelphia, and
8 clearer for the residents and the
9 citizens of Philadelphia.

10 MR. KROCULICK: I absolutely
11 agree with you.

12 COUNCILMAN HENON: Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 Any other questions?

16 (No response.)

17 COUNCILMAN GREENLEE: Thank you
18 both. Thank you both for the work you've
19 done.

20 COUNCILWOMAN TASCO: Let me
21 just have a question for the record.

22 COUNCILMAN GREENLEE:
23 Councilwoman Tasco.

24 COUNCILWOMAN TASCO: I happen
25 to like digital signs, and so if in a

1 11/12/13 - RULES - BILL 130590, etc.
2 residential area -- because I see where
3 the signs cannot be converted to digital
4 or relocated -- could you go to the
5 Zoning Board and get a variance if you
6 get support from the community to put a
7 digital sign and take a wall sign down or
8 some other sign down?

9 MR. KROCULICK: First of all,
10 let me say that I a hundred percent agree
11 with you. I like digital signs too. You
12 mean -- under today's law, yes. The only
13 way to get a digital -- well, if you're
14 asking about -- are you asking me about
15 under today without this bill?

16 COUNCILMAN GREENLEE: No. I
17 think she means under the new bill.

18 MR. KROCULICK: Under the new
19 bill?

20 COUNCILWOMAN TASCO: Right.

21 MR. KROCULICK: Yes. We'd need
22 to get community support. Absent a
23 digital zone, if it's not in a digital
24 zone -- and we don't know what those look
25 like as of today -- if it's not in a

1 11/12/13 - RULES - BILL 130590, etc.
2 digital zone and it meets all the other
3 requirements, we would have to go and get
4 the community involved and get an
5 approval I believe via a special
6 exception from the ZBA.

7 MS. KOSTA: There's also a
8 take-down requirement in residential
9 areas.

10 COUNCILWOMAN TASCO: I'm sorry?

11 MS. KOSTA: There's a take-down
12 requirement in residential areas in the
13 new bill. So there would -- if you
14 wanted to put up a digital, you would
15 have to go to the community, get the
16 special variance, and then do the certain
17 amount of take-down. Now, the good news
18 about that is, there is an economic push
19 in there. No digital company is going to
20 go and do all those requirements and do
21 take-downs if the new digital board won't
22 produce more revenues, and that's more
23 taxes to the City of Philadelphia. And
24 the community is going to be able to make
25 that judgment, do we want to get rid of X

1 11/12/13 - RULES - BILL 130590, etc.
2 amount of signs in order to have this --
3 in order to have one board that's
4 digital. So the community gets a voice
5 too. So there's a nice balance there
6 that will help the industry and the
7 community groups regulate digital in
8 residential zones.

9 COUNCILMAN GREENLEE: It sounds
10 like you like that part, right?

11 MS. KOSTA: Well, we'd like
12 lower take-down credits obviously. We
13 would really love the ability to do a
14 community credit or something of that
15 sort. We think that that would be much
16 more beneficial to the communities and
17 would focus on the communities themselves
18 that are receiving the boards, because
19 the revenue itself goes to the City as a
20 whole. If we did a community credit, we
21 could focus on the specific community and
22 give that back directly to that
23 community, you know, but we do understand
24 that we want reasonable -- we definitely
25 want voice in residential and we want

1 11/12/13 - RULES - BILL 130590, etc.
2 reasonable restrictions in residential.

3 MR. KROCULICK: And Stephanie
4 is misspeaking when she says in
5 residential. Clearly, those billboards
6 are not permitted in residential. She
7 means near residential.

8 MS. KOSTA: Yes. Excuse me. I
9 meant non-digital zones. They'd still
10 have to be 500 feet from residential.
11 They'd still have to go with all the
12 requirements. Thank you very much. But
13 anywhere near the community -- the
14 digital zones as conceived of would be
15 near highways. They're not set forth,
16 but the non-Digital Conversion Zones
17 would require that higher take-down and
18 the community involvement.

19 COUNCILMAN GREENLEE: Okay.
20 Thank you both. Thank you.

21 Ms. Marconi, our next panel.

22 Hold on one second. I'm sorry.
23 I didn't see your light, Councilman.

24 COUNCILMAN HENON: I just want
25 to see if you can clarify. So the

1 11/12/13 - RULES - BILL 130590, etc.

2 digital zones would -- and it's for more
3 of this panel and for those here.

4 So the digital zones, once
5 defined by District Councilmembers, would
6 allow digital conversions by-right, under
7 certain terms and conditions. So right
8 now outside a digital zone or if you
9 wanted to convert a static board to a
10 digital board, what are the restrictions
11 that are currently in place?

12 MR. KROCULICK: Today?

13 COUNCILMAN HENON: Yes.

14 MR. KROCULICK: Today, if we
15 were to convert and it met all of the
16 distance requirements, there's a -- well,
17 today the policy has changed, but until
18 recently, it was an over-the-counter
19 permit to change from a static to a
20 digital, assuming all of the distance
21 requirements were met.

22 COUNCILMAN HENON: Distance
23 requirements similar to the ones that we
24 have in the bill here?

25 MR. KROCULICK: Yes.

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN HENON: Close to
3 residential.

4 MR. KROCULICK: Less
5 restrictive than what's in this bill.

6 COUNCILMAN HENON: Okay.
7 Great. So there is a process and there
8 are buffers to protect residents, and
9 there is an appeals process and a
10 community input process currently and
11 there will be in this piece of
12 legislation; is that correct?

13 MR. KROCULICK: Yes.

14 COUNCILMAN HENON: Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Any other questions?

18 (No response.)

19 COUNCILMAN GREENLEE: Once
20 again, thank you.

21 Ms. Marconi.

22 THE CLERK: Rob Kettell,
23 Roseanne Adams, and Dr. Tully Speaker.

24 COUNCILMAN GREENLEE: As you're
25 approaching, I would emphasize, in the

1 11/12/13 - RULES - BILL 130590, etc.
2 interest of time, I would appreciate your
3 comments be as brief. We want to hear
4 what you have to say, but please try to
5 make them as brief as possible.

6 (Witnesses approached witness
7 table.)

8 COUNCILMAN GREENLEE: Mr.
9 Kettell, your name was called first. If
10 you'd like to go first, please. Please
11 speak into the microphone too, please.
12 Since we have your testimony, please
13 summarize. The first two witnesses
14 apparently didn't hear what I said. So
15 if you could summarize your statements,
16 I'd appreciate it. Thank you.

17 MR. KETTELL: My name is Robert
18 Kettell, K-E-T-T-E-L-L. I appreciate the
19 opportunity to offer a couple of
20 amendments to the bill. I understand a
21 more elaborate set of amendments has
22 already been submitted, which I didn't
23 have a chance to review until this
24 morning. So some of my suggestions here
25 I will take off the list.

1 11/12/13 - RULES - BILL 130590, etc.

2 I'd like to concentrate on my
3 proposed suggestions.

4 On the conversion to a digital,
5 the Digital Billboard Districts, we have
6 currently almost a Digital Billboard
7 District in the Market Street East area.
8 I would suggest that the bill include
9 that one and eliminate other Digital
10 Billboard Districts until we've had the
11 chance to play out the current district
12 and see how things are working and give
13 this a chance to take a run on its own.

14 I thought I was making a
15 correction on the 500 foot spacing
16 between digital billboards, had left out
17 the 500 foot spacing on non-digital
18 billboards, but I understand the
19 amendment that was offered has now
20 corrected that. So that has been taken
21 care of.

22 The spacing between signs
23 between other uses, currently it's
24 residential districts and educational
25 facilities. I think we have left out a

1 11/12/13 - RULES - BILL 130590, etc.
2 fairly long list of uses from the
3 existing bill which probably should be
4 put back in. We're trying to promote
5 development along both the Schuylkill and
6 Delaware Rivers, and I think those should
7 be added in to again the protected
8 districts to encourage economic
9 development there. We have left off
10 several scenic and iconic areas -
11 Roosevelt Boulevard, Benjamin Franklin
12 Parkway, parks and whatnot - from the 500
13 foot exclusionary. I think those should
14 be added back in.

15 On the section on municipal
16 billboards, I'm a firm believer in that
17 if you're going to set out rules and
18 regulations for somebody else, you need
19 to be able to comply by those rules and
20 regulations yourself. I think the City
21 needs to lead by example here, and this
22 certainly should be subject to the same
23 rules and regulations that it's imposing
24 upon the billboard industry and not
25 giving themselves an unfair advantage

1 11/12/13 - RULES - BILL 130590, etc.
2 here.

3 And the last of my suggested
4 amendments, I was suggesting that
5 non-conforming signs be removed within
6 five years, but that needs to be
7 corrected. As I understand it,
8 non-conforming signs comprise two
9 categories, those that were grandfathered
10 in -- the rules changed after the sign
11 was put up -- and ones which I am using
12 the term "illegal," which means when they
13 were put up, they didn't conform with the
14 rules and regulations. I think illegal
15 signs should be removed within five
16 years, and the grandfathered ones should
17 be the ones that can be legally
18 maintained.

19 So those are my suggested
20 amendments to the bill.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 Whoever would like to go next.
24 Ms. Adams, your name was called first, so
25 go ahead. Please identify yourself and

1 11/12/13 - RULES - BILL 130590, etc.
2 proceed.

3 MS. ADAMS: My name is Roseanne
4 Stanio Adams. I live in Logan Square and
5 I'm a member of the Logan Square
6 Neighborhood Association.

7 This bill as published removes
8 from the current billboard ordinance the
9 prohibition against placing billboards
10 within Philadelphia's scenic areas,
11 including the historic and iconic
12 Benjamin Franklin Parkway in Councilman
13 Clarke's district. The Inquirer reported
14 this October 5th that the American
15 Planning Association has designated the
16 Benjamin Franklin Parkway as one of the
17 nation's ten great streets. The Parkway
18 was called an iconic boulevard on the
19 scale of the Champs-Elysees, and the
20 award calls it a cultural mecca for
21 museums and institutions that line it.

22 Besides removing the billboard
23 protections for the Benjamin Franklin
24 Parkway and 15 other scenic areas
25 throughout Philadelphia, this bill also

1 11/12/13 - RULES - BILL 130590, etc.
2 adds a new section, a blank reserved
3 section called Digital Billboard
4 Districts, unnamed new Digital Billboard
5 Districts. Where exactly will these
6 unnamed, unidentified, new digital
7 billboards be located, we are not told.

8 Please do not attempt to alter
9 the protective legal status and the
10 special signage controls for the Parkway
11 and the other 15 scenic areas throughout
12 Philadelphia. Please do not change the
13 current 660 foot buffer zone which
14 protects the Parkway and Fairmount Park
15 plans.

16 Thank you very much.

17 COUNCILMAN GREENLEE: Just
18 before Dr. Speaker speaks, Ms. Adams,
19 just to clarify one thing you said. You
20 said we don't know where those conversion
21 districts will be.

22 MS. ADAMS: They're not
23 designated in here.

24 COUNCILMAN GREENLEE: I know
25 they're not. I think Councilman Henon

1 11/12/13 - RULES - BILL 130590, etc.
2 said in the beginning they will be done
3 by ordinance. So that would mean they
4 would be introduced, there would be a
5 public hearing, and you'd be able to
6 comment on them.

7 MS. ADAMS: Yes. May I ask a
8 question then? When you say that you're
9 not adding any additional billboards but
10 you're adding unspecified Digital
11 Billboard Districts later in the future,
12 how do you say that you're not adding any
13 additional billboards?

14 COUNCILMAN GREENLEE:
15 Councilman Henon.

16 COUNCILMAN HENON: Thank you
17 for your testimony. And just to clarify,
18 the digital zones, conversion zones,
19 would be for conversions only. There
20 will be no new billboards erected in the
21 City of Philadelphia if this ordinance
22 is -- if Council sees fit to pass this
23 ordinance. So there will be no new
24 billboards in the City of Philadelphia.
25 Conversion zones would most likely take

1 11/12/13 - RULES - BILL 130590, etc.
2 place near highways, but that would be up
3 to the District Councilpersons'
4 prerogative or choice whether they want
5 to have one. They can choose not to have
6 one. But it would be for conversions
7 only of an existing board. So if there
8 are none now, there won't be in the
9 future.

10 COUNCILMAN GREENLEE:

11 Dr. Speaker, please identify yourself.

12 DR. SPEAKER: Good morning,
13 ladies and gentlemen. My name is Tully
14 Speaker. I'm here today to speak in
15 opposition to Bill 130656 because it
16 changes zoning regulations for
17 non-accessory signs, commonly known as
18 billboards, and more particularly, as it
19 affects the use of light-emitting diodes
20 in such signage.

21 More specifically, I oppose the
22 legalizing of all existing billboards
23 regardless of whether or not the
24 billboard conforms to code or is
25 currently illegal, because such

1 11/12/13 - RULES - BILL 130590, etc.
2 legalizing would deny people and
3 community groups the means to get rid of
4 what are now illegal or non-conforming
5 and/or nuisance signs.

6 I oppose the bill because it
7 permits existing billboards to be made
8 larger, built higher and, thus, first, to
9 more easily encroach or trespass visually
10 on people's living areas or their work
11 spaces and, secondly, because the
12 introduction of LED displays brings in a
13 far more distracting kind of signage than
14 stable signs are. It is almost
15 impossible to avoid noticing and
16 responding to, responding one way or
17 another, to a digital sign. It catches
18 your attention.

19 I oppose this bill because it
20 does away with the protection against
21 intrusive or visually blocking signs in
22 the 16 unspecified areas, most of which
23 are of cultural and aesthetic importance,
24 I would assume, and I live near the
25 Benjamin Franklin Parkway. I would like

1 11/12/13 - RULES - BILL 130590, etc.
2 to see the Benjamin Franklin Parkway
3 protected from anything that changes the
4 calm majesty of that wonderful area.

5 I oppose the bill because
6 having large signs nearby is -- and 500
7 feet is about one block. I think that's
8 nearby -- is likely to lower property
9 values in the adjacent neighborhood or
10 the communities around that area, and it
11 serves as a strong disincentive to owning
12 or developing commercial properties. I
13 ask you to consider what effect large
14 billboards, especially large LED animated
15 billboards, would have on property values
16 if they were erected in Rittenhouse
17 Square or in Washington Square. Those
18 properties would immediately become much
19 less valuable, because the signs have a
20 nuisance value which opposes ordinary
21 use.

22 I oppose the bill also because
23 it opens the door to widespread erection
24 of LED signage. Essentially all of the
25 major -- all of the billboards in town

1 11/12/13 - RULES - BILL 130590, etc.
2 could be converted to LEDs. These compel
3 attention because they rapidly change.

4 I oppose this bill because,
5 simply said, the more blinking signs a
6 place has, the more junky it looks. I
7 know that the signs aren't supposed to
8 not blink, but I don't know a better way
9 to describe this. If you can find a
10 better word than blinking, please use it.

11 Thank you for your attention.

12 COUNCILMAN GREENLEE: Thank
13 you.

14 Seeing no questions, thank you
15 all very much. Thank you for coming.

16 Ms. Marconi, our next set of
17 witnesses.

18 THE CLERK: James Wright, John
19 Struble, Peter Kendzierski.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN GREENLEE: Please,
23 Mr. Wright, why don't you start. Please
24 identify yourself and proceed.

25 MR. WRIGHT: Good morning. My

1 11/12/13 - RULES - BILL 130590, etc.
2 name is James Wright. I am a commercial
3 corridor manager for People's Emergency
4 Center. We are a member of PACDC,
5 Philadelphia Association of Community
6 Development Corporations, which is an
7 association of over a hundred
8 organizations, 50 of them which are CDCs.
9 I'm here to testify or comment on Bill
10 No. 130656.

11 Just to summarize, we are
12 concerned because billboards can be
13 unsightly, reduce property values, and
14 hamper community revitalization. We urge
15 you to consider some changes or
16 amendments to the bill which will allow
17 for more community input and also think
18 about how we can create some shared goals
19 in protecting homeowners, small
20 businesses, and supporting community
21 revitalization.

22 The first recommendation is to
23 amend the bill to prohibit billboards on
24 rooftops or side of vacant or blighted
25 buildings or on any parcels that are

1 11/12/13 - RULES - BILL 130590, etc.
2 vacant or blighted. These billboards on
3 such structures or in such places allow
4 for speculators to just sit on the
5 properties and collect significant
6 revenue without rehabilitating the
7 structures, and also they propose a
8 safety concern, because if the structures
9 are vacant or unmaintained, they could
10 fall and so forth. But speculators will
11 sit until they wait for their payday
12 instead of developing and revitalizing
13 our corridors.

14 Our second recommendation is
15 about billboards first on commercial
16 corridors, because storefront owners have
17 to go through a number of different
18 requirements to get their signage. We
19 pass zoning codes to change the signage
20 regulations, and they have fees and other
21 concerns that they have to contend with,
22 and we feel that those same rules should
23 apply to the billboard industry, mainly
24 because those billboards compete for the
25 eyes of shoppers on commercial corridors.

1 11/12/13 - RULES - BILL 130590, etc.

2 And so if they're looking up, they're not
3 looking down, and that decreases the
4 revenue of our small business owners on
5 our commercial corridors in the
6 neighborhood.

7 Our other concern is with the
8 height limit. The height limit has been
9 increased to 45 feet above the roadway,
10 but there isn't any kind of detail in the
11 proximity of the billboard to that
12 roadway. So you could have a billboard
13 that is way out into a residential area,
14 way up above that residential area or its
15 surrounding environment just so that it
16 can target, say, the deck of the Ben
17 Franklin Parkway. So we propose that you
18 amend the bill to put a proximity limit
19 in there of 100 feet.

20 So, lastly, we want to just
21 talk about how the proliferation of
22 illegal signs is what actually forced
23 this issue today, and we're concerned
24 with all this matter, because there
25 wasn't enough oversight and enforcement

1 11/12/13 - RULES - BILL 130590, etc.
2 in controlling the level of signage that
3 went into place. So we think that we
4 should really get a handle on it. The
5 City should propose an amendment to get a
6 handle on that enforcement issue.

7 And speaking of illegal signs,
8 there should be, we think, a per diem
9 penalty on illegal signs and how long
10 they're up, and then also increase -- we
11 think you should increase the
12 registration fees. L&I took away from
13 the Community Block Grant allocation
14 \$800,000. That's \$800,000 that could be
15 going to community development and
16 housing development programs for some of
17 our most vulnerable citizens. We think
18 that they should look at this other
19 revenue stream to enforce the sign
20 regulations in the neighborhood as
21 opposed to pulling away from vulnerable
22 citizens.

23 Thank you.

24 COUNCILMAN GREENLEE: Thank
25 you.

1 11/12/13 - RULES - BILL 130590, etc.

2 Whoever would like to go next,
3 please identify yourself and proceed.

4 MR. STRUBLE: My name is John
5 Struble. I live and work at 310 North
6 11th Street, and I'm here to talk about a
7 specific detail borne out of our personal
8 experience with a billboard at 1113 Vine
9 Street.

10 COUNCILMAN GREENLEE: Speak a
11 little bit more in the microphone.

12 MR. STRUBLE: In the microphone
13 like this?

14 COUNCILMAN GREENLEE: That
15 helps.

16 MR. STRUBLE: If you look at
17 the maps I provided, we actually live in
18 an industrial-zoned district, but at the
19 same time, within our building we have
20 legally zoned dwellings. Actually, we
21 have five of them within that building.
22 I feel that it is important going forward
23 that rather -- that this bill rather than
24 referring to the residentially zoned
25 districts, it should refer to the

1 11/12/13 - RULES - BILL 130590, etc.
2 residentially zoned dwellings. So in all
3 the categories of distances that they
4 refer to should be referred to that way.
5 I know there's a lot of other
6 neighborhoods in the City of Philadelphia
7 that are zoned industrial where there are
8 people dwelling, and I think that by
9 having billboards near them, it would
10 impact them in a negative way.

11 I look forward to working with
12 you maybe in the future, and thank you
13 very much.

14 COUNCILMAN GREENLEE: Thank
15 you, Mr. Struble. Thank you for your
16 brevity there.

17 Sir, please identify yourself
18 and proceed.

19 MR. KENDZIERSKI: Good
20 afternoon. My name is Peter Kendzierski.
21 I'll be brief. I'd like to thank
22 Councilman Henon and his staff for
23 putting this bill together. I think it's
24 a good, fair bill.

25 I don't represent any group or

1 11/12/13 - RULES - BILL 130590, etc.
2 interests. I'm just a citizen that's
3 directly impacted by a billboard and I'd
4 just like to speak briefly to the impacts
5 it has on the citizens, on residents, the
6 real-world impact, and the importance for
7 clarifying the language of the code.

8 We moved into our home, and the
9 billboard is directly outside of our
10 windows. We moved in there with the
11 knowledge that it was in the Vine Street
12 corridor and a non-conforming billboard
13 that could not be altered or turned
14 digital, but because of inconsistencies,
15 memorandums, and various loopholes in the
16 code, the billboard company received a
17 permit to turn it digital. We're now
18 litigating that, but this kind of speaks
19 to the need for clarifying the code,
20 which I think this bill does well.

21 I have attached two photos of
22 the billboard taken from inside our home
23 to kind of show the severity of our
24 personal situation here.

25 So we're fine with the

1 11/12/13 - RULES - BILL 130590, etc.
2 billboard as is. We're not opposing it.
3 It was there before us, and we claim no
4 rights to views. We live in a city and
5 we love the views from our place, but
6 we're not claiming any view rights.
7 Those are going to be lost at some point
8 in time, as they should be. Things will
9 develop and grow.

10 Our opposition to digital is
11 that the digital sign extends beyond the
12 property lines and will shine light into
13 our home, and the Zoning Code recognizes
14 that, but we're not zoned as a
15 residential district. We're a
16 residential building in a mixed-use
17 industrial district, and that's one of
18 the concerns I have with the bill. But
19 all in all, I do support the bill and
20 think it's a very good addition.

21 And thank you for your time.

22 COUNCILMAN GREENLEE: We
23 appreciate it.

24 Thank you, all three.

25 Mr. Wright, just very quickly,

1 11/12/13 - RULES - BILL 130590, etc.
2 because I know we want to move on. You
3 said about having an increase in the
4 registration fee. I guess you mean the
5 license fee? Is that what you're talking
6 about?

7 MR. WRIGHT: Yeah.

8 COUNCILMAN GREENLEE: And you
9 know this bill does that?

10 MR. WRIGHT: Yeah, but we just
11 think that the registration fee and also
12 a per diem charge for illegal signs.

13 COUNCILMAN GREENLEE: No. I
14 got that part, but the registration fee
15 is increased significantly. In fact, the
16 industry thinks too much.

17 MR. WRIGHT: Well, you know,
18 the signage fees went up for small
19 business owners too.

20 COUNCILMAN GREENLEE: I got
21 you. I'm just saying it did go up.

22 Okay. Thank you all.

23 COUNCILMAN HENON: Chairman?

24 COUNCILMAN GREENLEE: I'm
25 sorry. Councilman Henon.

1 11/12/13 - RULES - BILL 130590, etc.

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

4 I thank you all for coming and
5 I thank you for stopping by my office and
6 getting a lot more clarity on what the
7 bill is. I'm not sure if you read it or
8 if you haven't read it. It sounds like
9 you have. Some people have not. But it
10 certainly adds protections for residents
11 in a clearer way when you were talking
12 about the commercial corridors, and I
13 understand that and I've heard that.
14 There's an opportunity for the conversion
15 for digitals outside the digital zone to
16 take sometimes, and I think that is to
17 try to encourage maybe some non-accessory
18 signs in commercial corridors to come
19 down. I mean, that's their choice, but
20 it provides that opportunity for that to
21 take place.

22 Also, you were talking about
23 the height of some of these signs. The
24 only way that you could increase the
25 height is if they were in a maintenance

1 11/12/13 - RULES - BILL 130590, etc.
2 zone where certain requirements. So
3 there has to be a special exception and
4 then there would be a noise barrier
5 from -- a governmental structure would be
6 the only exception to raise the height of
7 a sign there. And there's also some
8 pretty good community protections, after
9 hearing from a lot of the stakeholders on
10 the grassroots level dealing with
11 abandonment of signs and nuisance signs.

12 So there's a process and
13 there's a way to deal with some of these
14 signs if anybody has issues with them.
15 And also facing the signs. I mean, we
16 absolutely have that in consideration
17 when it comes to the facing of the signs
18 near and towards a residential,
19 especially when it comes to digital.

20 So I appreciate you all for
21 coming in. Thank you.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Thank you all.

25 Ms. Marconi, our next panel.

1 11/12/13 - RULES - BILL 130590, etc.

2 THE CLERK: Lucia Esther,
3 Charles Bode, Jean Gavin.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN GREENLEE: I'm not
7 sure who was called first. Whoever would
8 like to go, please proceed.

9 MS. ESTHER: Good morning,
10 Chairman Greenlee and members of --

11 COUNCILMAN GREENLEE: A little
12 closer to the microphone. Your voice is
13 soft.

14 MS. ESTHER: Good morning,
15 Chairman Greenlee and members of your
16 Rules Committee. My name is Lucia Esther
17 and I'm the Chairman of the West
18 Powelton/Saunders Park RCO. And we found
19 out about this on very short notice, and
20 some of the other speakers have made very
21 good comments, so then I don't really
22 need to read through. But one thing
23 about the process, as the RCOs are made
24 so that people can have more input into
25 what's happening in their territory, why

1 11/12/13 - RULES - BILL 130590, etc.

2 not with the signs also having sort of
3 the same process? We like the idea of
4 could you make a department that would be
5 self-sustaining where you would go in and
6 like L&I, you would make your permit for
7 your signs and then you would have to
8 meet with the neighbors in that
9 particular area that would be affected,
10 and then they could work together on what
11 they would deem as appropriate for their
12 area.

13 And, yes, we would agree that
14 regulations need to be clearer and that
15 the historic districts certainly need to
16 be kept free of the signage. And we
17 would object to legalizing all of the
18 existing billboards, because if they were
19 put up illegally, then they shouldn't be
20 grandfathered in, and those that were
21 grandfathered in in a prior time
22 hopefully would be brought up to the
23 current code. And you talk about once
24 you have a billboard up, then if you want
25 to change its size or the content, then

1 11/12/13 - RULES - BILL 130590, etc.

2 you should go back to another community
3 meeting rather than just changing it.

4 And the fear is digital and moving signs.

5 And then the question of these digital

6 signs being visible from the highways,

7 it's going to be very distracting,

8 especially at the big intersections of

9 bridges and highways. As you saw, that

10 the neighbors are adamant in defeating

11 the Electric Factory, and we were not

12 happy with the Spring Garden Street

13 billboards that were proposed.

14 And the fees make them so that

15 they could be -- the fees collected would

16 be enough to sustain the department so

17 that you wouldn't be taking revenue away

18 from other departments.

19 Okay. Because you're short of

20 time.

21 COUNCILMAN GREENLEE: Thank

22 you.

23 Please identify yourself and

24 proceed.

25 MR. BODE: My name is Charles

1 11/12/13 - RULES - BILL 130590, etc.
2 Bode. I'm a citizen of Philadelphia.
3 I'm testifying about a section of the
4 bill that I was able to obtain marked
5 Section 4, Sign Requirements for a
6 Municipal Property, and under part (a),
7 it refers -- in part the words say "the
8 interest of business and other entities
9 in promoting their product, services, and
10 ideas." And then further under Section
11 (c), it says "no prohibition or
12 regulation of non-accessory signs set
13 forth in this title shall apply to
14 municipal property," which suggests to me
15 that new billboards and signs can appear
16 on City property. I say that the City
17 should not be in the sign business.
18 Signs should be on private property.

19 Non-accessory signs are a
20 public nuisance. Citizens need to have a
21 voice in the location, size, shape, and
22 message. The proposed bill removes a
23 fundamental right of citizens to have a
24 say in matters that affect the value of
25 their homes.

1 11/12/13 - RULES - BILL 130590, etc.

2 Emergency message capability
3 can be a requirement for digital signs on
4 private property. Significant
5 emergencies requiring such capability are
6 years apart, but the population will be
7 bombarded with advertising every day.

8 It appears to me that this bill
9 gives a monopoly to the City on
10 non-accessory, and that is certain to
11 politicize billboard approvals for new
12 ones. It probably is intended to get
13 more campaign contributions.

14 It is --

15 COUNCILMAN GREENLEE: Sir, wait
16 a minute. Come on. Just to make that
17 comment, that's not appropriate, sir.
18 That's not appropriate. Please proceed.

19 MR. BODE: It is ironic that
20 the City considered the birthplace of
21 American liberty now becomes the death
22 place of citizens' rights.

23 Thank you.

24 COUNCILMAN GREENLEE:

25 Ms. Gavin, please identify yourself for

1 11/12/13 - RULES - BILL 130590, etc.
2 the record and proceed.

3 MS. GAVIN: I'm Jean Gavin. I
4 live in the Fox Chase, Northeast section
5 of Philadelphia and I'm a member of the
6 homeowners association.

7 Years ago we replaced the Rhawn
8 Street Bridge. When we did that, we got
9 rid of two billboards and were able to
10 keep them down with the help of SCRUB,
11 Mary Tracy, that is now called Scenic
12 Philadelphia, and Mary Tracy is the
13 President of that.

14 COUNCILMAN GREENLEE: We're
15 well aware of Ms. Tracy, Ms. Gavin.
16 Please go ahead.

17 MS. GAVIN: I'm here today
18 because these two billboards that we got
19 down were the only ones that I was
20 successful with. I've been fighting to
21 keep -- to take down billboards that we
22 had no say and they went up in Fox Chase.
23 And I'm also working with the Planning
24 Commission on Plan Philadelphia 2035, and
25 I don't think putting billboards all over

1 11/12/13 - RULES - BILL 130590, etc.
2 Philadelphia is a good future for 2035.
3 They should be all outlawed.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 Any questions?

7 (No response.)

8 COUNCILMAN GREENLEE: Seeing
9 none, Ms. Marconi.

10 THE CLERK: Herb Lipton, Gina
11 Snyder, Phil Strauss.

12 COUNCILMAN GREENLEE: And while
13 those speakers are coming up, I have to
14 put on the record, there was a lot of
15 work put in on these bills. People can
16 disagree, but to make a comment that it's
17 about political contributions is totally
18 inappropriate. It's a total insult to
19 the people who have done a heck of a lot
20 of work on this. And I'll just leave it
21 at that.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN GREENLEE: Whoever
25 would like to start, please proceed.

1 11/12/13 - RULES - BILL 130590, etc.

2 MS. SNYDER: Good morning. My
3 name is Gina Snyder. I'm the Director of
4 the East Falls Development Corporation.
5 I'm here to testify on Bill No. 130656.

6 First, I support the position
7 of PACDC, of which we are a member.

8 Secondly, billboards can be
9 unattractive and reduce property values,
10 but the reality is that they are here to
11 stay. One goal of this legislation
12 should be to minimize their effect on
13 residential properties and commercial
14 corridors. We urge you to amend the bill
15 to protect them.

16 In one fell swoop, this bill
17 legalizes billboards that were put up
18 without proper legal permits. These are
19 the billboards under agreement between
20 the City and the billboard industry, the
21 billboard that Councilman Henon has
22 kindly mapped for us.

23 There is a billboard at the
24 gateway of the East Falls Riverfront
25 Business District that sits within 200

1 11/12/13 - RULES - BILL 130590, etc.
2 feet of residential homes, at street
3 level. It would require a variance to be
4 put up because it is so close to homes.
5 Through this bill, it is legalized
6 without the neighbors knowing or having
7 an opportunity for zoning input.

8 I work with small businesses in
9 our commercial corridor. If their signs
10 were put up without permits, they would
11 have to go through the zoning process.
12 This industry is now, in one fell swoop,
13 allowing these maintenance, I believe
14 they're called, billboards to proceed. I
15 think they should be pulled out of the
16 legislation.

17 In the alternative, the
18 legislation calls for the removal of
19 regular billboards in exchange for
20 digital billboards, and the billboard
21 number is being reduced altogether in
22 this city if this happens. But in this
23 process, the billboard industry selects
24 which billboards are removed. I would
25 propose that the communities and

1 11/12/13 - RULES - BILL 130590, etc.

2 Councilpersons should have some input
3 into what is removed since it's going to
4 be removed anyway. Each district should
5 be able to list the most egregiously and
6 improperly located billboards. And I
7 would guess that there are probably about
8 30 that are going to be in this category.
9 I forget the number that Councilman Henon
10 listed that are maintenance, but of those
11 maintenance billboards, there are
12 probably a very small proportion of them
13 that are really egregious.

14 These billboards should be put
15 on an agreed list that the billboard
16 industry would agree to look at that list
17 first when they come in for a digital
18 billboard, that the billboards on that
19 maintenance list would be on the highest
20 list to be removed if they also owned a
21 billboard on that maintenance list.

22 Thank you very much.

23 COUNCILMAN GREENLEE: Thank
24 you.

25 Whoever would like to go next,

1 11/12/13 - RULES - BILL 130590, etc.

2 please identify yourself and proceed.

3 The record will reflect
4 Councilman Kenney, a member of the
5 Committee, is also -- I don't think I
6 said Councilwoman Tasco was present, but
7 she obviously was since she asked a lot
8 of questions.

9 Please.

10 MR. LIPTON: Good morning. My
11 name is Herb Lipton and I live in Society
12 Hill with my wife, and we've lived there
13 for 28 years and we love the City of
14 Philadelphia. As you all know, it's a
15 great city. It's unique. It sits
16 between New York City and Baltimore, and
17 thank goodness the weather forecast
18 hardly mentions this. That way, we don't
19 get too many people wanting to come to
20 Philadelphia that maybe we wouldn't want
21 to come to Philadelphia.

22 But that's not my point. We
23 have a gem here of a city. We have a
24 very, very dangerous law that could be
25 going into effect here taking away the

1 11/12/13 - RULES - BILL 130590, etc.
2 ambience of the City of Philadelphia, and
3 we will pay for it many, many times over
4 when many of you will be off of this
5 Council, out of the politics that you're
6 into right now, when this bill is
7 manipulated and changed without the
8 support of the City of Philadelphia,
9 people who live in the City of
10 Philadelphia. And my concern and your
11 concern should be that as this goes along
12 and as this moves along and more and more
13 people become aware of what's happening
14 here, the resistance to it will build.
15 And I say to all of you that you've
16 worked hard on this, it seems to me. Of
17 course, I've only recently got involved
18 in it. I don't have a prepared text
19 here. But I say to all of you, think
20 about what's going to happen five years
21 out from now, ten years out from now when
22 you think you have all the necessary
23 ingredients in the bill to protect us,
24 and those are the very things that you
25 cannot protect yourself with.

1 11/12/13 - RULES - BILL 130590, etc.

2 For instance -- and I'll end my
3 remarks with this -- I don't understand
4 the digital sign situation. I don't
5 understand it. I think you're trying to
6 deal with it, but I do not understand why
7 this is even in this bill of opening this
8 Pandora's box to invade people's homes
9 through this kinds of LED light, et
10 cetera, which I think most people are
11 concerned with. And I just oppose these
12 parts of the bill, which will get out of
13 control as the months and years go by.
14 People will find ways around which you
15 think you've covered right now.

16 And thank you very much.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 Sir, please.

20 MR. STRAUSS: My name is Phil
21 Strauss. I'm a citizen of Philadelphia.
22 I live in the Rittenhouse Square area.

23 I object to the
24 characterization of citizens groups as
25 special interests. We started this

1 11/12/13 - RULES - BILL 130590, etc.
2 meeting with comments from the billboard
3 industry, who were the main beneficiaries
4 of this bill. And we are citizens of
5 this beautiful city, and I am deeply
6 concerned about the ugliness factor of
7 billboards.

8 I'm wearing this bright shirt.
9 Perhaps you noticed. That's the point of
10 billboards. They want to be noticed.
11 We've got big green rectangles up there.
12 We could put billboards up there to bring
13 revenue into the City. Just because we
14 can get revenue is not a plus.

15 We have a beautiful city, and
16 it is -- the views of this city are being
17 taken over by commercial advertising.
18 All of you get hundreds of messages of
19 spam every day. This is not a plus for
20 you. Getting bombarded with advertising
21 is not a plus.

22 I object to the illegal
23 non-conforming billboards being allowed
24 to stay up. They have -- the billboard
25 industry has a long history of ignoring

1 11/12/13 - RULES - BILL 130590, etc.
2 the rules that the City puts down for
3 them, the laws. To allow them to leave
4 everything there and to increase the size
5 of billboards, claiming that it's
6 maintenance, is helping the special
7 interests, not the people of Philadelphia
8 who want a beautiful city.

9 Take care of us. We're your
10 people.

11 COUNCILMAN GREENLEE: And you
12 did hear, sir, that the billboard
13 industry has problems with this bill too.
14 That's why we're trying to reach a middle
15 ground here. We didn't expect anybody to
16 be totally happy.

17 MR. STRAUSS: I agree, but we
18 in fact are the members of the community.
19 Businesses support the City. They are
20 certainly important, but the members of
21 the City are the citizens.

22 COUNCILMAN GREENLEE: And we
23 certainly know that, and in fairness,
24 some of the owners of billboard companies
25 and people who work for billboard

1 11/12/13 - RULES - BILL 130590, etc.
2 companies are residents of the City too.
3 So that's why we're trying to find a
4 middle ground. That's what we've been
5 trying to do here.

6 Thank you.

7 Ms. Marconi, next three.

8 THE CLERK: Jovida Hill, Leslie
9 Gerstein, and Amy Hillier.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN GREENLEE: You're
13 here first. Ma'am, why don't you
14 identify yourself for the record and
15 proceed.

16 MS. HILLIER: Will do. I'm Amy
17 Hillier. I'm a member of the faculty at
18 the University of Pennsylvania. I've
19 lived here for 18 years, expect to live
20 here the rest of my life, raising two
21 young children, including one who just
22 started public school, kindergarten.

23 I came to talk about one very
24 specific part of the legislation but from
25 a different perspective. I think you've

1 11/12/13 - RULES - BILL 130590, etc.
2 heard about the maintenance only, which I
3 might rephrase as the blanket
4 legalization of non-conforming
5 billboards, but the perspective I want to
6 talk about is public health.

7 After all, zoning, which this
8 is really about zoning, zoning was
9 created by public health and city
10 planning professionals a hundred years
11 ago to protect urban residents from
12 unhealthful urban influences. Now, we
13 know that there's lots of other
14 considerations, such as city tax revenue
15 and fairness to business, but ultimately
16 the City of Philadelphia cannot control,
17 cannot regulate the content on outdoor
18 advertising once it's up. The Supreme
19 Court will not allow it. So whether it's
20 an ad for alcohol, it's an ad for
21 Coca-Cola, it's an ad for adultery, it's
22 an ad for a really clever Geico or Apple
23 ad, the City cannot regulate the content.

24 We know from research and we
25 know just from common sense repeated

1 11/12/13 - RULES - BILL 130590, etc.
2 exposure to outdoor advertising does
3 influence attitudes and behaviors.

4 So with that said, my concern
5 about the maintenance only, which are
6 ones that probably never should have been
7 built that were out of compliance with
8 what was good zoning code, particularly
9 restrictions around schools, day cares,
10 parks, the maintenance only allows for
11 those to become permanent. Now, the
12 reason, as I understand, that they
13 weren't allowed to be maintained before
14 was the hope that they would go away,
15 that they would not -- there's some
16 agreements with the Law Department, but
17 that eventually those would come down. I
18 think this ensures that those never will.

19 Now, I just included a few
20 photographs of pictures of billboards
21 directly across from schools, directly
22 across from a rec center, directly across
23 from libraries. This is what zoning was
24 meant to prevent. And I just want to
25 make it clear that this is going to

1 11/12/13 - RULES - BILL 130590, etc.
2 legalize the billboards that were built,
3 all of which are owned by Clear Channel,
4 the ones that I documented.

5 I just want to clarify one
6 other point. The argument that this
7 legislation will not increase the number
8 of billboards, well, this legislation
9 does nothing to prevent new legislation
10 for billboards. The Market East
11 District, for example, could increase the
12 number of billboards. And I also take
13 issue with the idea of conversion not
14 leading to new billboards. There's
15 nothing comparable between a digital
16 billboard and a conventional billboard.
17 So I think there's no question that in
18 terms of exposure to potentially
19 unhealthful ads, that this will increase
20 the exposure of our children and
21 particularly children and adolescents.
22 And I just take issue with the
23 characterization on Councilman Henon's
24 website that this is responsibly
25 integrating billboards into the

1 11/12/13 - RULES - BILL 130590, etc.
2 landscape.

3 Thank you.

4 COUNCILMAN GREENLEE: Ms. Hill,
5 please identify yourself and proceed.

6 MS. HILL: Thank you very much,
7 Chairman, for this opportunity. I am a
8 resident of the Logan Square
9 neighborhood. I am also a member of the
10 Spring Garden Greenway Leadership Group,
11 but today I'm here -- Professor David
12 Brownlee of the University of
13 Pennsylvania was not able to come today.
14 His schedule did not permit, but I was
15 asked to read into the record his
16 comments regarding the Benjamin Franklin
17 Parkway.

18 COUNCILMAN GREENLEE: Is that
19 Mr. David Brownlee?

20 MS. HILL: David Brownlee. He
21 is --

22 COUNCILMAN GREENLEE: We have
23 his testimony, so it will be made part of
24 the record. You don't have to read it.

25 MS. HILL: Frances

1 11/12/13 - RULES - BILL 130590, etc.
2 Shapiro-Weitzenhoffer Professor of the
3 Department of the History of Art at the
4 University of Pennsylvania.

5 COUNCILMAN GREENLEE: Right.
6 And we'll make his letter part of the
7 record. We have it already.

8 MS. HILL: Well, then thank you
9 very much.

10 COUNCILMAN GREENLEE: Thank
11 you. Thank you very much, Ms. Hill.

12 Ma'am, please identify yourself
13 for the record.

14 MS. GERSTEIN: Good morning.
15 My name is --

16 COUNCILMAN GREENLEE: No. Sit,
17 sit, sit. You got to talk in the
18 microphone.

19 MS. GERSTEIN: I'm used to
20 standing in front of --

21 COUNCILMAN GREENLEE: No.
22 We're not that important. You can sit in
23 front of us.

24 MS. GERSTEIN: My name is
25 Leslie Gerstein and I'm --

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN GREENLEE: A little
3 closer to the microphone.

4 MS. GERSTEIN: My name is
5 Leslie Gerstein and I'm in-house counsel
6 for Steen Outdoor Advertising, and I
7 wanted to use this opportunity to give
8 the Committee some idea of who we are as
9 just one part of the outdoor advertising
10 industry.

11 Before I begin, I'd like to
12 thank Councilman Greenlee for having this
13 hearing. I would like to thank
14 Councilman Henon for all the work he and
15 his office has put into this, not just
16 talking to the industry, but to community
17 groups, to individual citizens, to
18 anybody who may have a stake in the
19 outcome of this ordinance.

20 As to Steen itself, we are the
21 oldest family-owned business in the
22 outdoor advertising industry in
23 Philadelphia. It's been around for 70
24 years. We employ approximately 90
25 people, black, white, Latino, men and

1 11/12/13 - RULES - BILL 130590, etc.
2 women, the majority of whom live in
3 Philadelphia. So their taxes and our
4 ability to make revenue will now enable
5 us to continue to support the City.

6 The employment of these people
7 is at well beyond -- we start at well
8 above the minimum wage. So all of our
9 employees earn living wages. All
10 employees receive paid vacation time.
11 They receive paid sick time.

12 COUNCILMAN GREENLEE: Repeat
13 that. Paid sick time?

14 MS. GERSTEIN: Yes, we do.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 MS. GERSTEIN: I understand
18 that that is something that's voluntary,
19 but it is something that we feel is
20 important to provide for our employees.
21 They also receive dental care, health
22 coverage, et cetera.

23 As I said, the majority of our
24 employees live in Philadelphia. In
25 addition to that, we spend hundreds of

1 11/12/13 - RULES - BILL 130590, etc.
2 thousands of dollars every year on public
3 service announcements, giving free
4 advertising to community groups, to
5 churches, to non-profit institutions,
6 whereby we do not charge for either the
7 printing or the advertising. We put up
8 signs for Battleship New Jersey, the
9 Franklin Institute, for the Susan G.
10 Komen breast cancer walk, for walks for
11 Alzheimer's cure, et cetera. So we give
12 a lot back to the community.

13 With the digital programs that
14 we now have, we can put up an Amber Alert
15 in five minutes, if that's necessary. We
16 can put up weather reports, if that's
17 necessary. We have also, along with
18 Clear Channel, Keystone, and CBS, when
19 the firefighters were tragically killed a
20 few months ago, we put a memorial on our
21 digitals, and we also put up an honor to
22 Councilwoman Krajewski.

23 At the present time, we pay the
24 excise tax, real estate tax, wage tax,
25 use and occupancy tax, business privilege

1 11/12/13 - RULES - BILL 130590, etc.
2 tax, and net profits tax. All of that
3 goes to the coffers of the City.

4 We understand neighborhood
5 concerns. We are willing to speak to
6 neighborhoods. They have to understand,
7 though, that a majority of our signs have
8 been up for 40 or 50 years, pre-date the
9 code. They are not illegal. They
10 pre-date the code, and that is something
11 totally different.

12 Although we disagree, as
13 Mr. Kroclic stated, with a number of
14 policies set forth in this document; for
15 example, the fees and the excise tax, we
16 do appreciate the ability to keep our
17 signs safe and in compliance with the
18 code. We want to be able, like all, to
19 keep up with technology and new phases of
20 technology. Also important is the
21 majority of our advertisers are local
22 Philadelphia businesses, and they choose
23 to advertise with us because it makes
24 more sense for them to advertise with us
25 than to advertise online or to advertise

1 11/12/13 - RULES - BILL 130590, etc.
2 in a neighborhood. So if we were
3 prohibited from doing that, a lot of the
4 local businesses would not advertise. So
5 we are not just taking this and putting
6 it in our pocket, but it also affects
7 hundreds of businesses in the City.

8 COUNCILMAN GREENLEE:

9 Ms. Gerstein, if I could ask you, just so
10 I'm fair to everybody --

11 MS. GERSTEIN: No. I'm done.
12 That's it. I won't keep on going over
13 the same thing.

14 COUNCILMAN GREENLEE: Thank you
15 very much. I appreciate both of your
16 time.

17 Ms. Marconi, next ones, please.

18 THE CLERK: Carly Eden, Charles
19 Sweedler, Mary Tracy.

20 COUNCILMAN GREENLEE: Before
21 you start, I think there's just one more
22 on our list.

23 THE CLERK: And Mageli Larson.

24 COUNCILMAN GREENLEE: After
25 that, is there anyone else that wishes to

1 11/12/13 - RULES - BILL 130590, etc.

2 testify?

3 Okay. Please give your name up
4 here, please. If there's anyone else
5 that wants to testify, please give your
6 name to Ms. Marconi.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN GREENLEE: Please
10 proceed, whoever would like to go first.
11 Identify yourself for the record and
12 proceed.

13 Hello? Anybody.

14 MR. SWEEDLER: I'd be happy to
15 go first.

16 COUNCILMAN GREENLEE: Hello,
17 neighbor. How are you?

18 MR. SWEEDLER: Councilman
19 Greenlee, is this a good volume for you?

20 COUNCILMAN GREENLEE: That's
21 very good, sir.

22 MR. SWEEDLER: My name is
23 Charles Sweedler. I'm general counsel
24 for Scenic Philadelphia. I'd like to
25 echo the concerns expressed earlier about

1 11/12/13 - RULES - BILL 130590, etc.
2 safety and the aesthetics of signs, but I
3 want to focus on some of the legal
4 issues; in particular, the legal risks to
5 the City of allowing the large-scale
6 digital conversions that would occur
7 under this bill. I've looked at
8 Councilman Henon's website and I
9 counted -- well, let's just say I stopped
10 counting after I reached a hundred of the
11 yellow dots of billboards that are
12 eligible to be converted to digital.
13 They're far more than that. It sounds
14 like it's close to one-third of the
15 billboards in the City from what I was
16 hearing earlier.

17 This is a problem because
18 federal and state law prohibit signs with
19 intermittent or flashing illumination
20 within 660 feet of interstate or primary
21 highways, basically federal aid highways.
22 These laws are administered by PennDOT,
23 and PennDOT has never addressed the
24 specific question of whether digital
25 billboards are in fact intermittently

1 11/12/13 - RULES - BILL 130590, etc.
2 illuminated or flashing. But an
3 ordinance in Philadelphia, the state's
4 largest city, would certainly get on
5 PennDOT's radar, and we don't know what
6 the outcome of their review would be. If
7 ultimately PennDOT concludes that digital
8 billboards violate federal or state law,
9 this wholesale conversion would put the
10 City's highway funding at risk. There's
11 already been one instance in which we had
12 a very close call, because PennDOT came
13 in and said a particular outdoor
14 advertising project was a violation of
15 these federal and state laws and that if
16 it went forward, there would be a loss of
17 highway funding of up to 10 percent for
18 the state. And you can just bet what
19 Harrisburg would do when it came time to
20 divide up who lost their highway funding
21 money if the cause was Philadelphia.

22 Now, let's take a look at why
23 digital billboards could potentially
24 violate these laws. First, digital
25 billboards use light-emitting diodes, or

1 11/12/13 - RULES - BILL 130590, etc.
2 LEDs. That's how they create images.
3 They change their message every eight
4 seconds. Now, when the lighting of the
5 billboard, when the LEDs change every
6 eight seconds, well, every eight seconds
7 is about as close to the definition of
8 intermittent as you're going to come.
9 Just look it up in the dictionary. The
10 plain language, every eight seconds,
11 intermittent seems like a pretty tight
12 match.

13 Second, when an LED digital
14 billboard changes its message, the
15 thousands of lights on the panel, many of
16 them go from being completely lit to
17 completely unlit or the other way around
18 every eight seconds. Going from lit to
19 unlit and unlit to lit every eight
20 seconds sounds to me, again, like a
21 pretty common sense definition of
22 flashing. Again, we don't know how
23 PennDOT would come out on this, but
24 there's a reasonable chance they're going
25 to go with the plain language meaning of

1 11/12/13 - RULES - BILL 130590, etc.
2 what flashing is and decide that this is
3 not permitted. Again, the consequence
4 could be severe.

5 Third, state law permits the
6 use of lighting on billboards that direct
7 the light toward the roadway on the
8 highways within 660 feet of the federal
9 aid highways. The way LEDs work, well,
10 it's right in the name LED,
11 light-emitting diode. It's not like a
12 static billboard where the light is
13 directed at the billboard itself.
14 Light-emitting diode billboards direct
15 the light at the roadway. Well, if
16 PennDOT again uses the plain language
17 meaning of light-emitting diode and
18 realizes that that's how they project
19 their light toward the roadway, again,
20 there's a risk that they could use common
21 sense and conclude that that violates
22 their own laws.

23 COUNCILMAN GREENLEE: I'm going
24 to ask you to please wrap up. I want to
25 be fair to everybody.

1 11/12/13 - RULES - BILL 130590, etc.

2 MR. SWEEDLER: The consequences
3 here would basically create a Hobson's
4 choice. On the one hand, the City could
5 simply decide to forego its share of the
6 highway funding. Conversely, what it
7 could do is decide to pay the billboard
8 companies that had given these permits
9 millions and millions of dollars to
10 compensate them for now having to remove
11 them. Neither of those are a good result
12 and neither of them are desirable. I
13 simply urge Council go slowly on this.
14 This is -- the number of digital
15 conversions you're looking at is massive,
16 probably unprecedented, certainly in the
17 State of Pennsylvania, possibly in the
18 country. I'm not sure. And until we
19 have a clear picture of whether it's
20 going to come back to bite us, I think
21 that this is a very risky step to take.
22 I would hate to skate on thin ice and
23 then fall through.

24 Thank you very much.

25 COUNCILMAN GREENLEE: Whoever

1 11/12/13 - RULES - BILL 130590, etc.
2 would like to go next, please identify
3 yourself and proceed.

4 MS. LARSON: I'm Ali Larson.
5 I'm a citizen. I've lived in
6 Philadelphia for 38 years and each year I
7 come to testify against the billboard
8 because we are not invited to the table.

9 I'm a Professor of Sociology
10 Emeritus from Temple University and I
11 wanted to point -- most of what I wanted
12 to say has been said and I want to
13 reiterate some things.

14 One is that there's a book by a
15 social scientist, Jonathan Snyder, an
16 economist, who shows beyond aesthetics
17 the economic impact of billboards on
18 property values. The industry complains
19 about a 1,575 fee, which of course they
20 present that 604 percent increase. It
21 would hardly cover what my tax rates
22 increase has been. I would appreciate a
23 1,575 property tax, but mine is far from
24 double that.

25 Now, that's one point. The

1 11/12/13 - RULES - BILL 130590, etc.
2 second point is that I want as a citizen
3 protection of our scenic and historic
4 areas, and I wonder if you have
5 considered how much you would lose in
6 property -- in tourist revenue.

7 And the third point is that the
8 industry -- I replied to what they said
9 today, that they put up information, and
10 I wanted simply to report to this
11 Council, whom I respect, what happened
12 with information they put up about voter
13 ID. I speak Spanish much better than
14 English and I work on elections in North
15 Philadelphia. We had signs mandating
16 Spanish-speaking citizens in Spanish to
17 bring their voter ID after voter ID was
18 stopped by the courts, and we did not
19 know what to do and we had to work much
20 harder.

21 So I would ask you to please
22 protect our city, to protect our tourist
23 industry, to protect our beautiful
24 historic city, and to protect the
25 residents, who, as was said before, can

1 11/12/13 - RULES - BILL 130590, etc.

2 always leave.

3 Thank you.

4 COUNCILMAN GREENLEE:

5 Ms. Tracy, please identify yourself and
6 proceed.

7 MS. TRACY: Good afternoon. My
8 name is Mary Tracy. I'm the President of
9 Scenic Philadelphia, and it's an
10 organization that works with 80
11 organizational members, and we have about
12 4,000 residents throughout the City who
13 are also members.

14 Since 1975, Philadelphia has
15 worked to control the proliferation of
16 outdoor advertising, constantly making
17 laws stricter and more community
18 friendly, and I certainly want to thank
19 you, Councilman Henon, and your staff,
20 especially Courtney, who has worked so
21 vigorously throughout the summer under
22 your guidance, and I know this has not
23 been an easy task, and I want to thank
24 you for all the work and time you put
25 into this.

1 11/12/13 - RULES - BILL 130590, etc.

2 And there are so many -- there
3 are a lot of good things about this bill.
4 I'd like to, first off, just address the
5 license fees, which I suppose it's how
6 you look at it, but I see it as a 50
7 percent reduction, because this City
8 Council unanimously passed a law that had
9 \$650 a year license fee for every
10 billboard in the City, and unfortunately
11 because the consent agreement, that
12 number was reduced to 50. So the City
13 has, in essence, lost about \$9 million in
14 revenue that we could have used to
15 actually have an enforcement arm of L&I,
16 and that arm could have been used to
17 bring billboards into compliance and also
18 to litigate many of the cases that have
19 just been laying fallow because we just
20 don't have the finances.

21 So I think the \$350 a year per
22 sign is a bargain, and I would really
23 urge this Council to think of raising
24 that fee, not comparing it to the \$50 a
25 year that they were able to negotiate

1 11/12/13 - RULES - BILL 130590, etc.
2 through a billboard agreement.

3 And also I'd also like to point
4 out that there are about two or three
5 billboard companies that have paid
6 nothing since 1991. So I think it's
7 really important to take a look at who
8 they are and why they haven't been
9 paying.

10 I know so many good things have
11 been said and I'm not going to repeat any
12 of that, but I think what I'd like to
13 focus on is the actual revenue. And one
14 thing I wanted to start out by saying
15 today is that this is a really happy day
16 for me, because I just became a
17 grandmother last night, and I spent the
18 day in the delivery room with my
19 daughter.

20 (Applause.)

21 MS. TRACY: And a new life
22 comes in, a new Philadelphia, and
23 probably the seventh generation of my
24 family who has been born in the City of
25 Philadelphia and very committed, and I

1 11/12/13 - RULES - BILL 130590, etc.

2 love this city dearly and --

3 COUNCILMAN GREENLEE: You're
4 not going to advertise that on a digital
5 billboard, though.

6 MS. TRACY: Didn't see them on
7 there? I was really given a great
8 bargain.

9 But I think what made me stop
10 and reflect on my own life and how I even
11 got involved in this whole billboard
12 business, and it was really because I was
13 a mother and a teacher in Overbrook and I
14 found out when I was trying to be the
15 civic leader, we were doing a survey of
16 all the properties to become on the
17 National Register of Historic Places and
18 we found there was an illegal billboard
19 there, and it took us years as the
20 community to get rid of that. And we did
21 finally. And it was across from the
22 school, the church, my house, and just
23 towered over the neighborhood. And what
24 I think really upsets me, Councilman,
25 about this bill is that it seems to

1 11/12/13 - RULES - BILL 130590, etc.
2 legalize a lot of those signs that really
3 should be removed. And we were able
4 through our own volunteer legal forces
5 and a really good law in 1991 to remove
6 billboards in Tacony, in University City,
7 in Mantua, Lancaster Avenue, all across
8 the City, and these were eyesores and
9 they were not legal, never paid a dime to
10 the City. And legalizing these
11 billboards through this legislation is
12 something I clearly have an issue with.

13 And we also have set certain
14 protective areas where we don't want
15 billboards, near our parks, playgrounds,
16 et cetera, and we've said, Okay, if you
17 have a legal billboard there, it can stay
18 there, but you can't keep it there
19 forever, because they really don't belong
20 there, and this bill also gives these
21 billboards a new life. Even if they're
22 not allowed to grow, they can't be
23 expanded and they can't be digitalized,
24 their structures can be rebuilt. And I'm
25 not going -- I can send you some photos

1 11/12/13 - RULES - BILL 130590, etc.
2 of some billboards that I think you would
3 agree with me that we'd like to get rid
4 of them.

5 And then in terms of the
6 revenue generated by this industry, I
7 would really ask each and every one of
8 you on this Council to do a little
9 research, do a little digging on this,
10 because I just started to do that, and
11 I'm kicking myself because I didn't do it
12 years ago, but actually -- and I
13 apologize, because I just came in this
14 morning. I didn't have a chance to give
15 you all a copy, but I'll send this up.
16 But it really compares the revenue of the
17 outdoor advertising industry, their
18 excise tax, and it really ranges from
19 about 2,300,000 a year to 2,600,000. And
20 you compare that to the amusement tax,
21 which on average is about 21 million, and
22 the parking tax, which ranges from 69, 70
23 million, the hotel tax that goes up to 47
24 million, and the liquor tax, 49 to 50
25 million. So these are excise taxes that

1 11/12/13 - RULES - BILL 130590, etc.
2 are really producing revenue and, if all
3 goes well, will continue to even produce
4 more revenue, because as more people come
5 in and more people drink and more people
6 stay in hotels, we build more hotels, we
7 are going to start getting more money
8 from that. And one of the things I
9 realized is, I recently moved downtown
10 into a condo and I realize I pay -- I
11 mean, my condo with 500 units pays more
12 in real estate taxes than the industry
13 pays for 2,000 billboards. And so
14 wouldn't we be better to get rid of some
15 of these signs and put hotels and put
16 condos and put office buildings there
17 that are going to really produce some
18 significant and sustainable revenue?
19 Something to think about.

20 The other thing I looked at is
21 in 2003, we did a survey of all the
22 billboards on railroad property. And I
23 had kind of forgotten about it. I was
24 going to bring it in and show you the
25 photos, but of course I didn't have time

1 11/12/13 - RULES - BILL 130590, etc.
2 to do that. But I will send you the
3 links to the study. And most railroads
4 weave into every single neighborhood in
5 the City, and some of the most egregious
6 and blighted billboards are on railroad
7 property. And do you know how much real
8 estate tax the railroads pay in the City
9 of Philadelphia? Nada.

10 I was able to look up one
11 because I looked -- well, 30th Street
12 Station, they've got a lot of billboards
13 on 30th Street. They have billboards
14 that are right as you come off Vine
15 Street. They tower over the City. They
16 block important vistas. And from 2008 to
17 2012, they paid from \$185 a year and then
18 it went up to 203. But in 2014, their
19 property is evaluated for \$16,001,485 and
20 there is no gross tax. So I'm thinking
21 that -- and I also know that the
22 railroads only have a year-to-year lease.

23 So I would really ask this
24 Council to take a look at some of the
25 places where these billboards are, some

1 11/12/13 - RULES - BILL 130590, etc.
2 of the railroad leases, some of those
3 billboards, many of which -- most of
4 which don't have permits right now, and
5 why would we ask -- well, I'm not asking
6 you, but why is the industry asking us to
7 legalize those signs, not only legalize
8 them but make them a hundred feet high if
9 they want to be at the bridge? You know,
10 it's -- there's a lot of weeping and
11 gnashing of teeth from the industry
12 because they don't want to give up
13 anything, but let me tell you this, the
14 essential public messages we're all
15 getting here. Anybody that wants an app
16 for anything can get it. And they're
17 really a dinosaur. We're not going to
18 need billboards to tell us who the
19 criminal is or who is lost, because it's
20 all right here. And I think the millions
21 that's provided to the City, we could
22 probably have tens of millions without
23 billboards. And the fees that are so
24 reasonable -- I think they're a great
25 bargain, because it's an expensive

1 11/12/13 - RULES - BILL 130590, etc.
2 industry to regulate. So I would
3 strongly urge you to minimally keep the
4 fees. And if you are going to do
5 digital, four billboards is nothing to
6 remove, and each Councilperson here,
7 should you decide to let a billboard in,
8 do not, please, have a billboard
9 district, which would just be one for
10 one. Keep the control. Make sure if a
11 digital billboard goes in, it's not
12 blowing in somebody's -- turning the
13 rooms different colors. They're not
14 going to be a traffic safety hazard.
15 They're not going to use -- how much
16 lighting they're going to be, the
17 brightness that will be set. Have that
18 control. We need to control this
19 industry very tightly, and we need the
20 money to do it.

21 And thank you again for
22 listening to me. I know, Councilman,
23 you've been very patient and I appreciate
24 the time.

25 COUNCILMAN GREENLEE: You saw

1 11/12/13 - RULES - BILL 130590, etc.
2 me put the light on. You knew it was
3 coming.

4 MS. TRACY: What you do for a
5 new grandmother, you know.

6 And, again, Councilman Henon --
7 I'm going to use that one again, have my
8 second one by the next time we have this
9 hearing.

10 But thank you for your time,
11 and I will send each of you that study on
12 the railroads. I think it's really
13 interesting.

14 COUNCILMAN GREENLEE: If I
15 could just add one thing, sir, what you
16 said about let's go slow on this. I
17 could tell you, I don't think anybody
18 could say we went fast on this. Now, you
19 might not agree with everything, and I
20 understand that, but we certainly -- this
21 was something that was -- people took a
22 lot of time on. As I said, last year
23 this was part of the whole Zoning Code
24 and we separated it. So if anything,
25 we've gone slow. Maybe you don't agree.

1 11/12/13 - RULES - BILL 130590, etc.

2 The industry doesn't always agree with
3 everything we've done, but we certainly
4 have gone slow.

5 MS. TRACY: Well, I think you
6 have really tried to do your due
7 diligence. But one thing about the
8 digital signs -- and he's absolutely
9 right -- a new digital sign went up in
10 Minnesota and then the highway came in
11 and wanted to widen it, and they agreed
12 to pay 500,000 to Clear Channel to remove
13 that sign, and Clear Channel took them to
14 court, and we're hearing that it went for
15 4 million. So taking down one digital
16 sign is going to cost taxpayers 4
17 million. I think we'd better put
18 something in there to protect us from
19 that.

20 COUNCILMAN GREENLEE: All
21 right. I understand.

22 MR. SWEEDLER: I appreciate
23 what you're saying, Councilman Greenlee.
24 I want to clarify, I'm under no illusion
25 that this was done in a rush. I simply

1 11/12/13 - RULES - BILL 130590, etc.

2 wanted to point out that PennDOT has not
3 addressed this yet.

4 COUNCILMAN GREENLEE: I
5 understand. Thank you.

6 MS. LARSON: Councilman, no one
7 said that we are the mural arts capital
8 of the world, and that brings a lot of
9 tourism money in the City. I forgot to
10 say it. I'm sorry.

11 COUNCILMAN GREENLEE: Okay.
12 Thank you. If we could have --

13 MS. TRACY: If I could hand
14 these in.

15 COUNCILMAN GREENLEE: We'll put
16 that in. We'll put that in. Thank you.
17 And congratulations on your grandchild.

18 MS. TRACY: Thank you.

19 COUNCILMAN GREENLEE: Please, I
20 think it's our last two.

21 THE CLERK: Actually, there's
22 three. Fred Maurer, Elizabeth Savage,
23 Reverend Jesse Brown.

24 COUNCILMAN GREENLEE: Now, is
25 there anybody else other than those

1 11/12/13 - RULES - BILL 130590, etc.

2 three?

3 (No response.)

4 COUNCILMAN GREENLEE: Seeing

5 none, going once, twice. Okay.

6 (Witnesses approached witness

7 table.)

8 COUNCILMAN GREENLEE: Whoever

9 would like to go first, please identify

10 yourself and proceed. And I'd ask you to

11 try to be brief, because we're coming up

12 against another hearing.

13 MS. SAVAGE: Elizabeth Savage.

14 I live at 15th and Locust. It's not

15 zoned residential, I hope. I would like

16 to second taking a second look at the

17 different zoned residential and

18 predominantly residential, people living

19 there.

20 I'm opposed to making all

21 existing billboards in the City legal.

22 I'm opposed to the proposed changes to

23 the usage of City property for signage.

24 I'm opposed to increase billboards along

25 the Schuylkill River. I do not believe

1 11/12/13 - RULES - BILL 130590, etc.
2 the proposed changes are in the best
3 interest of the City and making it
4 attractive to potential business and
5 residents, nor do I believe that they
6 would contribute to keeping current
7 businesses and residences in the City.

8 I urge City Council to find
9 less destructive, more effective ways to
10 raise much-needed revenue.

11 COUNCILMAN GREENLEE: I'm
12 sorry, sir. Go ahead, please identify
13 yourself.

14 MR. MAURER: My name is Fred
15 Maurer. I do have a copy for the Clerk.
16 So if you could pick it up, please.

17 This subject was discussed
18 before in the Zoning Reform Commission,
19 at least it was supposed to be discussed.
20 It was never discussed. Instead they had
21 secret billboard committees and never
22 reported. We were told that some things
23 had to be finished before voting. And
24 that was done in secrecy. A big theme
25 then was the sky scape and clear air for

1 11/12/13 - RULES - BILL 130590, etc.
2 aviation. That was never said again or
3 used.

4 The LED discussion was all to
5 accommodate a 4th and Race Street Inn to
6 advertise at the bridge exit. All we
7 heard was how many public services like
8 Amber Alert will help. But we never
9 heard about profits for the City gains.
10 Since that time, the billboard industry
11 has inundated the City with bright
12 lights.

13 When I drive on the Boulevard
14 at night, I pass an alley of tall towers
15 like bright daylight. Their abuse is now
16 a pre-existing condition that needs
17 retraction and recovery.

18 There is one auto dealer who
19 converted an accessory sign into a roof
20 line of wall, changing lights at a curve
21 that blinds me as I drive. I think this
22 is a road hazard and a regulations
23 failure.

24 As a zoning matter, this
25 ordinance fails to address the land for

1 11/12/13 - RULES - BILL 130590, etc.
2 billboards is a special commercial zone
3 and is not taxed right. When the Mayor
4 made his AVI tax, how did he access this
5 commercial land parcel and the value of
6 their building improvements?

7 The City is selling our air
8 rights for commerce and they call that
9 public education, but we pay land taxes.
10 For that commercial privilege, the City
11 should tax billboards for school taxes.

12 This ordinance observes odd
13 places like rooftops. Those odd places
14 like roofs and side yards make it a
15 commercial zone and taxable.

16 You made a new right to extend
17 billboards to any height abutting a sound
18 wall barrier. Since when do we trade
19 road or residents benefits to shine on
20 roads? This is billboard protection. If
21 the City wants this kind of commercial
22 use, then billboards should pay road use
23 taxes.

24 Digital signs only have one
25 purpose, to make more money with smaller

1 11/12/13 - RULES - BILL 130590, etc.
2 flashes on a seven-day, 24-hour business.
3 This is our public space, but they're
4 using it for commerce, and the City needs
5 to tax each advertiser for their share.

6 The ordinance to allow signs on
7 municipal buildings violates the
8 dedication of our public spaces to look
9 like our municipal purpose, and it is not
10 a commercial zone.

11 I note the ordinance does not
12 prohibit commercial signs on any
13 buildings in the City historical
14 register. I note that digital signs do
15 not prohibit lights towards public parks
16 or squares. When you address digital
17 signs' light intensity, it is not
18 sufficient to solve the Franklin
19 Institute's request for dark skies and
20 bird migrations.

21 I think this bill is not ready
22 and needs to be withdrawn and to include
23 more public rights and an economic study.

24 Thank you.

25 COUNCILMAN GREENLEE: Sir,

1 11/12/13 - RULES - BILL 130590, etc.
2 please identify yourself for the record
3 and proceed, sir.

4 REVEREND BROWN: I'm Reverend
5 Jesse Brown, a member of the
6 Tioga-Nicetown community here in
7 Philadelphia, and probably other than
8 Marian Tasco, Councilwoman Tasco, I'm
9 probably one of the folks who have been
10 doing this now for 20-plus years or
11 dealing with billboards in the City of
12 Philadelphia, and here we are again one
13 more time, which also points out a number
14 of failures that we might not want to
15 overlook.

16 We had addressed this issue
17 supposedly of illegal billboards, and the
18 industry was supposed to take -- due
19 diligence to take them down way back
20 when. And we raised those issues, and
21 they promised to do so. And, in fact, a
22 few of them did go down in the process,
23 but here we are again, once again, trying
24 to grandfather what may be either illegal
25 or should have already been addressed in

1 11/12/13 - RULES - BILL 130590, etc.
2 this issue one more time.

3 The industry has not been known
4 to be a trustworthy partner in our
5 communities or our neighborhood in this
6 issue, and even though we do need to
7 address and this committee has done a
8 pretty decent job of trying to address
9 the issue of billboards in the City,
10 there is no reason why we ought to give
11 any deference to the billboard industry
12 about their actions. And I don't believe
13 they'll necessarily be any more
14 trustworthy than they have been in the
15 past around these signs.

16 But there are a number of
17 questions I want to see if the Committee
18 has, Mr. Chairman, if the Committee has
19 addressed on this. The moving signs in
20 many places constitute a danger or a
21 threat because they serve as a
22 distraction. Has this committee had
23 testimony or evidence or reports relative
24 to that, and, if so, is there an estimate
25 on the number of deaths or injuries that

1 11/12/13 - RULES - BILL 130590, etc.

2 moving signs, particularly around the
3 LEDs, may cause to our residents?

4 COUNCILMAN GREENLEE: Go ahead,
5 why don't you finish all the testimony.
6 I'll address what I can address after you
7 finish.

8 REVEREND BROWN: Understood.

9 The billboards that are
10 decrepit, out of compliance, again, we
11 addressed that issue earlier in the
12 years, and the industry promised that
13 they would make sure that all of their
14 billboards were safe and secure, and a
15 process was, of course, placed in motion
16 to see that that happened, but, again,
17 with no real enforcement authority and
18 left to the good graces of the industry,
19 as we have now learned today we still
20 have decrepit billboards that are unsafe
21 and are a danger to the residents and
22 neighborhoods. And, once again, is any
23 money going to be earmarked specifically
24 to L&I for the enforcement of the rules
25 that are set up with this bill? And

1 11/12/13 - RULES - BILL 130590, etc.
2 that's a question I'd like to hear
3 someone address on that particular point.

4 Other than that, I will defer
5 to this committee. My colleagues have
6 been really nice to the Committee. There
7 have been hearings on this issue where we
8 were so dissatisfied with what was going
9 on that it was a fairly contentious
10 hearing, which means that we might be
11 getting something here that might have
12 the potential at least of doing good.
13 But let me also raise the specter of
14 protecting the Fairmount Park areas, our
15 protected areas that many of these folks
16 have addressed that is not currently in
17 the bill. And if it is not explicitly
18 specified that these are protected areas,
19 we always know that we'll be right back
20 here fighting this battle.

21 Last question to be answered,
22 the definition of a neighborhood. When
23 future hearings take place, can any
24 citizen in the City of Philadelphia,
25 regardless of where that billboard is

1 11/12/13 - RULES - BILL 130590, etc.

2 placed, can have a say so and does this
3 bill address that issue?

4 Thank you.

5 COUNCILMAN GREENLEE: The
6 answer to your last question is whenever
7 we have a hearing here, anyone that wants
8 to testify can testify. So they can have
9 their say, and the Committee takes
10 whatever they say and wherever they're
11 from into consideration.

12 As far as the moving signs, the
13 motion signs, I have asked before. I
14 have never seen a study that showed the
15 danger of those. If there are some, they
16 can always be submitted. I have not seen
17 that.

18 And just generally on your
19 other issues, the whole idea behind this
20 bill is to try to make the regulations
21 clearer, and public safety has always
22 been a big part of that.

23 REVEREND BROWN: Earmarking the
24 money for enforcement?

25 COUNCILMAN GREENLEE: Well,

1 11/12/13 - RULES - BILL 130590, etc.
2 part of the money from the licenses would
3 go to that.

4 Any other questions?

5 (No response.)

6 COUNCILMAN GREENLEE: Seeing
7 none, thank you all very much.

8 That concludes the public
9 hearing of the Committee on Rules. The
10 meeting of the Committee on Rules will
11 commence in just about 30 seconds.

12 (Pause.)

13 COUNCILMAN GREENLEE: I kept my
14 30-second promise. This is the meeting
15 of the Committee on Rules.

16 Councilman Kenney, Bill No.
17 130590.

18 COUNCILMAN KENNEY: Thank you,
19 Mr. Chairman. I move that we accept the
20 amendments presented to Bill 130590.

21 (Duly seconded.)

22 COUNCILMAN GREENLEE: It's been
23 moved and seconded.

24 All in favor?

25 (Aye.)

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN GREEN: Opposed?

3 (No response.)

4 COUNCILMAN GREENLEE: Hearing

5 none, the amendment is approved.

6 Councilman Kenney.

7 COUNCILMAN KENNEY: Thank you,

8 Mr. Chairman. I move that Bill No.

9 130590, as amended, be reported out of

10 this committee with a favorable

11 recommendation and a request made for

12 rules suspension to allow first reading

13 at our next Council session.

14 (Duly seconded.)

15 COUNCILMAN GREENLEE: Moved and

16 seconded.

17 All in favor?

18 (Aye.)

19 COUNCILMAN GREENLEE: Opposed?

20 (No response.)

21 COUNCILMAN GREENLEE: Hearing

22 none, Bill No. 130590, as amended,

23 reported out favorably with a rules

24 suspension.

25 Councilman Kenney, 692.

1 11/12/13 - RULES - BILL 130590, etc.

2 COUNCILMAN KENNEY: Thank you,
3 Mr. Chairman. I move that Bill No. 692
4 be reported out of the Committee with a
5 favorable recommendation and a request
6 made for rules suspension to allow first
7 reading at our next Council session.

8 (Duly seconded.)

9 COUNCILMAN GREENLEE: Moved and
10 seconded. For the record, 130692.

11 Moved and seconded.

12 All in favor?

13 (Aye.)

14 COUNCILMAN GREENLEE: Opposed?

15 (No response.)

16 COUNCILMAN GREENLEE: Hearing
17 none, Bill No. 130692 reported out
18 favorably with a rules suspension.

19 Councilman Kenney.

20 COUNCILMAN KENNEY: I move,
21 Mr. Chairman, that Bill No. 130699 be
22 amended according to the amendments that
23 have been circulated.

24 (Duly seconded.)

25 COUNCILMAN GREENLEE: It's been

1 11/12/13 - RULES - BILL 130590, etc.

2 moved and seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN GREENLEE: Opposed?

6 (No response.)

7 COUNCILMAN GREENLEE: Hearing

8 none, Bill 130699 is amended.

9 Councilman Kenney.

10 COUNCILMAN KENNEY: Thank you,

11 Mr. Chairman. I move that Bill 130699,

12 as amended, be reported out of this

13 committee favorably and a request made

14 for rules suspension to allow first

15 reading at our next Council session.

16 (Duly seconded.)

17 COUNCILMAN GREENLEE: It's been

18 moved and seconded.

19 All in favor?

20 (Aye.)

21 COUNCILMAN GREENLEE: Opposed?

22 (No response.)

23 COUNCILMAN GREENLEE: Hearing

24 none, Bill No. 130699, as amended,

25 reported out favorably with a rules

1 11/12/13 - RULES - BILL 130590, etc.
2 suspension.

3 Councilman Kenney.

4 COUNCILMAN KENNEY: Thank you,
5 Mr. Chairman. I move that Bill 130725 be
6 reported out of this committee favorably
7 and a request made for rules suspension
8 to allow first reading at our next
9 Council session.

10 (Duly seconded.)

11 COUNCILMAN GREENLEE: It's been
12 moved and seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN GREENLEE: Opposed?

16 (No response.)

17 COUNCILMAN GREENLEE: Hearing
18 none, Bill No. 130725 reported out
19 favorably with a rules suspension.

20 Councilman Kenney.

21 COUNCILMAN KENNEY: Thank you,
22 Mr. Chairman. I move that Bill No.
23 130770 be reported out of this committee
24 favorably and a request made for rules
25 suspension to allow for first reading at

1 11/12/13 - RULES - BILL 130590, etc.

2 our next Council session.

3 (Duly seconded.)

4 COUNCILMAN GREENLEE: It's been
5 moved and seconded.

6 All in favor?

7 (Aye.)

8 COUNCILMAN GREENLEE: Opposed?

9 (No response.)

10 COUNCILMAN GREENLEE: Hearing
11 none, Bill No. 130770 reported out
12 favorably with a rules suspension.

13 Councilman Kenney.

14 COUNCILMAN KENNEY: Thank you,
15 Mr. Chairman. I move that we accept the
16 amendments to Bill No. 130656 as
17 circulated.

18 (Duly seconded.)

19 COUNCILMAN GREENLEE: It's been
20 moved and seconded.

21 All in favor?

22 (Aye.)

23 COUNCILMAN GREENLEE: Opposed?

24 (No response.)

25 COUNCILMAN GREENLEE: Hearing

1 11/12/13 - RULES - BILL 130590, etc.

2 none, Bill No. 130656 is amended.

3 Councilman Kenney.

4 COUNCILMAN KENNEY: Thank you,

5 Mr. Chairman. I move that Bill No.

6 130656, as amended, be reported out of

7 this committee with a favorable

8 recommendation. There is no request for

9 rules suspension on this bill.

10 (Duly seconded.)

11 COUNCILMAN GREENLEE: It's been

12 moved and seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN GREENLEE: Opposed?

16 (No response.)

17 COUNCILMAN GREENLEE: Hearing

18 none, Bill No. 130656, as amended, is

19 reported out of this committee with a

20 favorable recommendation.

21 That concludes the business of

22 the Rules Committee. Thank you all for

23 your participation.

24 (Committee on Rules concluded

25 at 12:35 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true
and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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