

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 18, 2013
12:35 p.m.

PRESENT:

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

BILL 130109 - An ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," Title 16 of The Philadelphia Code, entitled "Public Property," and making conforming amendments to the Code to provide for a comprehensive plan for the placement of advertising on municipal property...

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COUNCILMAN GREENLEE: Good

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afternoon, everybody. Good afternoon.

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If I could ask everybody to have their

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seat, please.

6

This is the Committee on Rules.

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For the record, we have a quorum

8

consisting of Councilman Kenney, the Vice

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Chair of the Committee; Councilwoman

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Tasco; Councilwoman Reynolds Brown;

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Councilwoman Bass; Councilman Green;

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Councilman Goode; Councilman O'Brien; and

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Council President Clarke; and myself,

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Bill Greenlee.

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Ms. Marconi, will you please

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read the title of the bill before us

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today.

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THE CLERK: Bill No. 130109, an

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ordinance amending Title 14 of The

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Philadelphia Code, entitled "Zoning and

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Planning," Title 16 of The Philadelphia

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Code, entitled "Public Property," and

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making conforming amendments to the Code

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to provide for a comprehensive plan for

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the placement of advertising on municipal

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2 property, under certain terms and
3 conditions.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 Before we call the first panel,
7 I would like -- actually, Ms. Marconi,
8 will you please call the name of the
9 first panel so they can come up here, and
10 then I'm going to recognize Council
11 President Clarke for some remarks.

12 THE CLERK: Don Avjean, Greg
13 Smith, Carlos Pujol, John Roche, Marie
14 Redzaj.

15 COUNCILMAN GREENLEE: If you
16 could just all come up here, be ready.
17 And now I'm going to recognize the
18 sponsor of the bill, Council President
19 Clarke.

20 COUNCIL PRESIDENT CLARKE:
21 Thank you, Mr. Chair. Mr. Chair, real
22 briefly, I just want to say a couple of
23 words and then I'll get out of you guys'
24 way so you can conduct your hearing.

25 First, I'd like to thank

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2 everyone for coming here today. This is
3 an issue that is important to me,
4 primarily because we think that it's an
5 opportunity for the City of Philadelphia
6 in a very aggressive way to generate
7 revenue. The last couple of years, while
8 we've had our fiscal challenges, as I've
9 been saying out in the public, is that
10 unfortunately our first and primarily
11 only response has been to stick our hands
12 into the taxpayers' pockets, and at some
13 point we need to stop, and I think all my
14 colleagues agree with that.

15 So we have been charged with,
16 based on the residents' responses, coming
17 up with other solutions, and I want to
18 thank the members of Council for coming
19 up with some very good solutions and
20 recommendations on how we can introduce
21 cost-cutting measures, revenue streams
22 that don't call for tax increases or call
23 for increases in fees and fines. It
24 essentially creates a new revenue stream
25 above and beyond the base.

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2 This particular proposal is one
3 that has been tried and proven to be
4 extremely effective all across the United
5 States. We had a book -- and I'll
6 probably have it brought in very shortly,
7 although I know you guys are tired of
8 seeing it -- that references certain
9 municipalities across the country that
10 are bringing in tens and millions of
11 dollars based on contracts directly with
12 firms or organizations that solicit
13 opportunities for municipalities to
14 increase revenue streams.

15 I think this is a very exciting
16 opportunity. At some point, the City of
17 Philadelphia should move forward. We've
18 been talking about this for close to two
19 years now, put out an earlier version of
20 our proposal that wasn't as detailed as
21 these presentations that you will hear
22 today.

23 I want to thank all the
24 individuals that we had an opportunity to
25 talk to at length about some of the

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2 exciting proposals that you all have and
3 some of the exciting things that have
4 happened across the country in
5 municipalities, and we actually have one
6 right here in the City of Philadelphia,
7 our own transit authority that, my
8 understanding, has generated
9 approximately \$21 million in its last
10 fiscal year as a result of utilizing
11 advertising opportunities.

12 So we're hoping that we can
13 finally move this from our perspective
14 and hope that the Administration gets on
15 board, because at the end of the day, it
16 requires the executive branch of
17 government to actually enact the contract
18 that will allow us to bring in revenues
19 above and beyond the base and hopefully
20 give some of the taxpayers some level of
21 relief from our prior practices of
22 continuing to increase taxes and fees.

23 So with that, Mr. Chair, I want
24 to thank you very much and thank the
25 members of the Committee for considering

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2 what I believe to be a very important
3 proposal.

4 Thank you so much.

5 COUNCILMAN GREENLEE: Thank
6 you, Mr. President.

7 And if there's no other
8 comments by members of the Committee, if
9 the witnesses could come forward, the
10 first group.

11 I'd like to just lay basic
12 ground rules. We want you to get your
13 point across, but we do have a long list
14 of people and we have another hearing
15 after this, so we ask you to be concise
16 but also thorough, if you can do that.

17 So please, don't be bashful
18 now, guys. The microphone is right
19 there.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN GREENLEE:
23 Mr. Avjean, if I'm pronouncing that
24 right. Probably fouled that up.

25 MR. GOLDSMITH: Good morning.

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2 COUNCILMAN GREENLEE: Please
3 identify yourself and proceed.

4 MR. GOLDSMITH: Good morning.
5 I'm actually Scott Goldsmith. I'm the
6 Chief Commercial Officer of Titan
7 Outdoor. Thanks for the opportunity to
8 speak this morning. We're here to speak
9 in support of the bill and to give you a
10 little bit of an understanding about how
11 municipal advertising works and how it's
12 successful.

13 Titan is the largest municipal
14 advertising company in the United States.
15 We have a history of creating significant
16 revenue and innovative products for
17 transit, airport, and municipal
18 authorities throughout the world. We
19 exclusively represent five of the eight
20 largest transit authorities in the United
21 States, including SEPTA, bus shelters in
22 Philadelphia, newsstands in Philadelphia,
23 PATCO, and New Jersey Transit, among
24 others. We also hold contracts with a
25 number of cities in connection with

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2 street furniture, including the City of
3 Philadelphia's bus shelter contract and
4 over 2,500 pay phones in New York City,
5 making us the largest pay phone
6 franchisee in New York. And we've been
7 successful in municipal advertising
8 because it's all we focus on.

9 Municipal advertising companies
10 should be a turnkey solution for the
11 City. We handle sales, marketing,
12 posting, removal of ads, billing,
13 collections, and operations. We like to
14 say that the only job for our city
15 partners are to cash the checks.

16 We are committed to hiring
17 local employees in our 13 markets, many
18 of whom are union employees. We are
19 represented in Philadelphia by DC 21, and
20 we have 21 union employees in
21 Philadelphia that work on SEPTA and on
22 our bus shelters. And we're also very
23 committed to maximizing DBE, MBE, and WBE
24 participation in all of our business
25 dealings. Both our City contract and our

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2 SEPTA contract require us to hit certain
3 goals, and we exceed those goals in all
4 respects.

5 The majority of the revenue
6 that we generate goes directly to the
7 cities and authorities we represent.
8 Only a very small portion goes back to us
9 to make sure that we make a small profit
10 and we can pay our people. And also we
11 assume certain services previously
12 provided for by the City. For example,
13 we remove the snow around the bus
14 shelters in Philadelphia.

15 Municipal advertising works
16 best when certain goals are achieved.
17 For example, we have to deliver value to
18 our clients. Our clients love municipal
19 advertising, love the buses on SEPTA,
20 they love the bus shelters, because they
21 deliver high-impact impressions to our
22 clients. Targeted demographics when
23 they're out of home, people on the way to
24 work, in the market, at lunch, and on the
25 way home, this is when people make buying

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2 decisions, and that's why it's so
3 valuable to have ads on bus shelters and
4 outside of the home.

5 Exclusivity is an important
6 factor. Almost every major-market
7 transit authority in every city in the
8 United States exclusively hires one
9 contractor to represent them. That
10 avoids confusion in the marketplace as
11 well as avoiding devaluation of assets
12 due to competition between existing
13 companies, and that's essential for an
14 existing program.

15 We are very concerned about
16 operations excellence. We take care of
17 the bus shelters in Philadelphia. We
18 take care of all the assets on SEPTA. We
19 believe in the broken window theory. If
20 we keep our advertising assets looking
21 great in the streets, very few people
22 mess with them. We have very few acts of
23 willful vandalism on our assets in
24 Philadelphia.

25 And, finally, tasteful ads.

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2 It's important that our ads are tasteful.
3 We encourage our folks, our advertisers,
4 to use good judgment, and it's also
5 important that the cities and
6 municipalities that we represent have
7 good advertising restrictions, avoiding
8 any untasteful advertisements on buses
9 and trains and bus shelters.

10 I wanted to give you a quick
11 update on digital revolution. A number
12 of cities and municipalities like you are
13 considering and working on RFIs and RFPs
14 for assessing their assets. That's
15 resulted in a number of proposals for
16 digital billboards and naming rights.

17 Digital is really the most
18 interesting one, and there's a lot of
19 benefits of digital ads. It increases
20 revenue generated due to the yield. For
21 example, if we can sell one bus shelter
22 in Philadelphia for \$500 for a static ad,
23 we typically can sell the same ad six
24 times for the same amount of money,
25 generating six times as much property --

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2 as much revenue for the City on that
3 space.

4 And I just want to show you a
5 couple pictures of things that we've done
6 in Philadelphia and around the country in
7 digital. We've put 750 digital displays
8 on the Silverliner V regional railcars
9 for SEPTA. We have put in 29 digital
10 platform displays at a number of SEPTA
11 stations. This one is at Market East.

12 We have digitized 150 digital
13 platform and urban panels in the City of
14 Chicago for the CTA. We've just done a
15 number of screens for the MBTA in Boston.
16 We have the digital wall in Penn Station
17 for New Jersey Transit.

18 Digital is great also because
19 not only does it generate revenue, but it
20 gives the City the opportunity to reach
21 its customers and to provide emergency
22 messaging.

23 Really quickly, on the SEPTA
24 contract, we were awarded the SEPTA
25 contract in 2005 through a competitive

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2 process. We had an initial term of three
3 years, and SEPTA renewed our contract for
4 six additional years in 2006, making it a
5 full nine-year term. We have worked very
6 hard with SEPTA to develop new
7 advertising formats while steadily
8 increasing sales and occupancy, and we
9 want to thank our partners at SEPTA for
10 their cooperation and help growing the
11 business.

12 Cooperation is another
13 essential part in growing municipal
14 advertising. We really value our
15 partners, and they've worked very well
16 with us in Philadelphia to grow
17 advertising.

18 In the first year of our
19 contract at SEPTA, we generated \$11.9
20 million in revenue. That was 16 percent
21 more revenue than the previous
22 contractor. In our second year, we
23 generated \$15 million for SEPTA, which is
24 a 35 percent increase in our previous
25 performance.

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2 In April of this year, we'll
3 have booked over \$22 and a half million
4 for the 2012-2013 contract here, which
5 means that over the nine years that we
6 represented SEPTA, we have doubled
7 revenue, and that has increased 8 percent
8 over the course of the full term, which
9 has really increased the amount of
10 revenue that we've given to SEPTA.

11 I want to show you a couple
12 quick products that we've worked on for
13 SEPTA, all new. We did bus headliners in
14 SEPTA. We added alcohol. Alcohol was
15 prohibited on SEPTA, and we added it,
16 thanks to a change in the regulations,
17 which have been very lucrative. Those
18 are bus wraps that we run in
19 Philadelphia. And have no complaints, by
20 the way, about the alcohol. That is the
21 Market Street -- a wrap on Market Street,
22 a Headhouse, which generates
23 approximately \$30,000 a month for SEPTA.

24 This was the AT&T Station at
25 Pattison -- previously named Pattison

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2 Station. We generated \$5 million for
3 SEPTA over five years, and AT&T has the
4 right to rename the station.

5 And, finally, we did this for
6 SEPTA back in 2007. We generated
7 \$150,000 a month for this wrap at 1234
8 Market.

9 For the video for bus
10 shelters -- and I'll be quick; I'm almost
11 finished -- we were awarded the bus
12 shelter contract through a competitive
13 process in 2010 and we commenced
14 operation in 2011. We have 300 shelters
15 in the City, and we control the entire
16 Philadelphia bus shelter market. We've
17 worked very hard with the City to develop
18 new formats while ensuring that the
19 shelters are properly maintained. And,
20 again, I want to thank our partners, the
21 Mayor's Office of Transportation and
22 Utilities and the Department of Public
23 Property, for their cooperation in
24 helping us grow our business. They've
25 been really good partners to us, and

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2 they've been instrumental in our success
3 in generating more revenue. And we are,
4 as I said, exclusively responsible for
5 cleaning and maintaining and delivering
6 and removing snow from your shelters.

7 Here's a quick picture of a new
8 product that we developed called a
9 shelter wrap. We've steadily increased
10 sales and occupancy with the same local
11 and regional and national focus we
12 achieved at SEPTA. We also put a really
13 interesting wrap product on the Market
14 East on all the shelters.

15 One of the things -- and I'll
16 end on this after just a quick
17 conclusion -- Honda bought this and also
18 bought the Market East domination in
19 SEPTA. What we found is that when you
20 control most of the assets for a
21 municipality, you can cross-sell across
22 different properties and generate more
23 revenue.

24 So real quickly, in the
25 shelters in 2011, we generated \$3

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2 million, which was a 17 percent increase
3 from the previous contractor. In '12, we
4 jumped up to \$4.2 million, and our
5 payments went from 1.2 million to 1.7 in
6 2012.

7 Finally, I guess in conclusion,
8 we do support this bill. We have --
9 there's a good history in Philadelphia
10 since 2005 of Titan working with the City
11 and with SEPTA to generate revenue.
12 We've generated significant revenue for
13 the City and SEPTA and the Newsstand
14 Association, and we have done, we
15 believe, a good job of maintaining and
16 operating the bus shelters. And we also
17 believe that the City of Philadelphia,
18 pursuant to this bill, can actually
19 generate more revenue with their assets
20 without overloading the City with too
21 many ads.

22 Any questions, I'm happy to
23 speak to you. Thanks.

24 COUNCILMAN GREENLEE: Thank
25 you, sir.

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2 Are there any questions for
3 this gentleman?

4 Councilman Kenney.

5 COUNCILMAN KENNEY: Thank you.

6 Have you had an opportunity to
7 do like a preliminary analysis of
8 Philadelphia's property to determine what
9 ballpark figure you would assign to --

10 MR. GOLDSMITH: We have focused
11 on our existing product. We found out
12 about this bill a couple weeks ago. And
13 so we do believe there are other
14 opportunities. We do things in other
15 cities. We have a very robust street
16 banner program in New York City that has
17 generated real money for the city, not to
18 mention has beautified the streets of New
19 York.

20 We think advertising on trash
21 trucks, sanitation trucks, can be an
22 interesting idea. We think there's
23 probably a -- there are some people who
24 think that's a great idea, advertisers
25 that would like to buy that.

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2 So we would do a full
3 assessment. We focused on SEPTA and the
4 properties that we have right now, but we
5 do think there's opportunity.

6 COUNCILMAN KENNEY: In New York
7 or any of the other cities that you do
8 business in, have you done other
9 municipal buildings, like rec centers or
10 libraries?

11 MR. GOLDSMITH: The SEPTA
12 building in Philadelphia was -- the
13 building at 1234 was a good example.
14 There are plenty of municipal assets that
15 can be -- especially windows are a great
16 opportunity, and the windows -- by the
17 way, that window wrap that you saw at
18 1234 were perforated vinyl. All of our
19 window wraps on buses and trains and
20 buildings are all -- if you're inside and
21 looking out, there's no diminution in
22 light, because they're perforated.

23 So the answer is, we think rec
24 centers would be a good idea. Again --

25 COUNCILMAN KENNEY: Have you

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2 done that in New York?

3 MR. GOLDSMITH: We have not
4 done rec centers in New York. We've done
5 other municipal properties.

6 COUNCILMAN KENNEY: For
7 example?

8 MR. GOLDSMITH: For example,
9 the MTA contract in New York, which we
10 previously operated, has done an
11 assessment of their buildings and put
12 signs on buildings. We've done some work
13 with SEPTA on, again, at 1234 Market.

14 COUNCILMAN KENNEY: Does New
15 York have any ordinances or laws or
16 regulations relative to density?

17 MR. GOLDSMITH: New York has an
18 incredibly --

19 COUNCILMAN KENNEY: Times
20 Square is pretty dense.

21 MR. GOLDSMITH: Yeah. So New
22 York -- over the last ten years, New
23 York's zoning resolution has been
24 significantly changed to prohibit new
25 traditional billboard signs in New York.

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2 It is essentially impossible to build a
3 new billboard in New York at this point
4 pursuant to the existing regulations.
5 New York had a significant proliferation
6 of illegal signs in the late '90s and
7 early 2000, and over the course of a
8 number of years, the city has cleaned it
9 up, which, by the way, is an important
10 point. It's very important if you're
11 going to have municipal advertising that
12 you don't allow fly-by-night companies to
13 just install ads wherever they want.
14 It's incredibly important to keep the
15 value of the municipal assets by making
16 sure there's not competition from illegal
17 companies.

18 COUNCILMAN KENNEY: Thank you.

19 COUNCILMAN GREENLEE: Thank
20 you.

21 Any other questions?

22 (No response.)

23 COUNCILMAN GREENLEE: Seeing
24 none, thank you.

25 Do all the rest of you also

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2 have comments to make? Yes? No? Maybe?
3 So we got two. If you both could come up
4 at the same time. What I'd like to hear
5 is if you both could make your
6 presentation, then we'll have questions,
7 which is what I probably should have done
8 before.

9 So if you could identify
10 yourself for the record and proceed.
11 And, again, if you could be as brief as
12 possible, get your point across, I'd
13 appreciate it. Thank you.

14 MR. AVJEAN: Good afternoon.
15 My name is Don Avjean. I'm Vice
16 President of Government Affairs with CBS
17 Outdoor. Along about me is Louis
18 Giordano, former General Manager of the
19 Philadelphia market and now our national
20 Sales Manager for CBS Outdoor.

21 I think you have in front of
22 you -- we took the opportunity to pass
23 out some brochures, and rather than go
24 through it, it will give you an
25 opportunity to take that back and look at

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2 it at your leisure to kind of highlight
3 some of the things that we'll briefly go
4 over this morning.

5 CBS Outdoor is among one of the
6 world's largest leading providers of
7 outdoor advertising. The company manages
8 a wide variety of municipal advertising
9 throughout the United States and Canada,
10 Mexico, South America, and Europe. We
11 provide turnkey out-of-home services. We
12 maintain, develop, development
13 departments, media sales throughout all
14 these municipalities with company-owned
15 bus shelters and other services such as
16 street furniture.

17 CBS Outdoor also manages
18 outdoor billboard companies throughout
19 the United States. We also have over 400
20 shopping centers and 4,000 GameStop
21 stores that we do digital advertising in.

22 CBS Outdoor, at this point
23 we're doing about \$2 billion a year
24 worldwide with our developments. We have
25 franchises in markets such as

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2 Minneapolis, Dallas, Atlanta, Los
3 Angeles, New York City, various transits
4 such as MARTA in Atlanta, Washington, DC,
5 and a variety of bus and trail stuff in
6 Los Angeles as well as others. We have
7 about 4,000 billboards throughout 50
8 markets in the United States and about
9 400 sales staff that represents them.

10 MR. GIORDANO: Regardless of
11 what advertising device is decided on at
12 the end of this process, it's important
13 that it meet the needs of the advertiser.
14 So it has to have a strategic value or
15 other options out there, and the company
16 that is the successful bidder would have
17 to have the capabilities to deliver on
18 the revenue. CBS is a company of 1,600
19 people, but a quarter of those are
20 dedicated directly to generating revenue,
21 and the balance of the employees in some
22 way either support sales or faced with
23 customers.

24 And, importantly, we have a
25 state-of-the-art marketing department

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2 that provides full support for the
3 revenue generation of that 400-plus
4 salesperson sales force.

5 MR. AVJEAN: CBS Outdoor is a
6 worldwide company, but we're a hometown
7 citizen. So we have an office here in
8 Philadelphia that we have maintained for
9 a number of years. We're fully staffed.

10 You'll have the opportunity to
11 go through our brochure. You will see
12 our senior management that supports us
13 throughout our efforts and throughout our
14 capital investments and hopefully our
15 capital investments here, but it will be
16 run by our local staff here that we have
17 had since 1938 in the City of
18 Philadelphia.

19 We look forward to any of your
20 questions, either now or when you have
21 the opportunity to take a look at our
22 brochure later on. We are fully staffed
23 digitally, everything from large
24 billboards, which are 20-by-60 throughout
25 the City and throughout the United

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2 States, all the way down to digital that
3 you'll see in subway advertising as you
4 go into like in Manhattan or in GameStop
5 where we have our internal stuff in our
6 retail stores.

7 Thank you very much for your
8 attention.

9 COUNCILMAN GREENLEE: Thank you
10 very much.

11 Just so I'm clear, there's no
12 other of the companies that are speaking?

13 I asked you that, sir. I asked
14 you were you going to make a comment.

15 How many other people are here
16 from one of the companies? Two, three.

17 MR. SMITH: I'm making a quick
18 statement.

19 COUNCILMAN GREENLEE: I guess I
20 wasn't clear. I asked who else was going
21 to speak. So how many other people?
22 Three. That's it? Okay.

23 If you two could just stand by,
24 and if there's other questions, and let
25 these three gentlemen come up, I'd

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2 appreciate it. Thank you very much.

3 MR. AVJEAN: Thank you very
4 much.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 If you could please, whoever
8 would like to go first, please identify
9 yourself for the record.

10 MR. MAGERMAN: Thank you. I'm
11 Joel Magerman from Bryant Park. We are a
12 financial advisory firm. You have our
13 presentation in front of you in a green
14 folder.

15 Our business has been to
16 advise --

17 COUNCILMAN GREENLEE: Sir, I'm
18 sorry. We had you on the next panel. I
19 was asking for the advertising company.

20 MR. MAGERMAN: Oh, I'm sorry.

21 COUNCILMAN GREENLEE: If you
22 could just wait, I'd appreciate it.

23 MR. MAGERMAN: Great. Sorry.

24 COUNCILMAN GREENLEE: So we
25 keep some order here.

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2 Whoever would like to go.

3 Sorry about that.

4 MR. PUJOL: Good morning. My
5 name is Carlos Pujol and I'm the CEO of
6 Cemusa in the U.S. belonging to -- I have
7 a presentation, but in the interest of
8 time, this presentation has been
9 provided.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 MR. PUJOL: Thanks for the
13 opportunity to be here in support of this
14 proposed legislation.

15 We're present in 13 countries
16 around the world, and I guess one of the
17 things that people know us for here in
18 the U.S. is because we hold a street
19 furniture contract in New York City, in
20 which we did promise, yes, \$1 billion
21 over 20 years to the City of New York.
22 It comes as bus shelters and newsstands
23 and toilets.

24 To get to the crux of the
25 issue, as far as digital is concerned, we

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2 have implemented some digital in New York
3 City. As was mentioned before, New York
4 City is a city that has a lot of
5 ordinances regulating the places where
6 you can have advertising. But in general
7 I think our statement would be as
8 follows: We do support this legislation.
9 I would say that it's important that
10 whatever formats, advertising formats,
11 are authorized, that they remain
12 consistent with what the industry does in
13 other markets. Otherwise, you're going
14 to be -- it's going to be more difficult
15 for them to generate revenue.

16 Second, I would say that it's
17 important that there is a consensus as to
18 what they look like and which kind of
19 encasements, what kind of street
20 furniture we're talking about.

21 Third, I would say -- I would
22 be, I guess, personally against
23 advertising on what we would call low
24 value elements, such as trash cans and
25 other elements.

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2 Also, queuing up with what was
3 mentioned before --

4 COUNCILMAN GREENLEE: Sir, if I
5 could just interrupt for a second. Why
6 would you say that?

7 MR. PUJOL: There's nothing
8 wrong with it. It's just in general we
9 agree with our colleagues or peers that
10 if you saturate a market, it's not going
11 to add more money, and it's not a
12 favorite, depending on what the format
13 is.

14 So I would say not to saturate,
15 just regulate the areas, make it
16 aesthetically pleasing, integrated into
17 the cityscape, and maintain it consistent
18 with industry standards.

19 Does digital increase revenues?
20 I would say that -- it was mentioned
21 earlier six times. I would say depending
22 on how it's done, anywhere between three
23 and eight times revenues can be
24 multiplied for the same formats,
25 depending on what is done.

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2 And with that, I rest my case.

3 Thank you.

4 COUNCILMAN GREENLEE: Thank you
5 very much, Mr. Pujol. I appreciate it.

6 Sir, if you could just --

7 MR. SMITH: My name is Greg
8 Smith. I'm the CEO of Allvision. Thank
9 you, Chairman Greenlee and Committee
10 members and also President Clarke, for
11 allowing us to talk here.

12 Allvision supports proposed
13 Bill 130109, which will enable the City
14 of Philadelphia to develop a municipal
15 advertising program and communication
16 programs that will promote community
17 messaging, enable the City of
18 Philadelphia to transmit emergency
19 content, and also generate significant
20 revenue for the City of Philadelphia.
21 The proposed ordinance will enable the
22 City of Philadelphia to develop a
23 comprehensive plan that will create new
24 non-tax revenue that can be utilized for
25 a number of municipal services throughout

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2 the City.

3 We work with all of these
4 companies. These are all good companies
5 and fine companies. The difference of
6 what Allvision does is that we take the
7 expertise of the industry itself and
8 bring it to the City of Philadelphia so
9 they can really assess and have an expert
10 on their side to figure out the smartest
11 and best way, both from a financial
12 standpoint and an implementation
13 standpoint, a community affairs
14 standpoint, and an operational
15 standpoint.

16 We think it's really important
17 that the devil is in the details on how
18 these things work. Each company is a
19 very good company, has a lot of
20 capabilities, but we like to say we bring
21 the expertise to our clients, which are
22 all public agencies, including SEPTA, New
23 Jersey Transit, New Jersey DOT, New
24 Jersey Turnpike, and we've generated over
25 \$550 million of additional revenue for

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2 our clients. And the idea is that if --
3 Philadelphia has all the facts on their
4 side. They're going to be working with
5 some of these companies, no question, if
6 they move forward with this bill, but
7 it's how they move forward and they're
8 doing it in a way that they want to do to
9 maximize their revenues and their overall
10 community and operational goals, and we
11 think that's very important.

12 Thank you very much for letting
13 us speak.

14 COUNCILMAN GREENLEE: Thank
15 you, Mr. Smith.

16 COUNCILWOMAN TASC0: I have a
17 question.

18 COUNCILMAN GREENLEE: Yes.
19 Councilwoman Tasco.

20 COUNCILWOMAN TASC0: Could you
21 explain again how different are you from,
22 say, CBS or Titan?

23 MR. SMITH: Sure. We work with
24 CBS, Titan, Clear Channel. What we do
25 is, we actually come up with the programs

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2 internally based upon all the information
3 that we know from these companies, also
4 them giving information to us, and come
5 up with a program for our clients and
6 bring the expertise to our clients to
7 help represent them in their dealings
8 with the out-of-home companies.

9 There's a very unique
10 opportunity here with the proliferation
11 of digital opportunities for all cities
12 across North America to really replan how
13 they want to do it, why they want to do
14 it, and where it's going. And in order
15 to really make the right decision, you
16 have to work closely with the City and
17 have a group that actually represents the
18 City in their dealings and make sure that
19 they're implemented well.

20 So we work with almost all
21 these companies. A few of them we don't,
22 just because of logistics or where they
23 are, and we have very successful
24 relationships with them, but we've been
25 able to make sure that our clients have

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2 the expertise and understand what they're
3 getting themselves into and actually
4 dictate the process versus it being the
5 opposite way. So we bring transparency
6 to the process and have been able to
7 unlock a tremendous amount of money and
8 control and hopefully help with the legal
9 liability as well in the dealings.

10 COUNCILWOMAN TASC0: So suppose
11 the City decides to do this. Would the
12 companies who provide the digital or
13 signage, they would have to bid on the
14 City's contract?

15 MR. SMITH: We would help the
16 City come up with what they want to do.
17 So we'd go through all your assets, come
18 up with a program based upon what the
19 City wants to do, not what someone is
20 trying to tell the City what to do, and
21 then go back and we'd give the financial,
22 the community affairs, the operational,
23 all the ramifications behind that, so
24 there's a plan that when it goes out,
25 first it's the plan that Philadelphia

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2 wants to do, not someone else wants to
3 do, and then, secondly, it's actually
4 implemented exactly the way you expect to
5 be implemented and it gets to the finish
6 line the way -- and then after it's
7 actually up and running, it's managed the
8 way it's supposed to be managed.

9 All these companies have that
10 capability and are good companies to work
11 with. The devil is in the details on how
12 that works. And it really should be the
13 City of Philadelphia's program, not
14 another company's program, and you having
15 all the information allows you to make
16 the decision that's best for you.

17 COUNCILWOMAN TASC0: So once
18 you come up with a plan, do you put the
19 plan out for bid?

20 MR. SMITH: Correct. We put it
21 out to bid. It all depends on who we're
22 working with. Every agency has their own
23 way of working with it. Every
24 municipality has their own way of working
25 with it. So we're contracted in

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2 different ways.

3 But, yes, we run the bid
4 process. We put it out. We help write
5 the bids. Sometimes we're consultants on
6 it. We are there to help you meet your
7 goals and give you all the information
8 and meet your goals, and then we're there
9 to help you implement it to the point
10 where we can be involved in the bidding
11 process, which we recommend, to help
12 writing it, to then making sure that the
13 financials are right, the implementation
14 is right, and the execution is right.
15 And then afterwards, the biggest thing
16 is, once you actually have what you want
17 and you got the bids in, is it's actually
18 implemented not just for year one or the
19 first six months, but for 15, 20 years,
20 whatever it is, in the right way and it's
21 done in the right way for the City.

22 COUNCILWOMAN TASC0: Now, what
23 is your name?

24 MR. SMITH: My name is Greg
25 Smith and I'm the CEO of Allvision, which

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2 is the name of my company.

3 COUNCILWOMAN TASC0: Okay.

4 Thank you very much.

5 COUNCILMAN GREENLEE: Thank

6 you.

7 Councilman Kenney.

8 COUNCILMAN KENNEY: Thank you.

9 Is part of your services also
10 filtering message and trying to determine
11 the demographic, kind of how cool you
12 want to be and what you want to be and
13 what you want to portray as a city and
14 what advertising you accept or reject?

15 MR. SMITH: That's a great
16 question. It is. And, once again,
17 that's something that we want the City of
18 Philadelphia to make a decision on where
19 they want to be on this.

20 COUNCILMAN KENNEY: But my
21 question is, would you -- see, I think it
22 may be helpful the other way as to --

23 MR. SMITH: We would
24 recommend --

25 COUNCILMAN KENNEY: --

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2 recommending what a northeast situated
3 city with a certain demographic is
4 looking to kind of brand themselves.

5 MR. SMITH: We would recommend
6 that. We would suggest that we as your
7 agent is involved in implementing that.
8 We would also suggest that that gets
9 implemented properly. We make sure that
10 the messaging, both from a branding
11 standpoint from whoever -- who advertises
12 is a whole different issue, but the type
13 of --

14 COUNCILMAN KENNEY: But it
15 really isn't.

16 MR. SMITH: But it's not. No;
17 I agree. It's an issue -- there's a
18 First Amendment issue obviously --

19 COUNCILMAN KENNEY: You're
20 talking about an Apple or a Smirnoff.

21 MR. SMITH: Correct.

22 COUNCILMAN KENNEY: There's a
23 difference in --

24 MR. SMITH: And we want an
25 Apple, because we think if it's done

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2 right and laid out right -- and those are
3 the things when we even decide what asset
4 is being put out there, those are
5 decisions that we lay out for you. If
6 you do this, you're more apt to have
7 Apple or AT&T. If you do this, you're
8 more apt to maybe have an alcohol or
9 something that's maybe less desirable.

10 And we also feel it's really
11 important that you get the highest and
12 best use out of your assets. And there's
13 not necessarily a correlation to highest
14 and best use being in the place where
15 most people don't want it. There's
16 places that you can put advertisements
17 that are good for advertisements and good
18 for the community at the same time.

19 COUNCILMAN KENNEY: What major
20 cities do you work with?

21 MR. SMITH: We work within
22 major cities right now. So we work with
23 public agencies like SEPTA or LA County
24 MTA or New Jersey Transit.

25 COUNCILMAN KENNEY: Who is

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2 generally making the recommendations from
3 the government side directing -- setting
4 the course for the direction of the
5 program?

6 MR. SMITH: What happens is, we
7 get hired as a consultant.

8 COUNCILMAN KENNEY: For
9 example, if you have the Turnpike
10 Commission and you have three older
11 Caucasian men on the Turnpike Commission,
12 they're going to direct things in a
13 certain way from their own mindset. So
14 my question, how do you get the diversity
15 and spin you want to get for your city if
16 you're directed by a government entity,
17 if it's one mayor or one set of county
18 commissioners? Are they going to put out
19 what they think is the message, and then
20 you're kind of --

21 MR. SMITH: No. We make the
22 recommendations based upon what we think
23 is the right thing for the city, thinking
24 all the way through of not just financial
25 rewards, which are highly important and

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2 everybody understands the ramifications,
3 but also what it says, what's going to be
4 out there, how it's represented, and the
5 quality of the product. And when the
6 city comes up with that plan versus the
7 companies -- the companies have great
8 ideas and are great at implementing it,
9 but when the city knows all those facts
10 and can make that decision, us obviously
11 being the filter for that because of our
12 expertise, the process is -- there's
13 ownership in the process and you get a
14 program that you know you're going to be
15 really proud of and like and there's no
16 issues behind it. And sometimes there's
17 programs that you get that are terrific
18 that aren't issues, but when it's your
19 program, the City of Philadelphia, versus
20 an out-of-home company who is telling you
21 what they want to do, it's a different
22 process.

23 COUNCILMAN KENNEY: Thanks.

24 COUNCILMAN GREENLEE: Thank
25 you, Councilman.

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2 Councilwoman Reynolds Brown.

3 COUNCILWOMAN BROWN: Yes.

4 Good afternoon, gentlemen.

5 Councilman Kenney raises an important
6 question around content. And so a
7 similar question, same issue, different
8 venue. Have you ever done any school bus
9 advertising?

10 MR. SMITH: We haven't done
11 school bus advertising. We've stayed
12 away from that. It hasn't really --
13 we've been able to achieve great
14 financial goals and implement programs
15 successfully where we haven't dipped into
16 something like that. We would do an
17 analysis for you, both financially,
18 operationally, and even community affairs
19 standpoint, on the risk-reward behind
20 doing something like that so you'd have
21 all the facts in front of you and make
22 the decision. We would make a
23 recommendation, because we've seen in
24 other markets how things happen or what
25 we think might happen from doing

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2 something like that. But you might have
3 one location that spins off more money
4 than a hundred buses and where do you
5 want to put your resources and time, and
6 those facts allow you to make the right
7 decisions.

8 COUNCILWOMAN BROWN: I see.

9 MR. PUJOL: If I may answer
10 that. We haven't done that ourselves.
11 When you think about that opportunity,
12 you'd have to be very careful what gets
13 advertised. So there's a lot of
14 restrictions there and you want to be
15 mindful and sensitive.

16 COUNCILWOMAN BROWN: Of course.
17 There are a few municipalities that are
18 engaged in it, and content is the top
19 priority on what we -- it's obvious to
20 some of us about what we shouldn't
21 advertise on school buses. So I was
22 curious to know. This is an opportunity
23 to ask the question given that that's on
24 my radar screen.

25 So let me think I understand

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2 process. So you allow the municipality
3 to do their homework first and present
4 you with a proposal?

5 MR. SMITH: We would be
6 working -- the way we work is, we would
7 actually sit with the municipality and
8 come up with all the options. It could
9 be billboards, it could be digital, it
10 could be street furniture, it could be
11 school bus advertising. And we're open
12 to figuring out the best mix, and then we
13 would come up with recommendations based
14 upon all the information. But you'll
15 have all the information to sit down and
16 say you should be doing this, here's the
17 financial ramifications, here's the
18 operational, here's the community affairs
19 actual ramifications. And we'll do it
20 for each product.

21 COUNCILWOMAN BROWN: I see.

22 MR. SMITH: So you'll have what
23 we call is A to Z information to make the
24 best decision. And some will be obvious
25 and some might not, but the obvious ones

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2 you can start to implement and really
3 generate great revenue, what we call,
4 with good public policy and win-win
5 situations.

6 COUNCILWOMAN BROWN: Okay,
7 then. Thank you very much.

8 Thank you, Mr. Chairman.

9 COUNCILMAN GREENLEE: Thank
10 you, Councilwoman.

11 Any other questions?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, thank you all, gentlemen, very
15 much.

16 MR. SMITH: Thank you very
17 much.

18 COUNCILMAN GREENLEE:
19 Ms. Marconi.

20 We're going to have a second
21 panel come up. This is your turn,
22 Mr. Magerman. Sorry about that.

23 Call the names, please.

24 THE CLERK: Joel Magerman,
25 Bridget Collins-Greenwald, Joe Grace.

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2 (Witnesses approached witness
3 table.)

4 COUNCILMAN GREENLEE: And the
5 record will reflect that Councilman
6 Henon, a member of the Committee, is also
7 present.

8 Mr. Magerman, if you could go
9 first since you started already. I'm
10 sorry about that. I wasn't communicating
11 it right. Then the Commissioner and then
12 Mr. Grace. I thought I saw him
13 somewhere.

14 Anyway, go ahead.

15 MR. MAGERMAN: Thank you. I
16 appreciate the opportunity to speak.
17 I'll try to be brief. You have a green
18 folder that has some information.

19 We're a financial advisory firm
20 as well as involved in the media space
21 through one of our partners, a gentleman
22 named Bill Apfelbaum. Bill was the
23 former CEO for ten years of Titan, who
24 you heard from. He was the former head
25 of CBS Outdoor, as well as a company

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2 called TDI. So he has been one of the
3 leaders in outdoor advertising for the
4 last 25 and 30 years and he's part of our
5 company.

6 Part of what we do is assist
7 both a municipality in looking at what
8 opportunities are, how to monetize those
9 opportunities from new revenue
10 generation, and in creating potentially
11 the ability to accelerate the payment of
12 those. So not only to help create maybe
13 a 5 or 10 or 20 or 50 million dollar a
14 year opportunity, but for the
15 municipality to look at it and say, I
16 would like to accelerate those and get
17 some of those dollars or maybe all of
18 those more quickly.

19 We've included some samples of
20 opportunities, a lot of which you're
21 hearing about today. Obviously there are
22 digital billboard opportunities. They
23 bring benefits to the City, not only from
24 an advertising perspective but from also
25 public service opportunities.

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2 If you look at by example --

3 I'm sure you're aware of what occurred in
4 Chicago and some of the significant
5 amount of revenue that's been able to be
6 generated there. From 34 digital
7 billboards, they've gotten \$15 million a
8 year and effectively \$157 million plus
9 guaranteed.

10 There are also opportunities
11 for new technologies that are out there
12 today, and part of what we would do is
13 help assist in developing a program
14 across many areas. So whether it be
15 digital kiosks, a number which are new
16 technologies that are out there. By
17 example, digital kiosks might be able to
18 generate for the City -- and we did a
19 quick example -- maybe \$36 million in new
20 revenue and maybe \$20 million in savings
21 across various areas.

22 There's opportunities in
23 building wraps, which you heard about,
24 naming opportunities across many various
25 areas, and a number of other creative

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2 solutions.

3 One of the challenges in
4 looking at accelerating payments and
5 getting dollars all up front is a
6 straight cash stream of \$10 million a
7 year, by example, for 20 years that would
8 give you \$200 million over that period of
9 time, potentially could actually generate
10 less up-front cash if you wanted to
11 accelerate it based on who the actual
12 creditor was on the other side, even if
13 they paid you more per year. So a
14 company giving you 10 million a year for
15 20 years versus a company giving you 12
16 and a half million a year for 20 years,
17 which is a \$50 million difference,
18 depending on the credit quality of that
19 company, could actually represent less
20 money to the City. So designing the
21 appropriate programs that make sense from
22 all the important aspects of new revenue
23 production also are important in how you
24 determine how you might want to
25 accelerate those payments and who the

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2 counterparties are. And what we do is
3 assist entities in doing that.

4 COUNCILMAN GREENLEE: Thank you
5 very much.

6 Commissioner, and then
7 Mr. Grace, and then we'll have questions.

8 COMMISSIONER COLLINS-GREENWALD:
9 Good afternoon, Chairman Greenlee and
10 members of the Committee on Rules. I am
11 Bridget Collins-Greenwald, Commissioner
12 of Public Property, and I am here today
13 to testify on Bill No. 130109. The
14 Administration is supportive of the
15 concept of generating revenue by entering
16 into a concession contract with an
17 outdoor advertising vendor and will work
18 in conjunction with City Council to
19 create a program for doing so.

20 While we support the proposed
21 bill, we want City Council to be aware of
22 a few of the issues we need to address
23 before we can issue a request for
24 proposal to solicit potential vendors.

25 First, the Department of Public

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2 Property is working with the Treasurer's
3 Office, the Law Department, and the
4 Capital Budget Office to ensure that any
5 revenues generated through advertising on
6 municipal property do not adversely
7 affect the status of the tax-exempt bonds
8 that were issued to pay to build or
9 renovate the buildings on which an
10 advertising may be posted.

11 Second, our department is
12 finalizing the list of proposed assets
13 with the Department of Parks and Rec, the
14 Health Department, and the Library so
15 that we could provide a potential vendor
16 with an accurate list of properties on
17 which advertising will be permitted.

18 Finally, because of the
19 experiences in other cities that have
20 started municipal advertising programs,
21 the Department of Public Property is
22 working with the Law Department and the
23 Mayor's Office to develop a policy to
24 address the types of advertising we wish
25 to allow as a municipality.

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2 I will continue to work with
3 the Treasurer's Office to determine how
4 long it will take to resolve the issues
5 I've discussed above, and we will then be
6 able to issue a request for proposal.

7 My colleagues from the Law
8 Department are with me here today to
9 answer any specific questions you may
10 have on those areas.

11 Thank you.

12 COUNCILMAN GREENLEE: Thank
13 you, Commissioner.

14 We'll hear from Mr. Grace
15 before we start questions.

16 Joe, we have your testimony.
17 You don't have to read it. If you could
18 just summarize, we'd appreciate it, so we
19 could get to questions.

20 MR. GRACE: Happy to. Thank
21 you, Mr. Chairman.

22 I'm Joe Grace. I'm the
23 Director of Public Policy for the Greater
24 Philadelphia Chamber of Commerce. We are
25 here today in support of Bill 130109

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2 establishing a comprehensive plan for
3 advertising on municipal property.

4 I will summarize, Mr. Chairman,
5 as requested.

6 Last couple months, City
7 Council has taken up a number of measures
8 designed to figure out ways to raise more
9 revenue without raising taxes, looking
10 closely at how the City collects
11 delinquent taxes in excess of \$500
12 million the City is due. We support
13 that.

14 Earlier this month, the Council
15 President proposed the idea of a Chief
16 Revenue Generating Officer for the City
17 to look at this and other ways to
18 creatively raise revenue without raising
19 taxes. We support that.

20 Late last year, we supported a
21 bill similar to this one, Bill 120754.
22 President Rob Wonderling came and
23 testified to a bill that revised the
24 rules for advertising on newsstands. We
25 testified in support. We think that was

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2 good for both the City to raise some
3 revenue as well as for small business
4 owners as well.

5 We've looked at what SEPTA is
6 doing locally here on advertising on its
7 property, generating 14 million in ad
8 revenues this year, up over last year and
9 up several years before that. We've
10 looked at the other cities as well, from
11 Dallas to New York. We've heard the
12 testimony here today.

13 If we look at Boston as one
14 example, Mr. Chairman, Boston is
15 generating an estimated \$50 million in
16 new revenues over 20 years. That could
17 be several million dollars a year into
18 city coffers. Over a five-year financial
19 plan, that could be \$10 million to \$15
20 million at least into the General Fund to
21 provide essential City services, police
22 or fire, schools or sanitation, without
23 raising taxes.

24 We support collectively all of
25 these ideas that City Council is

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2 proposing this spring, more energetically
3 collecting delinquent taxes, seeking
4 these and other kinds of innovative ways
5 to generate revenues without raising
6 taxes.

7 We support this bill generating
8 potentially millions of dollars in new
9 revenues for the City without raising a
10 single tax.

11 Thank you for the opportunity
12 to testify.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 I know some Committee members
16 have questions.

17 Commissioner, just very general
18 question. Just so I'm clear, the
19 concerns you raise -- we might want to
20 get into those a little more, but the
21 concerns you raise, this bill does not
22 hold up any of that, right? So, I mean,
23 moving this bill forward, that doesn't
24 hurt --

25 COMMISSIONER COLLINS-GREENWALD:

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2 What it holds up is our ability to issue
3 an RFP, because we have to resolve these
4 issues first if this bill were to pass.

5 COUNCILMAN GREENLEE: Okay.

6 But moving this forward, you could start
7 to look at that, right?

8 COMMISSIONER COLLINS-GREENWALD:

9 Yeah. Actually, we're in the process of
10 looking at it right now. All those
11 issues that I described, we're in the
12 process of actually getting the list
13 finalized, working with the Treasurer's
14 Office, working with Law.

15 COUNCILMAN GREENLEE: So moving
16 this bill really kind of works in
17 conjunction with that, wouldn't it?

18 COMMISSIONER COLLINS-GREENWALD:

19 I don't know if it works in conjunction,
20 but it's something that we're doing, so
21 it doesn't hurt.

22 COUNCILMAN GREENLEE: Well, I
23 guess if you didn't have the bill, you
24 couldn't do it, right?

25 COMMISSIONER COLLINS-GREENWALD:

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2 What's that?

3 COUNCILMAN GREENLEE: If you
4 didn't have the bill, you couldn't do it,
5 right?

6 COMMISSIONER COLLINS-GREENWALD:
7 Actually, some of the things that we're
8 looking at on our assets are things that
9 we need to be doing anyway with regard to
10 the bonding, so we would be looking at
11 that anyway.

12 COUNCILMAN GREENLEE: Okay.
13 Councilwoman Tasco.

14 COUNCILWOMAN TASCO: I was
15 going to ask the same question pretty
16 much.

17 COUNCILMAN GREENLEE: I did it
18 again. I stole her question again.

19 COUNCILWOMAN TASCO: What made
20 you think -- "you" meaning the
21 Administration -- think that there would
22 be some conditions in our bonds,
23 outstanding bonds, that would prevent
24 this? I mean, is there any history? Is
25 there anything else in the City or in the

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2 other cities that came up to bring this
3 issue up for us?

4 COMMISSIONER COLLINS-GREENWALD:

5 I'm going to turn this over to Shelley
6 Smith, our City Solicitor, because she
7 can answer all the specifics on this,
8 which I could just generalize, and you
9 probably want the more detailed answer.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN GREENLEE: Good
13 afternoon. If you could identify
14 yourself, please, and proceed.

15 SOLICITOR SMITH: Shelley
16 Smith, City Solicitor. I have with me
17 Jonathan Lichtenstein from Cozen and
18 O'Connor, who can give you more detail
19 about the bond-related issues, but in
20 summary, in answer to your question,
21 Councilwoman Tasco, when this issue was
22 discussed with the City Treasurer, she
23 was well aware of the issue that only a
24 certain amount of revenue can be
25 generated from the use of public property

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2 that has been financed in any way by the
3 issuance of municipal bonds, because
4 those bonds are tax exempt. So the
5 amount of revenue that can be generated
6 from the use of those properties is
7 limited by the Internal Revenue Code.

8 The City Treasurer is very
9 familiar with this issue. The IRS has
10 actually begun to audit cities on this
11 issue. So it's a serious issue and it's
12 not one that's just -- we've just sort of
13 pulled out of thin air. But I'm going to
14 hand it over to Mr. Lichtenstein, who can
15 give you more detail.

16 MR. LICHTENSTEIN: John
17 Lichtenstein from Cozen O'Connor.

18 By getting the benefit of
19 issuing tax-exempt bonds, the City saves
20 considerably on its interest savings.
21 One of the tradeoffs is that the IRS code
22 sets out fairly detailed provisions on
23 allowing private persons to use City
24 assets that have been financed with the
25 tax-exempt bonds, because the theory is

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2 that they're encouraging and they're
3 trying to subsidize and make cheaper
4 borrowing for governmental assets.

5 Allowing somebody to advertise
6 on a public building would be a use by a
7 private person. There are complicated
8 rules. There are various ways to comply
9 with the rules, and the answer is not a
10 clear no or yes. It depends on the
11 situation. It actually goes down to the
12 level of looking at the exact City
13 property that's going to be advertised
14 on, how much revenue is going to be
15 generated, how much space is going to be
16 used, and whether or not any proceeds of
17 one of your bond issues actually went
18 into that building or that property. So
19 it's an issue that has to be addressed as
20 part of the overall analysis.

21 COUNCILWOMAN TASC0: Since New
22 York and some of these other major cities
23 have engaged in this activity, have we
24 looked at those?

25 MR. LICHTENSTEIN: I have not

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2 personally looked at it. I don't know if
3 the Treasurer's Office or anyone else has
4 looked at that issue.

5 SOLICITOR SMITH: And the
6 Treasurer's Office has begun to look at
7 it. New York actually does not issue
8 tax-exempt bonds, if I'm not mistaken.
9 They have issued taxable bonds, so that
10 they don't have this limitation. So
11 that's just one example, but the
12 Treasurer's Office is reaching out to
13 other peers in other cities to determine
14 how other cities have dealt with this
15 issue.

16 COUNCILWOMAN TASC0: So how
17 long could this analysis or study go on?
18 I mean, is it something that could drag
19 out or is this an issue that we can
20 address in a fairly short period of time?

21 SOLICITOR SMITH: We're not
22 sure how long it's going to take. The
23 Public Property -- the Department of
24 Public Property is in the process of
25 identifying the properties, and once

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2 those properties are identified, that
3 list will be given to the Treasurer's
4 Office, and then they have to examine
5 each property for the bond transactions
6 that have applied to it so that they can
7 determine how much revenue has already
8 been generated by private use or how much
9 private use actually is attributable to
10 each property that was financed by bonds.

11 So we're not sure -- it's hard
12 to fix a timeframe, but we're trying to
13 do it as quickly as possible. But it is
14 going to take some time.

15 COUNCILWOMAN TASC0: Thank you
16 very much.

17 COUNCILMAN GREENLEE: Thank
18 you, Councilwoman.

19 What about SEPTA? They have
20 this now.

21 SOLICITOR SMITH: We're going
22 to check with them too.

23 COUNCILMAN GREENLEE: But
24 they're doing it, right?

25 SOLICITOR SMITH: That's

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2 correct. The Treasurer will check with
3 them as well.

4 COUNCILMAN GREENLEE: Okay.
5 And the other question, I'm not real
6 clear on what you're saying about the
7 private entity, because this is the City
8 contracting with somebody. It's on City
9 property.

10 SOLICITOR SMITH: The
11 advertising is being done for the benefit
12 of the commercial entity. It's not the
13 City advertising. It's the commercial
14 entity advertising. What we are
15 contracting is the ability for the
16 private entity to advertise.

17 COUNCILMAN GREENLEE: Okay.
18 I'm still not sure I follow that, but
19 Councilman Kenney.

20 COUNCILMAN KENNEY: Thank you
21 very much.

22 You said it's going to take a
23 while to do this. How long?

24 SOLICITOR SMITH: I didn't
25 understand what you said.

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2 COUNCILMAN KENNEY: You said
3 it's going to take a while to do this.
4 Could you define "a while"?

5 SOLICITOR SMITH: I cannot. As
6 I said, we're trying to do it as quickly
7 as possible. We understand that there's
8 a desire to move this quickly. We
9 obviously understand the need to generate
10 additional revenue, but it's just going
11 to take some time. I don't even -- we
12 don't even know as I'm sitting here --

13 COUNCILMAN KENNEY: Six months,
14 two years?

15 SOLICITOR SMITH: I really
16 cannot estimate.

17 COUNCILMAN KENNEY: Five years?

18 SOLICITOR SMITH: I don't think
19 it's a matter of years.

20 COUNCILMAN KENNEY: Okay. So
21 it's not like building a rec center.

22 SOLICITOR SMITH: I don't
23 believe it's like building a rec center.

24 COUNCILMAN KENNEY: Which takes
25 like seven years.

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2 SOLICITOR SMITH: I don't
3 believe it's like building any rec
4 center.

5 COUNCILMAN KENNEY: Let me tell
6 you, the frustration here from me is that
7 my friend Frank DiCicco, who graced this
8 room for many years, came back from Rome
9 once very excited with wall wraps on
10 construction property and just wonderful
11 ideas to generate revenue. It's never
12 been embraced. I mean, outdoor
13 advertising in general since the Mayor
14 was even in Council has never embraced
15 it, because he was always on the side of
16 SCRUB. So, I mean, what leads us to
17 believe that this is going to go forward
18 in a good-faith manner when in general
19 the Administration's position has been
20 they don't like outdoor advertising and
21 they think it's evil?

22 SOLICITOR SMITH: Well,
23 Commissioner Greenwald has just testified
24 that the Administration supports this.

25 COUNCILMAN KENNEY: Supporting

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2 it and getting it done are way two
3 different things.

4 SOLICITOR SMITH: Well, the
5 process has to be undertaken. I mean,
6 what always happens and my frustration
7 frequently is that I understand that
8 people go to other cities and see other
9 things that are done in other cities and
10 come back and say, Well, it happens in
11 Rome or New York or Chicago or whatever,
12 why can't we do it here, and the answer
13 almost invariably is that the rules are
14 different here. I'm not going to speak
15 to those other cities, but having done
16 some Charter -- having litigated some
17 Charter issues, I can tell you that the
18 history of corruption in this city -- and
19 I'm not saying it applies to this issue;
20 I'm saying just in general -- led to a
21 Charter that has restrictive rules in a
22 variety of areas. And so those
23 restrictive rules put us -- require us to
24 engage in certain processes for a whole
25 lot of things, rules that don't apply in

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2 other cities for whatever reason. So
3 here --

4 COUNCILMAN KENNEY: What's
5 Chicago's situation? Are they taxable
6 bonds?

7 SOLICITOR SMITH: I don't know.
8 The City Treasurer is doing this research
9 and she's doing it with other peers,
10 because the Treasurer's Office typically
11 deals with the bonds. So they would
12 have -- she's in the best position to
13 find that out most expeditiously.

14 But we are serious about it.
15 We are not -- it's not -- we're not
16 delaying it, but the work, as
17 Mr. Lichtenstein has said also, the work
18 has to be done, because we don't want to
19 risk tax penalties for the sake of doing
20 this.

21 COUNCILMAN KENNEY: Do you know
22 if the Mayor has changed his position on
23 outdoor advertising?

24 SOLICITOR SMITH: I know that
25 the Mayor supports this.

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2 COUNCILMAN KENNEY: So he's
3 changed his position on outdoor
4 advertising.

5 SOLICITOR SMITH: I can't speak
6 to what his position was before. Unlike
7 you, I guess --

8 COUNCILMAN KENNEY: He sat
9 right over here. I know where he sat.

10 SOLICITOR SMITH: I never had a
11 conversation with him before about it.

12 COUNCILMAN KENNEY: He's always
13 been against it.

14 SOLICITOR SMITH: Well, I know
15 that the Mayor supports this.

16 COUNCILMAN KENNEY: It may lead
17 us -- some of us who are more skeptical
18 who have been here for a while may lead
19 us to believe that that position may drag
20 out this process long enough so that it
21 doesn't happen.

22 SOLICITOR SMITH: Well, we're
23 trying to get it done as quickly as
24 possible, but it is a detailed process
25 that's going to take some time.

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2 COUNCILMAN KENNEY: All right.

3 Thank you.

4 COUNCILMAN GREENLEE: Before I
5 recognize the other Councilmembers, thank
6 you, Councilman. I just want to ask, I
7 mean, the sponsor of this bill, Council
8 President Clarke, has been talking about
9 this for a while. I shouldn't speak for
10 him, but I think he's a little frustrated
11 that he didn't think things were moving.

12 SOLICITOR SMITH: Yes.

13 COUNCILMAN GREENLEE: You said
14 that the Treasurer has been looking at
15 this. How long has the Administration
16 been involved in looking in some of these
17 issues you're raising or other issues?

18 SOLICITOR SMITH: So very
19 briefly, I could give you the top level
20 sort of history of kind of how this has
21 unfolded.

22 An RFP was drafted. That RFP
23 had some -- by the time it was brought to
24 us about three months after it initially
25 went to the Department, it had some

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2 issues. We worked through them with the
3 Department.

4 COUNCILMAN GREENLEE: When was
5 that?

6 SOLICITOR SMITH: In the fall,
7 October. It had -- so it had some
8 issues. We worked with the Department to
9 try to work through those issues, and
10 then it was revised simultaneously. We
11 started to look at the -- while the
12 Department was working on some of the
13 RFP-related issues, we started to look at
14 the list of properties and had some
15 concerns about the policy, the
16 advertising policy, that would relate to
17 this program, because we know that other
18 cities -- we have our own advertising
19 policy issues, and we know that other
20 cities have had these issues. New York
21 in fact got sued over this because they
22 failed to do this in advance, and they
23 actually lost that lawsuit. So we don't
24 want to be in that position. So we have
25 to have a policy in advance.

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2 But the bond issues and the
3 public policy issues sort of arose at the
4 same time. And so for the past couple of
5 months, we've been trying to work
6 through -- Public Property has gone back
7 to try to identify more narrowly the
8 properties that are high value, I think.

9 Is that right?

10 COUNCILMAN GREENLEE: Ms.
11 Smith, if I could just ask --

12 SOLICITOR SMITH: So to figure
13 out -- anyway, to figure out what
14 properties are appropriate. And we are
15 working also in the Law Department to
16 come up with a policy that reflects our
17 public policy that would apply to an
18 advertising program so we don't end up in
19 the New York situation.

20 COUNCILMAN GREENLEE: So who is
21 all involved here? You got the Law
22 Department --

23 SOLICITOR SMITH: Public
24 Property, Treasurer's Office, and the
25 individual departments whose buildings

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2 would be the advertising space.

3 COUNCILMAN GREENLEE: As the
4 Councilman just said, is there a guide
5 here or chief of the operations or
6 something? Because I think the message
7 we're getting here, we're a little
8 concerned there's so many different
9 entities, and that's when we get into
10 this time thing, how long it will take.

11 SOLICITOR SMITH: I think
12 Public Property is ultimately running the
13 program, but the problem is that there
14 are -- Public Property doesn't -- the
15 individual departments manage their
16 buildings, and Public Property has to
17 work with them, and the Law Department
18 obviously has to come up with the
19 advertising policy that addresses the
20 First Amendment issues and the other
21 issues relating to public policy that
22 will go along with this, and the
23 Treasurer's Office deals with the bonds.
24 And so there are necessarily a number of
25 major departments involved in the

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2 process.

3 COUNCILMAN GREENLEE:

4 Councilman Kenney has a question.

5 COUNCILMAN KENNEY: Just an
6 adjunct question. Who is guiding Public
7 Property into the value of buildings for
8 advertising? How would Public Property
9 know the value of a building, where it's
10 located, how big it is? Who is
11 consulting with them on the value of the
12 property?

13 COMMISSIONER COLLINS-GREENWALD:
14 Actually, what we're doing with the list
15 with the other departments is, what we
16 were trying to do was, we had a list
17 together in the initial RFP, and what we
18 did was, we've actually worked with the
19 other departments to actually remove some
20 things that they didn't think they wanted
21 to advertise on. Like say if City Hall
22 was on there, for example, I would
23 probably pull City Hall off so it wasn't
24 on there, but you know what I mean?
25 That's an example.

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2 So the departments are looking
3 at that, what to pull off. We have no
4 idea what buildings might be valuable to
5 someone to advertise on or not. So what
6 our intention is is to turn over that
7 complete list and then let one of these
8 companies or whoever would get the RFP
9 come back to us and tell us, because we
10 wouldn't know, you're right.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Councilman Goode.

14 COUNCILMAN GOODE: Thank you,
15 Mr. Chairman.

16 On the issue of getting things
17 done and not dragging our feet, I wanted
18 to bring up the issue of SEPTA again, and
19 Mr. Grace mentioned the fact that SEPTA
20 has done advertising successfully and
21 they continue to become more successful
22 at it and they continue to do it on
23 properties owned by the City.

24 Our new lease-leaseback
25 agreement, whenever it is finally done,

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2 is supposed to give us a share of those
3 advertising dollars. Can you please, for
4 the record, since SEPTA didn't mention in
5 its budget testimony, which it was
6 supposed to -- and I'm not sure,
7 Commissioner, you mentioned in your
8 budget testimony -- you did mention it.

9 COMMISSIONER COLLINS-GREENWALD:
10 I did. Yes, I did.

11 COUNCILMAN GOODE: For the
12 record at this hearing, can you tell us
13 what our deal is regarding advertising on
14 SEPTA?

15 COMMISSIONER COLLINS-GREENWALD:
16 I'd like to bring Andrew Stober up from
17 the Mayor's Office of Transportation and
18 Utilities. He has all the details on
19 that.

20 (Witness approached witness
21 table.)

22 MR. STOBER: Good afternoon,
23 Councilman. Andrew Stober from the
24 Mayor's Office of Transportation and
25 Utilities.

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2 Under the lease-leaseback that
3 we've negotiated with SEPTA, any
4 additional advertising that doesn't
5 currently exist will be shared with the
6 City. Revenues from that will be shared
7 with the City on a 60/40 basis. I
8 believe 60 percent -- I'll have to get
9 back to you. I forget which it is.

10 COUNCILMAN GOODE: Sixty SEPTA,
11 40 City.

12 MR. STOBBER: Yeah, 40 us, 60
13 percent SEPTA. Beyond that, any other
14 revenues that are generated beyond
15 advertising and other realms will also be
16 split between the City and SEPTA.

17 COUNCILMAN GOODE: When will we
18 get the lease-leaseback done? So when is
19 the lease-leaseback going to be done?

20 MR. STOBBER: We hope to have it
21 introduced into Council in this session.

22 COUNCILMAN GOODE: Thank you.

23 Thank you, Mr. Chair.

24 COUNCILMAN GREENLEE: Thank
25 you, Councilman.

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2 Councilman Henon and then
3 Councilwoman Tasco. Councilman Henon.

4 COUNCILMAN HENON: Thank you,
5 Mr. Chairman.

6 Madam Solicitor, we're talking
7 about -- you had mentioned about the IRS
8 and I guess the allowable -- do you have
9 a value on the allowable amount of
10 advertising that the City can that won't
11 affect our tax?

12 SOLICITOR SMITH:
13 Mr. Lichtenstein can probably speak to
14 that issue better than I can.

15 MR. LICHTENSTEIN: The IRS, the
16 limit is not looked at citywide. To
17 start with, the limit is only on assets
18 that were financed with tax-exempt bonds.
19 So, for example, if you were putting
20 street furniture on sidewalks that don't
21 have any -- weren't financed with
22 tax-exempt bonds, there would be no
23 limitation.

24 The limitation generally would
25 be approximately 5 percent of each bond

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2 issue, but it's done on a by bond issue
3 basis. So if you have a building that
4 was financed with multiple bond issues,
5 part of the process is to be determined
6 what part of the building would the
7 advertising be on, for example, and was
8 that something that was financed with the
9 bond issue. If, for example, it's a
10 building that only had interior
11 renovations, likely you could conclude
12 that putting advertising on the outside
13 isn't something that implicates the
14 tax-exempt bond proceeds. But, again, I
15 think this is speaking to why it's a
16 complicated process that involves sort of
17 identifying where tax-exempt bond dollars
18 have been spent and where the advertising
19 is going to go.

20 COUNCILMAN HENON: It doesn't
21 seem like it's a heck of a lot here in
22 the City of Philadelphia over the last
23 several years and with SEPTA and most
24 recent the Airport beneficial for
25 advertising and non-accessory signs. I

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2 just -- again, it has been permitted in
3 other cases, as well as I'd like to
4 mention it may not be non-accessory, but
5 when it comes to public property and
6 monies, we have concessionaires
7 throughout the entire City of
8 Philadelphia who also deal with private
9 and with public contracts. So we deal
10 with private sector on an ongoing basis
11 and have been for years.

12 So I too just want to shed some
13 concern as some of the Councilmembers up
14 here, as I hope it's not as we move
15 forward with this, which is our
16 intention, for good reasons, missing out
17 on opportunities, that we don't delay it
18 for reasons that's already permitted
19 since we are taking advantage of dealing
20 with private businesses.

21 COUNCILMAN GREENLEE: Thank
22 you, Councilman.

23 Councilwoman Tasco.

24 COUNCILWOMAN TASCO: Very
25 briefly.

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2 Ms. Smith, you said earlier
3 because of prior corruptive activity, we
4 in Council rushed to pass Charter
5 legislation --

6 SOLICITOR SMITH: No, no,
7 that's not what I said. That's not what
8 I said.

9 COUNCILWOMAN TASCO: What did
10 you say?

11 SOLICITOR SMITH: I said our
12 rules are -- the rules set forth in the
13 Charter, 1952, not this Council, not
14 this -- hardly anybody around anymore --
15 the rules set forth in the Charter are
16 often restrictive, and that's the basis
17 for all of our ordinances, are often
18 restrictive because of the history that
19 led to the Charter. That's what I said.
20 So when people say it's done in other
21 cities, why can't we do it here, the
22 answer is typically because the law is
23 different here, and the law is different
24 here because we have the Charter that
25 says what it says and the laws have

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2 evolved from there. That's what I said.

3 So the answer is rarely because
4 it can happen in New York or Chicago or
5 Rome or wherever it can happen here
6 automatically. We have to deal with the
7 rules that we have here in this city.

8 COUNCILWOMAN TASC0: And I
9 appreciate and I apologize if I
10 misunderstood you, but you did not say
11 that that way. But neither here nor
12 there.

13 But in your analysis of some of
14 the rules that were put in place from the
15 beginning of the Charter in '50, '51, are
16 there recommendations that we might look
17 at to amend the Charter so that it would
18 not restrict us from -- not just with
19 this, but anything else where it would
20 be -- because we just amend the Charter
21 all the time here, so it doesn't prevent
22 us from doing it -- amending the Charter
23 to make it easier for us to do business
24 if that is one of the problems?

25 SOLICITOR SMITH: In this

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2 instance, the rules that are the obstacle
3 are federal. There are -- they're the
4 Internal Revenue Code and the First
5 Amendment that require us to either
6 examine the buildings themselves, the
7 properties themselves, and the financing
8 that relates to them or the public policy
9 issues relating to an advertising policy.

10 COUNCILWOMAN TASC0: Well, I
11 understand that. I'm just sort of like
12 off the hand asking you could we look at
13 some of those restrictions that impede us
14 from doing business, outside of this
15 issue.

16 SOLICITOR SMITH: Right. We
17 are often asked to do that. I can't
18 think of any example off the top of my
19 head, but we're asked to do that
20 frequently.

21 COUNCILWOMAN TASC0: Thank you.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Just one question. You said
25 about the federal regulations. Well,

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2 obviously that's every city.

3 SOLICITOR SMITH: That's

4 correct. We have --

5 COUNCILMAN GREENLEE: So that's

6 not unique to us.

7 SOLICITOR SMITH: It's not

8 unique to us, but the analysis has to be

9 undertaken nonetheless.

10 COUNCILMAN GREENLEE: But you

11 were saying that part of the problem is

12 that the laws are different here in

13 Philadelphia, and then you're saying, in

14 the answer to Councilwoman's question,

15 well they're federal related.

16 SOLICITOR SMITH: In this

17 instance, the First Amendment and the

18 policy about -- the First Amendment

19 relates to the policy about advertising

20 and the First Amendment in relation to

21 our local public policy has to be --

22 those two things have to be reconciled in

23 order to come up with a policy that makes

24 sense with respect to what advertising

25 will be permitted --

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2 COUNCILMAN GREENLEE: So the
3 federal regulations --

4 SOLICITOR SMITH: -- on which
5 building. So that's a combination of --

6 COUNCILMAN GREENLEE: So the
7 federal regulations, you can certainly
8 look at other cities, right?

9 SOLICITOR SMITH: And we are.
10 I said that.

11 COUNCILMAN GREENLEE: Okay.
12 Council President Clarke.

13 COUNCIL PRESIDENT CLARKE: I
14 was hoping I didn't have to come in here,
15 but good afternoon.

16 SOLICITOR SMITH: Good
17 afternoon.

18 COUNCIL PRESIDENT CLARKE:
19 Let's start out. Who do you work for?

20 SOLICITOR SMITH: I work for
21 the entire City government.

22 COUNCIL PRESIDENT CLARKE: So
23 with respect to timing, can you tell me
24 why at the 11th and a half hour you are
25 coming in this Council Chambers, given

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2 the fact that this is a proposal that
3 predates the inauguration of this term of
4 the City of Philadelphia, expressing your
5 concerns from a legal perspective, since
6 you claim you work for us?

7 SOLICITOR SMITH: To my
8 knowledge, this proposal -- I was first
9 aware -- I was personally first aware of
10 this issue having gone to Public Property
11 last spring, I was first aware of this, I
12 think, in January, but my lawyers have
13 been working on it for several months
14 before that, because it went to Public
15 Property. Public Property was working on
16 an RFP.

17 COUNCIL PRESIDENT CLARKE: Last
18 year.

19 SOLICITOR SMITH: In the summer
20 of last year, right. They brought it to
21 us in, I think, at the end of September.
22 I have a timeline here. If you give me a
23 second, I can refer to it.

24 Brought it to us in late
25 September -- I'm sorry. October 31st was

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2 when the Law Department first learned.

3 COUNCIL PRESIDENT CLARKE: Of
4 last year.

5 SOLICITOR SMITH: Of 2012,
6 correct. And the Law Department worked
7 with Public Property to address the
8 concerns that we had, not I but lawyers
9 in my office, had about the RFP as it had
10 been drafted, and we met with them. So
11 from the time we learned about it,
12 October 31st, we met with Public Property
13 and Finance five days later. Although a
14 number of proposals have been received,
15 they were unsatisfactory --

16 COUNCIL PRESIDENT CLARKE:
17 Because of?

18 SOLICITOR SMITH: -- so we
19 cancelled the RFP to start over.

20 COUNCIL PRESIDENT CLARKE: They
21 were unsatisfactory because of what?

22 SOLICITOR SMITH: That I don't
23 know.

24 COMMISSIONER COLLINS-GREENWALD:
25 Good afternoon.

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2 We actually issued the RFP in
3 June of last year, and we received two
4 proposals, which wasn't the amount we
5 expected. We expected to receive a few
6 more. We received two. One proposal we
7 didn't even feel was complete and the
8 other proposal was. So we had a panel
9 put together, and we actually -- that
10 group is actually here today. They gave
11 a presentation to us.

12 We had a few additional
13 questions of that group, and it was
14 basically because their presentation
15 really revolved a lot around billboards.
16 So our question was, Could you give us
17 more of a mixture if we gave you a pilot
18 sampling of our assets, and that's when
19 we asked -- I think that's how Law got
20 involved, because our question was, Are
21 we able to give a vendor a list of our
22 assets and ask for a pilot program from
23 them without actually having a contract
24 with them? Because we just weren't sure
25 of the legal ramifications of that. So

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2 we asked that question, and then that's
3 when these other issues arose.

4 COUNCIL PRESIDENT CLARKE: The
5 Law Department made a determination that
6 there could be some other legal issues
7 with respect to First Amendment, you
8 said?

9 COMMISSIONER COLLINS-GREENWALD:
10 Yes.

11 COUNCIL PRESIDENT CLARKE:
12 Which I will ask you about in a minute.
13 And what was the other one?

14 SOLICITOR SMITH: Ultimately --
15 but I'm not sure exactly; it may have
16 been around the same time -- the bond
17 issues --

18 COUNCIL PRESIDENT CLARKE: That
19 doesn't matter.

20 SOLICITOR SMITH: But the legal
21 issues were the bond issues and the First
22 Amendment advertising policy.

23 COUNCIL PRESIDENT CLARKE: So
24 the First Amendment you're suggesting --
25 and I'm sorry. I wasn't privy to the

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2 conversation. I just happened to walk in
3 the room.

4 Your suggestion is that if we
5 enter into a contract, we can't dictate
6 based on the terms of the contract what
7 the content?

8 SOLICITOR SMITH: No. I'm
9 suggesting that we can, but we need to do
10 it in advance. We need to know what the
11 parameters will be in advance.

12 COUNCIL PRESIDENT CLARKE:
13 Right. Okay.

14 SOLICITOR SMITH: I'm not
15 suggesting we can't do it.

16 COUNCIL PRESIDENT CLARKE: This
17 is not a contract-related ordinance
18 today. This is a zoning ordinance, and
19 subsequently if the Administration
20 decides to proceed, which I'm
21 unfortunately continuing to believe this
22 is something that they don't want to do
23 because it's not their idea, right, is
24 the reality is that this basically
25 authorized the City of Philadelphia

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2 publicly owned properties to change the
3 zoning and then with -- a contract is let
4 with specific locations based on certain
5 content that will be determined by, one,
6 the Public Property Commissioner or any
7 other agency, because I'm also finding
8 out now that Ms. Bridget -- I'm sorry;
9 Public Property Commissioner does not
10 have jurisdiction over other assets
11 within the City. So at that point in
12 time is when this whole notion about
13 content and any other thing relating to
14 our ability to dictate the terms of the
15 content would be determined.

16 With respect to your other
17 issue about the tax-exempt nature of
18 publicly owned properties -- and I'm kind
19 of coming in late on this -- is the City
20 of Philadelphia's inventory in Fleet
21 Management; i.e., trash trucks, were they
22 purchased with tax-exempt bonds?

23 SOLICITOR SMITH: I don't know.

24 COMMISSIONER COLLINS-GREENWALD:

25 I don't believe the trash trucks, the

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2 sanitation trucks, were. We actually --
3 we have -- the Fleet Commissioner has
4 been involved in these conversations too.
5 I should have mentioned him and I didn't.
6 So we don't believe that a majority of
7 them were issued with bonds, so --

8 COUNCIL PRESIDENT CLARKE: They
9 weren't. You know they didn't buy trash
10 trucks.

11 COMMISSIONER COLLINS-GREENWALD:
12 Some of them were PMA-related bonds.

13 SOLICITOR SMITH: But some of
14 them were.

15 COUNCIL PRESIDENT CLARKE: So
16 the SEPTA, which is the other government
17 authority that is making a whole lot of
18 money, the primary revenue source are
19 buses and they're advertised on buses.
20 They do wraps. So if we have a fleet of
21 vehicles that -- trash trucks alone are
22 approximately 350 that travel down every
23 street in the City of Philadelphia and
24 they are not under the tax-exempt
25 provision that could conceivably cause

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2 some concerns, then why aren't we moving
3 ahead on that? Somebody has to know.

4 COMMISSIONER COLLINS-GREENWALD:

5 Actually, one of our proposals is to
6 actually -- this whole thing that came up
7 with the tax-exempt bonds is to actually
8 pull out what was not issued with bonds,
9 and what our recommendation is vehicles
10 were one of those things we're pretty
11 sure were not issued -- were not paid for
12 with bonds, a majority of them anyway.
13 So weed out the ones that were, might
14 have been paid with some PMA deal, and
15 then we would have a list of the assets
16 that we could, in concept, like just
17 advertise on. Yeah, you're absolutely
18 right. If they weren't paid with the
19 taxable bonds, then they're off the table
20 as having an issue.

21 COUNCIL PRESIDENT CLARKE: How
22 long does it take to determine that?

23 COMMISSIONER COLLINS-GREENWALD:

24 Actually --

25 COUNCILWOMAN TASC0: Six

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2 months.

3 COMMISSIONER COLLINS-GREENWALD:

4 No. This is something that -- we've
5 actually met with departments, as you've
6 said. We've asked for a comprehensive
7 list by May 1st. So we gave everyone two
8 weeks to come up with their list of what
9 do you need off this list, like my City
10 Hall example, what would I pull off, what
11 would -- Parks and Rec might pull off
12 something like, I don't know, like the
13 Mann or something or Horticultural
14 Center, whatever it would be. I'm just
15 using it as an example.

16 COUNCIL PRESIDENT CLARKE: So
17 you're telling me that our government is
18 so inefficient -- and my attorney just
19 brought in this first proposal that I
20 gave to the Administration dated November
21 2nd, 2011 that talks about municipal
22 marketing. I stood on the stage at the
23 Academy of Music during the inauguration
24 of these Councilmembers and talked about
25 municipal marketing and was questioned

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2 afterwards by reporters.

3 So you're telling me from that
4 time up until today, we couldn't figure
5 out what's tax exempt, what's not tax
6 exempt, what's eligible, how you can
7 determine content on property? I mean,
8 this is like ridiculous. This is a case
9 of you all not wanting to do it because
10 it's not your idea. I'm just calling it
11 like it is, because I've been very candid
12 over the last couple of days. That's
13 what it is. There's no other legitimate
14 reason why we haven't moved forward on
15 this.

16 COMMISSIONER COLLINS-GREENWALD:
17 I can only speak to --

18 COUNCIL PRESIDENT CLARKE: I
19 know that you can't respond to that. I
20 know somebody is listening who can
21 probably respond. This is ridiculous.

22 COMMISSIONER COLLINS-GREENWALD:
23 I could speak to the bond issue.
24 Literally when we found out is when we
25 started working on this list of seeing

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2 what was paid for with bonds and what
3 wasn't. And then what the Treasurer's
4 Office has to do is this whole big
5 analysis, which I can't get into the
6 details just because it's not my shop.

7 COUNCIL PRESIDENT CLARKE: I
8 understand.

9 COMMISSIONER COLLINS-GREENWALD:
10 They have to go back and compare all
11 this.

12 COUNCIL PRESIDENT CLARKE:
13 Excuse me for all my minimal aggression.
14 But this is something that -- I don't
15 understand why everybody else in the
16 United States of America can figure out a
17 way to make money off of advertisement in
18 a tasteful way, because the examples that
19 I've seen are done with a reasonable
20 approach. We took that model and we
21 talked about reasonable governance with
22 respect to content and placement, and we
23 can't figure out a way to move the
24 process. I mean, I can't figure out any
25 other reason, that you simply don't want

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2 to do it because it's not the idea of
3 whoever. This is bizarre. I'm looking
4 at every -- SEPTA, \$21 million. I can
5 pay for the homestead exemption with \$21
6 million. This is bizarre.

7 Councilman, thank you.

8 COUNCILMAN GREENLEE: Thank
9 you, Mr. President. I think we all have
10 certain frustration.

11 Let me ask, again, a general
12 question. I know Councilman Kenney has a
13 question.

14 There have been a lot of issues
15 you said, a lot of concerns. You're
16 looking at other cities. You're looking
17 at SEPTA. You're doing this. All right.
18 Maybe you couldn't resolve it. Have you
19 gotten answers to anything yet? Do we
20 have answers to anything yet? You're
21 looking at SEPTA. You're looking at
22 other cities. You're looking at the
23 bond.

24 SOLICITOR SMITH: As I said,
25 the City Treasurer is reaching out to

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2 other cities to find out how the bond
3 issue was -- and I'm not going to speak
4 for her. She's the one who --

5 COUNCILMAN GREENLEE: What
6 about some of the other questions that
7 were raised, First Amendment stuff?

8 SOLICITOR SMITH: We have
9 worked on the policy.

10 COUNCILMAN GREENLEE: Do you
11 have an answer to those yet?

12 SOLICITOR SMITH: Yeah. I
13 think we're close to an answer on the
14 public policy issues, yes.

15 COUNCILMAN GREENLEE: Close to
16 is not an answer. The Council President
17 said how long this has been going, and
18 it's very reasonable, I think, on our
19 part to see exactly what the Council
20 President said, that there's not the will
21 of the Administration to do this. If
22 you're saying there's all these problems,
23 you should have answers to some of them
24 today, Ms. Smith.

25 SOLICITOR SMITH: Well, the

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2 first -- the public policy issue about
3 what kind of advertising gets accepted
4 and what that policy -- I mean, we're in
5 the process of working with the
6 departments and the Mayor's Office
7 ultimately to decide that, but that's a
8 small issue --

9 COUNCILMAN KENNEY: I'm sorry.

10 COUNCILMAN GREENLEE:
11 Councilman Kenney.

12 COUNCILMAN KENNEY: Why would
13 the Mayor's Office be the sole discretion
14 as to what gets accepted and what does
15 not? Does this board of directors mean
16 anything to this corporation? Do we get
17 anything run by us at all or you just
18 make your own decisions and move on your
19 way basically? So the Mayor is going to
20 decide at the end what's acceptable
21 advertising and what's not; is that
22 right?

23 SOLICITOR SMITH: Some of the
24 public policy issues relate to
25 Administration initiatives. For example,

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2 we might not want to accept cigarette
3 advertisements. We might not want to
4 accept cigarette advertisements near
5 schools.

6 COUNCILMAN KENNEY: Neither do
7 we. But what part of --

8 SOLICITOR SMITH: We have to
9 start somewhere, Councilman Kenney.

10 COUNCILMAN KENNEY: What part
11 of the process is this elected
12 legislative body in any of the stuff you
13 do? What part of the process is it,
14 unless you absolutely have to come in
15 this room and get something approved?
16 What is it? What's our involvement?
17 What's the engagement? Slim and none.

18 SOLICITOR SMITH: The Charter
19 sets it forth, Councilman Kenney. The
20 Charter sets forth the rules of Council
21 and the rules of the executive branch.

22 COUNCILMAN KENNEY: I'm telling
23 you, you're getting close -- never mind.

24 You go ahead.

25 COUNCILMAN GREENLEE: Okay. I

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2 probably don't have anything else to say.

3 COUNCILMAN KENNEY: I want to
4 know -- you issued an RFP, correct? But
5 you pulled back. How did you issue the
6 RFP without resolving the First Amendment
7 and the tax-exempt issues?

8 COMMISSIONER COLLINS-GREENWALD:
9 We did it incorrectly. We did it
10 incorrectly.

11 COUNCILMAN KENNEY: You pulled
12 it back for that reason or you pulled it
13 back because you didn't get any
14 responses?

15 COMMISSIONER COLLINS-GREENWALD:
16 We issued it when that question arose
17 about can I let this group that came to
18 us and did a presentation -- it was
19 really billboard centric, and when the
20 question came up can I give them this
21 small group of assets and see if they
22 would run with that and what they would
23 come back with and not be so billboard
24 centric, that's when I asked the
25 question, Am I allowed to give them this

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2 list and can we accept a proposal without
3 having a contract, and then that's when
4 these issues came to light.

5 COUNCILMAN KENNEY: I mean to
6 say from my perspective -- and there's a
7 lot more patient people in this body than
8 me, but you're getting close to a point
9 where we're going to start shutting stuff
10 down, because that's the only way that
11 people understand anything. And that's
12 sad to say, but that's the way it is. So
13 from my perspective, I think this place
14 is totally disrespected on a regular
15 basis, and I'm tired of it. I've been
16 here too long for it.

17 Thanks.

18 COUNCILMAN GREENLEE: Thank
19 you, Councilman.

20 Council President.

21 COUNCIL PRESIDENT CLARKE:
22 Thank you, Mr. Chair.

23 Getting back to this whole
24 issue with respect to the Law
25 Department's involvement in the process.

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2 The interaction between Public
3 Property/the Administration and the Law
4 Department, was that done on a
5 confidential basis?

6 SOLICITOR SMITH: Well,
7 typically -- the way it came to us was
8 that, as the Commissioner described, was
9 that we learned when the Commissioner
10 brought to our -- asked us for advice
11 about handling the RFP process at the
12 stage it was at the end of October, that
13 the RFP had been issued --

14 COUNCIL PRESIDENT CLARKE: You
15 told me all of that. Was it done on a
16 confidential basis?

17 SOLICITOR SMITH: I mean, we
18 treat all advice as confidential unless
19 there's an understanding otherwise, yes.

20 COUNCIL PRESIDENT CLARKE: The
21 reason I'm asking you that, which is why
22 I asked you the first question about who
23 do you work for, and if you work for all
24 of us and if it's not confidential, it's
25 clearly involving something that we

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2 propose and I would think that as our
3 lawyer, you may want to have some
4 conversation with us about some potential
5 concerns in addition to having a
6 conversation with Public Property.

7 SOLICITOR SMITH: That's true
8 if it's not confidential, but --

9 COUNCIL PRESIDENT CLARKE: And
10 not let us go down this path and now
11 raise it at the 11th and three-quarter
12 hour.

13 SOLICITOR SMITH: As I said, we
14 were not aware that the RFP had even been
15 issued until the end of October, and I
16 was not aware that it was -- what I'm
17 hearing is that it was done at the behest
18 of City Council at some level in some
19 way, but I was not aware of that -- I was
20 not aware of any of this until January,
21 so --

22 COUNCIL PRESIDENT CLARKE: Of
23 this year?

24 SOLICITOR SMITH: Correct.

25 COUNCIL PRESIDENT CLARKE: This

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2 is April.

3 SOLICITOR SMITH: I'm sorry?

4 COUNCIL PRESIDENT CLARKE: This
5 is April, so you've had four months to
6 say, City Council, I'm working on this,
7 you guys need to understand that there
8 may be some challenges associated with
9 your proposal. You didn't think it was
10 within your jurisdiction as our lawyer to
11 reach out and kind of tell us --

12 SOLICITOR SMITH: I'm happy to
13 have a conversation with you about this
14 privately. I'm happy to have a
15 conversation about this with you
16 privately.

17 COUNCIL PRESIDENT CLARKE: I
18 mean, with the understanding that it
19 won't go beyond that private
20 conversation?

21 SOLICITOR SMITH: It doesn't
22 matter, but I'd be happy to have a
23 conversation with you privately about the
24 evolution of this issue in terms of --

25 COUNCIL PRESIDENT CLARKE: It's

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2 not transparent, the term which is thrown
3 around.

4 SOLICITOR SMITH: Transparency
5 does not need nakedness, Councilman
6 Clarke, as you well know.

7 COUNCIL PRESIDENT CLARKE: I'm
8 just saying, we keep getting beaten over
9 the head with this whole transparency
10 issue for the last six years and now I'm
11 being asked not to have a transparent
12 process with respect to an ordinance
13 that's currently having an extremely
14 public hearing. And I'm always prepared
15 to have offline conversations as my
16 lawyer and not as my lawyer, because I
17 consider you a friend. I'm just
18 troubled --

19 SOLICITOR SMITH: I'm glad you
20 said that in this public hearing, because
21 there are times when I wonder.

22 COUNCIL PRESIDENT CLARKE: This
23 is business. It's not personal. I see
24 you out there on the Reading Terminal,
25 I'm going to say, Hey, Shelley, how you

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2 doing. That's the way it is, and you
3 know that.

4 SOLICITOR SMITH: I do know
5 that, yes.

6 COUNCIL PRESIDENT CLARKE: But
7 I'm just saying, this is like -- I can't
8 keep using this term. It's ridiculous.
9 It's like why we can't get a simple
10 measure. And it's not for us. It's for
11 the City of Philadelphia. I mean, this
12 is talking about raising money, which we
13 sorely need. I mean, I'm just trying to
14 get some sense of -- it's almost like why
15 somebody would vote against the bill
16 yesterday to do background checks on
17 criminals and mentally ill people. I'm
18 as perplexed about that as I am this and
19 vice versa. I mean, this is bizarre.

20 So anyway, I mean -- all right.
21 The Committee is going to do what the
22 Committee is going to do.

23 COUNCILMAN GREENLEE: I think
24 we know what we're going to do.

25 COUNCIL PRESIDENT CLARKE:

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2 Thank you.

3 COUNCILMAN GREENLEE:

4 Councilwoman Tasco.

5 COUNCILWOMAN TASCO: I just
6 want to ask, aren't there attorneys from
7 your department assigned to the various
8 departments?

9 SOLICITOR SMITH: The entire
10 Law Department represents every
11 department. Really attorneys work on --
12 attorneys specialize in areas of law, and
13 they represent clients depending on how
14 their areas of expertise. We're divided
15 up by subject matter, and the clients
16 they represent depend on the issues those
17 clients work on. So we have a real
18 estate division that works -- I'm not
19 even going to say primarily with Public
20 Property, but Public Property is a client
21 that they work with frequently, but they
22 also work with the Park. They also
23 work -- so it just depends on where the
24 subject matter issue comes up what client
25 they work with. But as a consequence of

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2 that, they work with some clients more
3 than other clients depending on what
4 issues they specialize in.

5 COUNCILWOMAN TASC0: Isn't it
6 the usual procedure for the department to
7 consult with the law firm prior to
8 executing a contract or putting an RFP
9 out?

10 SOLICITOR SMITH: We would --

11 COUNCILWOMAN TASC0: That has
12 been my experience to understand that.

13 SOLICITOR SMITH: We would
14 certainly prefer that it happen that way,
15 but it didn't happen that way in this
16 instance.

17 COUNCILWOMAN TASC0: Okay.

18 SOLICITOR SMITH: I say that
19 with all due respect to Commissioner
20 Greenwald.

21 COUNCILWOMAN TASC0: Is she
22 new?

23 COMMISSIONER COLLINS-GREENWALD:
24 New to Public Property, but we felt the
25 language that we put in the RFP was okay

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2 because it was vague. This may be the
3 list. We used words like that, thinking
4 that we can pull things on and off, and
5 that was incorrect.

6 COUNCILWOMAN TASC0: You can't
7 do that. You're not a lawyer. You have
8 to get permission from the Law Department
9 to make those decisions.

10 COMMISSIONER COLLINS-GREENWALD:
11 Yeah. We realized that.

12 COUNCILMAN KENNEY: I admire
13 her initiative, because it's rare.

14 COUNCILWOMAN TASC0: I do too,
15 but it impedes you later on down the
16 track. So you might as well get the
17 opinion first or some advice. I asked
18 that question because we can't move at
19 the Gas Commission without our lawyer
20 looking at everything we do, which we
21 appreciate very much. She's a good
22 lawyer.

23 Thank you.

24 COUNCILMAN GREENLEE: Thank
25 you, Councilwoman.

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2 Before I recognize Councilwoman

3 Reynolds Brown, just an announcement.

4 The Law and Government Committee, which

5 I'm also the Chair of, was supposed to

6 meet at 2 o'clock. At the request of the

7 sponsor -- I'll make a formal

8 announcement after we're through here --

9 we're not going to have that hearing

10 today. I think the sponsor said he can

11 only fight with the Administration for so

12 many hours in one day. So I will be

13 making a formal announcement.

14 If anybody is here for the Law

15 and Government Committee, that will not

16 occur today. We'll have a date certain

17 in a little bit and we'll notify the

18 proper people.

19 Councilwoman Reynolds Brown.

20 COUNCILWOMAN BROWN: Yes.

21 Councilwoman Tasco has peeled back this

22 onion a little bit, but I still fully do

23 not understand, so let's do a rewind. If

24 we could do a rewind and start this all

25 over again without the wrinkle that's

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2 been discovered today, what would have
3 happened to lead us to a point where the
4 Administration could come to the table
5 and actively support this measure
6 introduced by President Clarke, since
7 verbally you're saying you're there, but
8 in terms of implementation, you're not
9 there?

10 SOLICITOR SMITH: I mean, I
11 think ideally before the RFP was issued
12 in the first place, Public Property could
13 have come to us. We would have preferred
14 that, as I said in response to
15 Councilwoman Tasco's question. And had
16 that happened, we could have identified
17 the same issues that we've identified
18 recently, relatively recently.

19 COUNCILWOMAN BROWN: So you say
20 "could have" instead of "must have."

21 SOLICITOR SMITH: You asked me
22 a hypothetical question. I'm giving you
23 the answer in a hypothetical form. Had
24 the RFP been presented to the Law
25 Department in the early summer or in June

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2 rather than -- when it was first drafted
3 in June, we would have had the
4 opportunity then to identify the same
5 issues that we've identified since it was
6 brought to our attention and go through
7 the -- and identify the properties
8 appropriately and deal with the public
9 policy question and identify the
10 bond-related issues so that perhaps it
11 could have been issued in an appropriate
12 format by this point.

13 COUNCILWOMAN BROWN: So then it
14 is not standard operating procedure for
15 department heads to bring those type of
16 packages to a signoff, if you will, by
17 your office?

18 SOLICITOR SMITH: I mean, we
19 don't -- we prefer that it happen that
20 way, especially for more complex things,
21 but each department has its -- depending
22 on the staff that it has in place,
23 because they have contract officers. So
24 it just depends.

25 COUNCILWOMAN BROWN: Got it.

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2 Okay, then.

3 Thank you, Mr. Chairman.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 Any other questions?

7 (No response.)

8 COUNCILMAN GREENLEE: Seeing
9 none, thank you all very much. Thank
10 you. I know you kind of hang out there
11 on the side, but thank you very much.

12 I think our only other witness
13 that I have on the list is SCRUB, Scenic
14 Philadelphia. Is there anyone else here
15 that wants to give comments on this bill?

16 (No response.)

17 COUNCILMAN GREENLEE: Good.
18 Okay. So when you set up, Mr. Masters,
19 please.

20 (Witness approached witness
21 table.)

22 COUNCILMAN GREENLEE: Please
23 identify yourself for the record and
24 proceed. Did you give any written
25 testimony or no?

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2 MR. MASTERS: I do have
3 handouts that Noelle was going to be
4 passing out.

5 COUNCILMAN GREENLEE: Well,
6 that's an amendment, right? We may not
7 do that.

8 MR. MASTERS: It's an amendment
9 and a summary of it, yes.

10 COUNCILMAN GREENLEE: If you
11 could just summarize your statements.

12 MR. MASTERS: Absolutely.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 MR. MASTERS: Do you have the
16 amendment and the --

17 COUNCILMAN GREENLEE: It will
18 be -- your proposal will be given to the
19 Committee. Okay?

20 COUNCILMAN KENNEY: I thought
21 we did amendments.

22 COUNCILMAN GREENLEE: We do.

23 MR. MASTERS: My name is Steve
24 Masters. I'm an attorney with the law
25 firm of JustLaws and I am a legislative

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2 advocacy attorney for the organization
3 Scenic Philadelphia. My testimony today
4 is actually to walk you through the
5 amendment, so it would really be quite
6 helpful if you could have that
7 distributed. That was my request
8 earlier. I was promised that that would
9 happen.

10 COUNCILMAN GREENLEE: Fine.
11 Fine.

12 Ms. Marconi, just give out the
13 amendment. Just give out the amendment.

14 And I have to note for the
15 record, that was just presented today.

16 MR. MASTERS: Yes.

17 COUNCILMAN GREENLEE: I mean,
18 this bill has been advertised for a
19 little while. In all fairness, I mean,
20 we should have had this if we're going to
21 consider it, and I'll be honest with you,
22 I'm not sure we are.

23 MR. MASTERS: I understand.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 MS. MASTERS: So as you know, I
3 spent 12 years as an attorney in this
4 fine body and I'm very proud of my
5 service to City Council, and I'm quite a
6 fan of City Council, and it's -- it was
7 very puzzling to me that this legislation
8 as drafted basically gives all the power
9 over to the Administration and doesn't
10 keep any power for City Council.

11 If you look at Page 2 of our
12 amendment, which is the bill, 14-905(c),
13 that section dealing with non-accessory
14 signs on municipal property, that
15 paragraph basically says that all of our
16 current laws dealing with non-accessory
17 signs are wiped out as it would apply to
18 municipal advertising, and then in
19 Section (d) what should replace the
20 current laws is all blank. It's all
21 reserved and it's all left for the
22 Planning Commission to issue regulations.
23 And the Planning Commission didn't even
24 come today to testify before you or tell
25 you what they're thinking about and how

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2 they're going to go about creating the
3 regulations.

4 Scenic Philadelphia's approach
5 to this legislation, number one, we
6 understand the tremendous need for
7 revenue for the City, and we back you on
8 that. Our concern is that we don't give
9 up all of the protections for our
10 communities and for our neighborhoods
11 when we go forward with any kind of
12 municipal advertising. So what we've
13 suggested in our amendment is to give
14 City Council more of a power to direct
15 what can and can't happen with this
16 advertising.

17 For example, on Page 3, we list
18 here the requirements for -- I'm sorry.
19 First it's around where these
20 advertisements can be in terms of
21 billboards, and in prohibited locations,
22 there's nothing listed. And
23 traditionally in our city for
24 generations, we protected assets like
25 Fairmount Park, all of our natural areas,

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2 from any kind of encroachments from
3 commercial activity.

4 We're suggesting that we amend
5 this legislation to codify that, because
6 in the previous section, we've eliminated
7 all protections for Fairmount Park and
8 basically any protections for this kind
9 of commercial activity. So we're
10 suggesting we bring in the 650-foot
11 buffer between any land controlled by the
12 Department of Parks and Recreation, a
13 thousand feet if it was a digital
14 billboard, and that we say that there
15 shouldn't be any billboards in
16 residential districts. If we have a
17 firehouse, a library, really the way this
18 bill is written, any vacant property that
19 the City owns we could put a billboard
20 on. And the posters that we've
21 distributed are not exactly easy to read
22 because there's so many different
23 parcels, as you know, in the City. We
24 have digital versions of it that we could
25 share with you, but the basic idea of you

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2 looking at the maps of the City is to
3 show that really scattered throughout all
4 of our residential communities, we have
5 municipal properties.

6 We all know about the libraries
7 and the firehouses, but there are so many
8 other properties that are controlled by
9 the RDA, by different agencies, and this
10 legislation, because there are no
11 standards that City Council has put on
12 it, this legislation would allow all
13 kinds of commercial advertising on all of
14 those. Obviously that's not what you
15 want, but the way you've written this
16 legislation, you haven't put out what you
17 want. You are giving this total power
18 over to the Administration.

19 Also on Page 3, when we talk
20 about what requirements for digital signs
21 should be on municipal property, there's
22 no prohibition on full motion video
23 displays. That's something that we have
24 in our code today. That's something that
25 we put into the legislation on the

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2 newsstands that Councilman Greenlee
3 sponsored a few months ago that was
4 enacted. And that is an area where we
5 feel Council should be clear about, that
6 the Administration shouldn't have the
7 leeway to allow full motion video
8 displays on any outside surfaces.

9 COUNCILWOMAN TASC0: What does
10 that mean?

11 MR. MASTERS: That means
12 actually TV, looks like TV. A digital
13 sign, what they talk about mostly, is a
14 static image, but it changes every maybe
15 five, six seconds to another static
16 image. A full motion video display is
17 what we typically look at as a movie, as
18 a TV show, as something that is full
19 motion. That, as you would imagine, is
20 quite a bit more distracting, especially
21 when it comes to billboards and drivers,
22 but many people find videos -- when you
23 pull up to a gas station pump and you see
24 the video displays, many people find
25 those offensive as opposed to digital

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2 signs that change every six seconds.

3 On Page 4, it's our suggestion
4 that we don't give away the store to
5 companies that are already flagrant
6 violators of City laws. We have in our
7 code a provision that says that we as a
8 city will not give permits to anyone who
9 is a tax delinquent unless they have an
10 agreement with the City to pay back the
11 taxes. What we're suggesting is that we
12 should not give concessions to any
13 company that is currently in violation of
14 our City ordinances when it comes to
15 outdoor advertising unless they make an
16 agreement with the City to pay their
17 penalties and come into compliance.
18 Otherwise, we're basically rewarding
19 conduct that should not be rewarded.

20 We as a city have an attitude
21 that we want to be generous towards
22 ex-offenders, and I agree with that, but
23 if we have current offenders who are
24 coming to us for concessions, we should
25 not reward them. We should wait until

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2 they're ex-offenders and then we can help
3 rehabilitate them.

4 On Page 5, we suggest that we
5 include provisions to allow registered
6 community organizations to have a say in
7 what kind of municipal advertising occurs
8 that would affect them in their
9 neighborhood, similar to what we've
10 enacted for the Zoning Code. So we put
11 out language that is very fairly
12 identical in a concise way to the Zoning
13 Code to say that when a department would
14 like to issue a concession for certain
15 property, they need to notify the RCOs in
16 the affected area. Those RCOs would then
17 have a meeting with the District
18 Councilperson and they would create a
19 report so that we could as a city have
20 the advice and the input from the
21 affected public.

22 We know that if people don't
23 like what's happening on a City-owned
24 property, that you as City Council will
25 hear about it. This is a way to have it

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2 a little more organized and a little more
3 coherent.

4 So that's basically our
5 suggestions to make this bill a stronger
6 bill and protect community interests and
7 to give your input, your imprint on it so
8 that City Council stays in the driver's
9 seat on this process and doesn't give the
10 whole store away to the Administration.

11 COUNCILMAN GREENLEE: Let me
12 just ask a quick question. And I'm sorry
13 if I'm stealing yours, Councilwoman
14 Brown. You gave all these proposed
15 amendments. Would it be Scenic
16 Philadelphia's position that they do not
17 oppose advertising on public property?

18 MR. MASTERS: Scenic
19 Philadelphia's position is that this
20 legislation as written today, we have
21 concerns about it because it's too
22 open-ended and it doesn't --

23 COUNCILMAN GREENLEE: That was
24 a yes or no question.

25 MR. MASTERS: If community

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2 safeguards were in place as we've
3 suggested, then, yes. We're suggesting
4 this legislation, as amended, we would
5 support.

6 COUNCILMAN GREENLEE: So you
7 could support advertising on public
8 property under certain conditions; is
9 that a fair statement?

10 MR. MASTERS: That's in the
11 public interest, yes.

12 COUNCILMAN GREENLEE: Okay.
13 Councilwoman Brown.

14 COUNCILWOMAN BROWN: Help me
15 understand that disclaimer. Help me
16 understand that disclaimer, if it is in
17 the public's interest.

18 MR. MASTERS: Sure. It's not
19 just the view of Scenic Philadelphia. I
20 think, Councilwoman Reynolds Brown, you
21 would know more than anyone that all of
22 our parks advocates and all of the people
23 in the City who cherish our parks would
24 not feel that it's in the public interest
25 if we started putting billboards in

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2 Fairmount Park, if we started to
3 introduce commercial advertisements in
4 our parks. And that's an example.
5 That's something that's allowed the way
6 this bill is written, and that shouldn't
7 happen and that should be -- there should
8 be a safeguard to that.

9 So that's what we're saying,
10 that when we have firehouses and
11 libraries, do we want to have digital
12 billboards on top of a library or a
13 firehouse right next to people's houses?
14 People would not look kindly on that.
15 But when we're talking about commercial
16 advertisements that's more in business
17 corridors, that's more in line with how
18 the accessory sign language is in the
19 code so that -- we have businesses with
20 commercial signs everywhere in the City
21 on their businesses. There's no reason
22 why we can't find ways to do that for our
23 city that is consistent with how we treat
24 all the other kind of business signs.

25 Our concern is that, like I

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2 said in the beginning, one of the things
3 in this bill is that it wipes out all the
4 laws that deal with commercial
5 advertising as it applies to the City.
6 It says that we don't have to obey any of
7 the rules that all the other businesses
8 do, but it doesn't substitute anything.
9 It just basically leaves it an open book.

10 So that's our concern. We
11 think that you could come up with a way
12 that it really works, and we certainly
13 hope so. And we believe -- and maybe I'm
14 stepping a little bit more into my
15 personal views here since I'm not an
16 employee of Scenic Philadelphia, but when
17 the City, when the municipality takes
18 over the function of advertising, they
19 will act more responsibly than a private
20 entity, because they are responsible.
21 You are accountable to the people, and
22 you hear from the people all the time.
23 And so because of that concern, because
24 of that accountability, municipalities
25 should be more responsible as long as

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2 they have the right parameters and
3 guidelines to act. And that's why, for
4 example, if you think about our sale of
5 alcohol in the state level, state stores
6 are much more responsible in how they
7 distribute alcohol than private bars. We
8 don't hear about nuisance activities and
9 fights happening in a state store like we
10 do in bars, because that's the government
11 who are acting responsibly.

12 So we as a government should be
13 able to do this and act responsibly. We
14 just think there should be basic
15 guidelines so that people don't fear that
16 a lot of their precious assets are going
17 to be defiled or marred with like
18 billboards in Fairmount Park.

19 COUNCILWOMAN BROWN: Well, your
20 recommendation to proceed cautiously is
21 well taken, but the good news is that in
22 the testimony I heard, I would -- the
23 professionals that sat at that table made
24 it exceedingly clear that they become
25 partners with the municipality in

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2 developing what the content should look
3 like, as well as providing
4 recommendations on how that type of
5 initiative would be rolled out.

6 Thank you for your testimony.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 Councilman Kenney.

10 COUNCILMAN KENNEY: Do you
11 realize that your predecessor
12 organization, SCRUB, opposed, formally
13 opposed, A-frame, small A-frame accessory
14 advertising in front of a restaurant or a
15 clothing store on business strips?

16 So I had a guy who was a tailor
17 in South Philly and he didn't have -- he
18 had a flat sign, and people couldn't see
19 his business. So he wanted to put a
20 little A-frame about that high, saying
21 Pat's Tailors, Pat Squall's Tailors, and
22 you guys came in -- not you, but the
23 organization came in and testified
24 against it.

25 Now you're telling me it's okay

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2 to do digital advertising in business
3 strips, but they wouldn't let the guy put
4 the A-frame sign out?

5 MR. MASTERS: I can't speak to
6 that, Councilman Kenney. As you know, I
7 wasn't part of --

8 COUNCILMAN KENNEY: I was
9 there.

10 MR. MASTERS: I can tell you
11 that in the 1950s --

12 COUNCILMAN KENNEY: This was in
13 2000s.

14 MR. MASTERS: But I'm just
15 telling you in the 1950s in Chestnut Hill
16 there was a proposal to put
17 advertisements on the parking meters, and
18 the Chestnut Hill Business Association
19 took the City to court around it and
20 basically won, and the Court of Common
21 Pleas said that these business people,
22 they control what's in front of their
23 sidewalks and they should be able to not
24 have advertisements. Now, in this case,
25 this was a business person who wanted

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2 advertisements.

3 COUNCILMAN KENNEY: Accessory.

4 MR. MASTERS: Right. So that's
5 not my personal position, Councilman
6 Kenney.

7 COUNCILMAN KENNEY: Good.

8 MR. MASTERS: And what the
9 organization that I represent today's
10 position is on this legislation is that
11 we can do municipal advertising that is
12 consistent with the public interest if
13 there's guidelines.

14 COUNCILMAN KENNEY: If you had
15 a yes or no choice as to an advertising
16 on the side wall of a firehouse or a
17 library and that facility closing, what
18 would you choose? Either it closed or if
19 you could put a sign on the wall.

20 MR. MASTERS: No one wants the
21 libraries or the firehouses to close.

22 COUNCILMAN KENNEY: I'm going
23 to do a Councilman Goode question, a yes
24 or no question. Do you want the
25 firehouse or the library to close or

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2 would you allow the sign to be put on the
3 wall?

4 MR. MASTERS: I don't have the
5 authority to answer that question for my
6 client.

7 COUNCILMAN KENNEY: Because I
8 honestly believe, despite your good
9 intentions, this organization has cost
10 this city hundreds of millions of dollars
11 over the course of its existence,
12 hundreds of millions of dollars that we
13 could be using for lots of good things in
14 the City, and you've opposed every single
15 thing. I find it ironic you come up with
16 an amendment -- and this was Councilman
17 Greenlee's question, is now you're okay
18 with advertising on municipal property,
19 when you guys have been against it
20 forever. You've been against all
21 advertising. We don't have public
22 toilets in the City of Philadelphia
23 because of organizations like Scenic
24 Philadelphia. We can't -- you can't
25 relieve yourself in private in a public

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2 toilet in Philadelphia because you guys
3 wouldn't want advertising on the signs.

4 I remember when Councilman
5 Cohen was here, God rest his soul, he was
6 carrying that banner for you guys. We
7 don't have them now in Philadelphia
8 because your organization opposes
9 advertising in general, but now all the
10 sudden you got an amendment and now all
11 the sudden it sounds good.

12 MS. MASTERS: Well, it's not
13 just this bill. We're also --

14 COUNCILMAN KENNEY: Hundreds of
15 millions of dollars over the course of
16 that organization's existence, and I
17 think you've done a disservice to us all.

18 MR. MASTERS: There's always
19 evolution, though, Councilman Kenney, in
20 people's thinking, and we're sitting with
21 Councilman Henon's office and working on
22 the sign code and we're trying to carve
23 out a middle ground.

24 COUNCILMAN GREENLEE: We'll see
25 where it goes.

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2 COUNCILMAN KENNEY: As long as
3 it's not SCRUB's billboards that they
4 made a deal -- we went through that whole
5 thing on standing on the Zoning
6 Committee. When they made a deal with
7 the outdoor advertiser to get a bunch of
8 money, that was good. It's the hypocrisy
9 that drives me nuts.

10 COUNCILMAN GREENLEE: Anything
11 else? Any other questions?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, thank you.

15 Anyone else here to testify?

16 (No response.)

17 COUNCILMAN GREENLEE: Seeing
18 none, that concludes the hearing of the
19 Committee on Rules.

20 We will now go into our public
21 meeting, and the Chair recognizes
22 Councilman Kenney.

23 COUNCILMAN KENNEY: Thank you,
24 Mr. Chairman. I happily recommend that
25 Bill No. 130109 be reported out of this

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2 Committee with a favorable recommendation
3 and a request made for rules suspension
4 to allow for first reading at our next
5 Council session.

6 (Duly seconded.)

7 COUNCILMAN GREENLEE: It's been
8 moved and seconded.

9 All in favor?

10 (Aye.)

11 COUNCILMAN GREENLEE: Opposed?

12 (No response.)

13 COUNCILMAN GREENLEE: Hearing
14 none, Bill No. 130109 is reported out of
15 this Committee favorably with a rules
16 suspension to allow for first reading at
17 our next session of Council.

18 That completes the agenda on
19 the Rules Committee today. Thank you all
20 very much.

21 (Committee on Rules concluded
22 at 2:25 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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