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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE THE COUNCIL COMMITTEE ON
LICENSES & INSPECTIONS

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, December 1, 1999
2:30 PM
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BILL 990223 - Withdrawn at request of sponsor.
BILL 990251 - Being held.

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BILL 990422 - Amending section of Philadelphia
Code, entitled "Sidewalk Vendors in Neighborhood
Districts, by designating the south side of the
1400 block of Morris Street and 1421 West Passyunk
Ave. as a new neighborhood business district. . .

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BILL 990494 - Held at request of sponsor.
BILL 990533 - Amending Section 9-205 of the
Philadelphia Code relating to sidewalk sales by
adding a new provision prohibiting sidewalk sales
on Fifth Street. . .

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BILL 990565 - Amending Title 4 of Philadelphia
Code by amending Section PM-308.0, entitled
"Unsafe and Unfit Structures and Equipment," and
Section PM-308.0, entitled "Imminently Dangerous
Structures," by providing for the installation of
a fence and other related measures after
demolition of the dwelling. . .

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(Full text of all bills within transcript.)

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PRESENT: COUNCILMAN JAMES F. KENNEY, Chair
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN FRANK DICICCO
COUNCILMAN FRANK RIZZO

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Bill 990565

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P R O C E E D I N G S

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COUNCILMAN KENNEY: Good afternoon,
ladies and gentlemen. Thank you very much. The
Council Committee on Licenses and Inspections is
now in session.

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The first bill on our agenda today is
Bill No. 990565, an ordinance amending Title 4 of
The Philadelphia Code, entitled "The Philadelphia
Building Construction Code," by amending Subcode
PM (The Philadelphia Property Maintenance Code),
by amending Section PM-308.0, entitled "Unsafe and
Unfit Structures and Equipment," and Section
PM-308.0, entitled "Imminently Dangerous
Structures," by providing for the installation of
a fence and other related measures after
demolition of the dwelling, under certain terms
and conditions.

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Please identify yourself for the
reporter and proceed.

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MR. HAIGLER: Yes. I'm Otis Haigler,
Jr., Legislative and Regulatory Affairs Manager
for the Department of L&I.

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Today, Councilman Kenney and members of
the committee, I am here to provide testimony on

1 12/1/99 L&I - BILL 990565

2 Bill 990565, amending the property maintenance
3 code, Sections PM 307 and Section PM 308
4 repairing, the installation of a fence and
5 providing environmental treatment on residential
6 demolition sites.

7 The Department of Licenses and
8 Inspections is strongly opposed to the enactment
9 of this bill due to the fiscal constraints the
10 bill places on the Department's operating budget.
11 If enacted, the Department projects that it will
12 have to expend \$3,565,856 yearly to enforce the
13 requirements to erect fencing on residential lots.
14 This figure is based on an analysis of the costs
15 associated with providing fencing and the total
16 number of residential properties which were
17 demolished by L&I during FY '99.

18 The fiscal burdens of this bill on the
19 Department's demolition budget will impact on our
20 ability to demolish imminently dangerous and
21 dangerous buildings by diverting funds away from
22 those critical areas to enforce the requirements
23 of this bill. Currently, our department has a
24 budget of approximately \$10 million for the
25 demolition of imminently dangerous and dangerous

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structures. This figure also includes providing stucco on the adjoining walls of the properties after the buildings have been demolished. We project that if this bill is enacted, the diversion of funds from our demolition budget will equate to 427 residential properties that have been classified as dangerous, which we would not be able to demolish due to this budget constraint. This will severely hamper our efforts to respond and abate conditions which constitute threats to public safety and health.

As a recommendation, the Department is willing to assist in ways to possibly expedite the process for persons or groups to obtain vacant lots for either private or community development. This, in turn, will place the responsibility for maintenance of the lots in private hands and not add additional burdens to our limited resources to address immediate safety concerns. We respectfully request that consideration be given to withdrawing or tabling Bill No. 990565 at this time so that collectively, we might work together to address our common concerns regarding public safety and health.

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2 Thank you. I will be happy to answer
3 any questions that you may have at this time.

4 MR. SOLVIBILE: Good morning,
5 Councilmembers.

6 COUNCILMAN KENNEY: Good morning --
7 good afternoon.

8 MR. SOLVIBILE: Good afternoon. Thank
9 God it's not morning any longer.

10 We have some information that was
11 requested --

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

14 MR. SOLVIBILE: I'm sorry. Robert
15 Solvibile, First Deputy Commissioner, Licenses and
16 Inspections.

17 Councilman Nutter, I have some
18 information you requested this morning -- not all
19 of it. I have a list of the buildings demolished,
20 I believe, since 6/30/88 and also --

21 COUNCILMAN NUTTER: '98.

22 COUNCILMAN KENNEY: '98?

23 MR. SOLVIBILE: '98. And also a list
24 of the yearly expenditure and the amount of
25 buildings demolished since 1989.

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2 COUNCILMAN KENNEY: 19 --

3 MR. SOLVIBILE: '89 through '99.

4 COUNCILMAN KENNEY: Okay.

5 COUNCILMAN NUTTER: What was that last
6 thing you had?

7 MR. SOLVIBILE: It's the amount of
8 money expended from 1989 through '99 fiscal years
9 for demolition and stuccoing of the buildings.
10 And it breaks it down between residential and
11 commercial, and so on and so forth.

12 COUNCILMAN KENNEY: Thank you very
13 much.

14 I'm sorry, is there more testimony?

15 MR. FELDGUS: I am Richard Feldgus,
16 Administrative Services Director of the Department
17 of Licenses and Inspections.

18 As the person responsible for the
19 Department's budget, I'd like to point out to you
20 that when we say the words "opposed to this bill
21 because of the financial implications," if you
22 look at the chart we've provided you, you can see
23 that the average cost of demolition has risen
24 dramatically over the past five years.

25 We are now spending over \$11,000 for an

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2 average cost of demolition because of additional
3 requirements placed on the Department and
4 conditions that we have now found to exist in the
5 city. To add this additional cost to that, we'll
6 just further weaken our ability to demolish
7 buildings. As you can see, in 1997 and '98, we
8 did approximately 1500 demolitions. That was
9 reduced to slightly over a thousand this past
10 year. If we were to implement this bill, we would
11 be dropping our number of demolitions to probably
12 something in the vicinity of about 6 or 700.

13 To give you some idea, right now, we
14 typically get in approximately 20 to 25 new
15 imminently dangerous buildings per week. So that
16 if we reduce our capacity to anything less than
17 where we are, we will be far below our ability to
18 keep up with the existing imminently dangerous
19 buildings, which means that for the sake of
20 providing fencing, we will be leaving dangerous
21 buildings standing, which pose a much more serious
22 hazard to the community.

23 So our position would be that the
24 priority would have to be given to the demolition
25 of buildings over fencing of buildings.

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2 COUNCILMAN KENNEY: Can I ask you a
3 question just relative to the jump in costs from
4 '98 to '99. Why is there such a substantial
5 jump?

6 MR. SOLVIBILE: We were working with
7 the District Attorney and the Philadelphia Police
8 Department, and we found that the fill being put
9 in demolition sites wasn't up to standards for
10 law, and we inventively came up with a better way
11 of determining what was buried underground, which
12 brought up the cost of doing business.

13 And I might add that this cost that
14 Richard Feldgus just talked about is still taking
15 into account that we still try to do as many
16 string demolitions as possible, which gives us a
17 lower cost per unit. Like in Washington Square,
18 we really-- in South Philadelphia, Jefferson
19 Square -- Councilman corrected me. In Jefferson
20 Square, we were able to string together a couple
21 blocks at a time, and it really brought our unit
22 costs down. And even with that, our costs are
23 still going to be rising because of this
24 environmental concern as to what's buried.

25 COUNCILMAN KENNEY: Why, then, did the

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2 average cost of the commercial demos go down?

3 MR. SOLVIBILE: Demolition cost is --
4 commercial buildings, a lot of times, they're not
5 even cellars involved with demolition of
6 commercial buildings, they're on grade. And that
7 always was heavy in transporting debris away from
8 the site. It's -- whereas in row homes, mostly
9 everything got buried and it was not as much cost
10 to bring -- to go to dumps in row homes.

11 COUNCILMAN KENNEY: Is there also a
12 problem related to -- or an additional cost
13 related to the need to separate material now, as
14 opposed to -- I know there's a time factor
15 involved in the separation of material. Is there
16 a cost --

17 MR. SOLVIBILE: I -- I -- Councilman, I
18 think they always separated materials because a
19 lot of demolition contractors live off of what
20 they can junk -- the metals and the coppers. So I
21 believe that was always in the --

22 COUNCILMAN KENNEY: So that's not
23 something new.

24 MR. SOLVIBILE: No. They were doing
25 that before it was law.

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2 COUNCILMAN KENNEY: Okay. Councilman
3 Nutter?

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

6 I guess first for Mr. Feldgus. Do you
7 have any information on the figures for how much
8 it costs to clean a lot?

9 MR. SOLVIBILE: The average cost is
10 \$1,000 a lot, Councilman.

11 COUNCILMAN NUTTER: To clean the lot?

12 MR. SOLVIBILE: Yes, sir. We did it
13 for somebody else today, so I'm pretty positive of
14 that information.

15 COUNCILMAN NUTTER: And what size lot
16 are we talking about?

17 MR. SOLVIBILE: An average typical
18 Philadelphia row home.

19 COUNCILMAN DICICCO: 16 by 50.

20 MR. SOLVIBILE: 16 by 50.

21 COUNCILMAN NUTTER: Okay. And do you
22 have --

23 MR. SOLVIBILE: And that's with the
24 average amount of debris you find when doing dirty
25 lots, Councilman.

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2 COUNCILMAN NUTTER: Right. And do you
3 have any information on how many lots you've
4 cleaned more than once?

5 COUNCILMAN KENNEY: I can see where
6 this might --

7 MR. SOLVIBILE: I think in your
8 district, I know of one street. I think it begins
9 with a P -- Pentrose or something? We've done it
10 several times.

11 We typically, with lots, find a repeat
12 on the same lots. There's some lots that people
13 just naturally take care of in the community
14 without any effort or involvement from the City,
15 and some that just get dumped on by the --

16 COUNCILMAN NUTTER: So tell me what the
17 calculation is on the cost savings if you are able
18 to put preventative measures in place, both from
19 an environmentally-safe vegetation control
20 measures as well as the general prevention of
21 short dumping on these lots. What kind of money
22 would you save if you did those kinds of things?

23 MR. SOLVIBILE: I couldn't answer that
24 right now. I know with the environmentally
25 treating the lots so vegetation doesn't grow, it

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2 would have to be done yearly. It's not a -- you
3 just can't do it once and forever and not have
4 weeds grow. But I really do not have that --

5 COUNCILMAN NUTTER: Well, you might do
6 it once, and subsequently, either when the
7 next-door neighbor either acquires or decides to
8 get involved in the lot, or the community group
9 decides to get involved in the lot, they might
10 pick that up at that point in time; isn't that
11 possible?

12 MR. SOLVIBILE: Yes.

13 MR. FELDGUS: One thing I should
14 mention to you, Councilman, is that we have a
15 problem with fenced lots in terms of cleaning them
16 up because where we can use mechanized equipment
17 on a lot that's not fenced, with a fenced lot, we
18 have to put people in there, and they have to go
19 in by hand. And that means they're using hand
20 sickles and things like that to cut down weeds and
21 things of that nature.

22 COUNCILMAN NUTTER: Right.

23 MR. FELDGUS: So that it becomes a much
24 more expensive process on a fenced lot. But
25 moreover --

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2 COUNCILMAN NUTTER: Part of the goal
3 here, Mr. Feldgus, though, is not necessarily to
4 have you come back to the fenced lot if the lot
5 was left in a decent condition after the
6 demolition and after the stucco work. If you were
7 to environmentally treat it and then put a fence
8 on it, you do, at least in some neighborhoods,
9 help to prevent the short dumping. You've had at
10 least -- if Bob Solvibile's testimony is correct,
11 you get about a year out of it. In the meantime,
12 again, there is reason to believe that in some
13 neighborhoods, either one of the next door
14 neighbors in a middle-of-a-block demolition or the
15 sole next-door neighbor or the community for the
16 end-of-the-block lot would do something with that
17 lot.

18 What I'm trying to get to -- and I'm
19 not saying that fences are the universal answer to
20 every problem in every neighborhood -- is, we
21 respond to the constituent complaint or just your
22 own observation that a building is dangerous. And
23 we take care of it, we demolish it. We then go to
24 the stucco work for the adjoining neighbors, and
25 then we leave.

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2 And in my opinion at least, we have not
3 completed the last part of the job, which is to
4 leave that lot in a condition that it does not
5 become a blight to the neighborhood, that we don't
6 necessarily have to return to it, that we don't
7 allow people to congregate, that we don't make the
8 next-door neighbor now more unsafe than they were,
9 short of the building falling down, that we then
10 demolish, and you end up with short dumping and I
11 just end up -- and other Councilmembers end up --
12 calling either L&I or the Managing Director's
13 Office to come back time and time again to deal
14 with that lot.

15 Now, you must expend some additional
16 dollars to have our people return to that lot year
17 after year, after year, after year. And so I'd
18 just like to see some figures on that.

19 MR. FELDGUS: Well, part of the problem
20 we have, Councilman, is that when we go out and do
21 a demolition of an imminently dangerous building,
22 the right for us to do that -- remember that we're
23 dealing with private property.

24 COUNCILMAN NUTTER: Right.

25 MR. FELDGUS: What we do first is, we

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2 go out and make an inspection --

3 COUNCILMAN NUTTER: Private dangerous
4 property.

5 MR. FELDGUS: Yeah. We write a
6 violation telling the owner that he has to fix the
7 property.

8 COUNCILMAN NUTTER: Right.

9 MR. FELDGUS: The Home Rule Charter
10 gives us the power that we have to abate that
11 condition.

12 COUNCILMAN NUTTER: Right.

13 MR. FELDGUS: Okay? The only power we
14 have is limited to the abating of the dangerous
15 condition. Once the building is demolished, the
16 vacant lot is no longer a dangerous condition. We
17 can't order the owner to put up a fence, so we
18 don't really legally have the right to put up a
19 fence.

20 COUNCILMAN NUTTER: In some situations,
21 Mr. Feldgus, and we've known each other for a long
22 time and, I mean, we're not going to spend all day
23 arguing. In some situations, the vacant lot is a
24 danger to the neighborhood, certainly to the
25 next-door neighbor.

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2 MR. FELDGUS: And we would agree that
3 on those situations, we could act. But I think
4 that what this bill doesn't differentiate, I think
5 that, you know, if that would be a middle ground
6 that we could reach, Councilman, that would be
7 fine.

8 COUNCILMAN NUTTER: Well, again, let me
9 respectfully disagree with you. The provisions of
10 the bill -- and I assume that you're reading it
11 somewhat similar to other folks in the
12 administration as a little bit of a group think
13 thing going on here.

14 The provides a level of discretion and
15 judgment for the L&I commissioner to decide that a
16 lot particular lot may not need to be fenced. I
17 mean, I am not so irresponsible, nor do I think I
18 know what's going on in every section of the City
19 to say that every building that comes down, that
20 every lot should have a fence on it. Every lot
21 does not need to have a fence on it because, in
22 some neighborhoods, people don't want a fence, or
23 maybe they want it open for their garden or for
24 their sitting area or for a play area or something
25 like that.

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2 But some element of planning, except
3 for the -- you know, I've been called out to
4 buildings, and the situation was so dangerous that
5 we didn't have time to do anything other than get
6 out of the way of the falling bricks, and the
7 thing came down next day. But every building is
8 not like that.

9 And so, you know, in a slightly less
10 than perfect world, we know we're going to
11 demolish XYZ on North 60th Street. Let's talk to
12 the next-door neighbors and tell them, We plan to
13 take this building down sometime soon, do you have
14 an interest in this lot? Or to the community
15 organization, What would you like to see happen at
16 this lot? Now, we're going to take building down
17 in a month. We're going to do stucco on the
18 adjoining neighbors' buildings. Do you want a
19 city garden? You know, and I'm not saying that
20 we're going to solve all of these problems, but we
21 don't want to leave the thing unsafe.

22 Now, do you have an interest in
23 acquiring? Yes, no. Maybe you can pursue it
24 pursue through a 1202-A program if that particular
25 area or that ward is eligible for that kind of

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2 program. But we are not going to leave you here
3 naked, with a vacant lot next to your house. And
4 if they say they don't want a fence, then fine,
5 they don't want a fence, and you have the
6 discretion to exercise.

7 So I understand where, you know, the
8 \$3 million figure comes from. We did X-amount of
9 demolition last year, we're going to put a fence
10 on every one of them. Fences cost X-amount of
11 dollars. The next thing you know, you're in the
12 \$3 million range, which, just off to the side, in
13 a government with a \$2.7 billion budget, \$3
14 million is not a lot of money, but I understand
15 that 3 million is 3 million. What you've not
16 asked for is any assistance from the Council to
17 increase your demolition budget because you're
18 basically told to live with what you have, but
19 that's another discussion for another day.

20 I don't expect every lot to get a fence
21 on it. What I'm asking for is some element of
22 thinking outside the box that we continue to
23 revolve in that says that some places need
24 something different. So if you --

25 MR. FELDGUS: Well, we agree with you.

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2 I think what we have to do is continue to refine
3 this bill so that we can get that rather than have
4 this bill adopted now in its present form. But we
5 don't disagree with you. I mean, we've been
6 living with this problem for many, many years,
7 you're aware of that.

8 COUNCILMAN NUTTER: I know that.

9 MR. FELDGUS: And we're very concerned
10 about it, and we tried a whole number of things
11 over the years, you know. We used to put gardens
12 in for people, you know, and then we found out
13 that what we were using created rat harborages, so
14 we had to stop using that, you know.

15 COUNCILMAN NUTTER: Right.

16 MR. FELDGUS: We used to plant trees
17 and we used to find that people broke the trees
18 because, you know, you couldn't put in a mature
19 30-year-old tree; you put in a 5-year-old tree
20 that has a trunk about that big, and kids break it
21 lie that. So, you know --

22 COUNCILMAN NUTTER: I understand that.

23 MR. FELDGUS: So those things stopped.

24 COUNCILMAN NUTTER: Right.

25 MR. FELDGUS: I mean, you know, we've

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2 been going through this for many, many years. I
3 think -- and I agree with you -- that a lot of it
4 depends on the individual circumstances --

5 COUNCILMAN NUTTER: Right.

6 MR. FELDGUS: -- that are in the
7 community that we have to try to deal with.

8 COUNCILMAN NUTTER: That's what I
9 wanted to build in the discussion.

10 MR. FELDGUS: But I think we should not
11 deal with it as this piece of legislation, but try
12 to work out programs to handle the individual
13 problems.

14 MR. SOLVIBILE: I think -- also,
15 Councilman, there's two areas that I've really
16 been impressed with that have done with their
17 vacant lots -- Point Breeze in South Philadelphia,
18 west of Broad, and New Kensington CDC. Great,
19 great.

20 COUNCILMAN NUTTER: Right.

21 MR. SOLVIBILE: I mean, in New
22 Kensington, apparently, if you plant trees, they
23 don't short dump on your lots anymore. And in
24 Point Breeze, it was a long process where they
25 have wedding gardens, I think, sitting gardens for

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2 senior citizens, things for kids.

3 So it really involves a plan that's
4 well thought out and work with the community, and
5 then the process of placing the lots.

6 COUNCILMAN NUTTER: Right.

7 MR. SOLVIBILE: And I think that to put
8 you at ease, anything that we see is a danger
9 while we're doing the demolition -- i.e., behind a
10 railroad where there's an embankment -- that
11 automatically gets a fence under our present
12 policy. If there's a big drop or some reason to
13 guard a person from walking over and falling down
14 several feet, we would place a fence. Where in
15 some cases -- not in all cases-- where people call
16 us first, where the building itself acted as a
17 fence wall, we will put a fence there to their
18 protect back yard.

19 So it's not just cut and dried that we
20 don't do it; it's just that we don't routinely do
21 it unless there's a, as you say, a dangerous
22 condition.

23 COUNCILMAN NUTTER: Sure. Well, I
24 don't want to drag this out and I know that there
25 are some community people here to testify. But I

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2 do want to say two last things. One, there are
3 some areas in our city where maybe the community-
4 based organizations are either not of the capacity
5 and caliber of either a New Kensington CDC or a
6 Point Breeze, or they're just not into that
7 particular thing. In some areas, they're
8 nonexistent.

9 Part of my difficulty and frustration
10 is, if I have a person, you know, maybe they're
11 70, 80 years old, just had a building come down
12 next door to them, there is no community-based
13 organization, they're not necessarily the green
14 thumb of the block, when you're done and you've
15 finished stuccoing that lady's wall, all they have
16 is a vacant lot next to them where the kids and
17 the trash and all the other stuff come to
18 congregate. And I have to figure out what we are
19 going to do for that person today. That's the one
20 thing.

21 Second, there are some community-based
22 organizations here that are strong and do have
23 capacity, and I think they want to share some of
24 their experience in this whole process as well.

25 So with that, Mr. Chairman, I'll

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2 conclude any of my questions. And I think there
3 are people here who want to testify.

4 COUNCILMAN KENNEY: Councilman
5 DiCicco?

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

8 Basically most of the things I wanted
9 to talk about have been touched on. New
10 Kensington was one of the areas I was going to
11 speak to because it's in the northern end of my
12 district and they've done a great job when it
13 comes to demolition and planting trees. I'm
14 certain that there are a few trees that get broken
15 but the vast majority of the trees that I've seen
16 that have been planted in lieu of the jersey
17 barriers, that was one way in which L&I or the
18 Streets Department attempted to prevent short
19 dumping. With that, then, as you know, it created
20 a canvas for graffiti and made, in some instances,
21 the esthetics even worse than what was there prior
22 to.

23 And I do agree with Councilman Nutter
24 that I think that maybe what we need to do is look
25 at the cost benefits long-term. I think as a city

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2 sometimes, we generally have a tendency to look at
3 things short term but not look at the long-term
4 benefits as what the costs are to continually go
5 back to that same site, because I can remember
6 having a similar conversation about two years ago
7 during the budget hearings with the Streets
8 Department Commissioner about how many times do
9 the Streets Department employees have to go out to
10 a particular lot or lots throughout the City and
11 clean the same lot over and over again, and I
12 think it's probably why we're here today. We talk
13 about why don't they encapsulate it with some
14 fencing or some trees.

15 Maybe what we need to do is do some
16 joint meeting or hearing between this committee
17 and the Streets Department and bring all the
18 people in who are doing this. I'm certain that
19 some of the lots -- and let me -- when I ask you
20 to explain to me, when L&I, you actually clean a
21 lot after demolition a year later, after the
22 building's been demolished, do L&I employees go
23 out and clean?

24 MR. SOLVIBILE: Yes, our clean-and-seal
25 unit.

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2 COUNCILMAN DICICCO: Okay.

3 MR. SOLVIBILE: Also, we clean lots and
4 clean and seal buildings.

5 COUNCILMAN DICICCO: But I assume, and
6 if I'm not mistaken, the Streets Department also
7 has resources to clean those lots up.

8 MR. SOLVIBILE: Right.

9 COUNCILMAN DICICCO: So you actually
10 might be doing the same lots, so a lot that you
11 may do twice, would be it be possible that they've
12 done it?

13 MR. SOLVIBILE: But basically,
14 Councilman, the way it works is that the primary
15 responsibility for lots is L&I's 'cause it's
16 private property and not the street. But where a
17 lot is so badly short dumped on it, we can't
18 handle it on our own --

19 COUNCILMAN DICICCO: I'm speaking to
20 that.

21 MR. SOLVIBILE: -- we have a
22 cooperative effort and we work together. But it
23 is organized as to which ones get done.

24 MR. FELDGUS: One thing I should point
25 out to you, when you talk about going back and

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2 maintaining lots, the fencing that would be
3 erected would also have to be maintained.

4 A number of years ago -- this goes back
5 to the early '80s -- the Council passed a bill,
6 the Railway Fencing Act, and at that point, I was
7 involved heavily in that and the railroads were
8 involved heavily in it. And what we found over a
9 period of time was that the fencing was being
10 ripped down almost as quickly as it was being put
11 up, and that there is a very serious maintenance
12 problem that has to be considered in a lot of
13 areas of the City. So that when, in fact, you put
14 up fencing, you cannot just walk away from it and
15 think that that's going to be the end of the
16 problem; it will not be.

17 COUNCILMAN KENNEY: Well, my experience
18 too is that a lot of these issues have to do with
19 larger lots in more isolated areas. If you have a
20 lot in the middle of rowhouse street, I mean, it's
21 not impossible to have it stolen, but it's less
22 likely that the front or the back of that lot's
23 fencing is going to be dismantled and stolen. The
24 lots that I've experienced theft of cyclone
25 fencing have to do with larger, probably formerly

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2 industrial parcels that are in an area that
3 doesn't have anybody who can anything to call the
4 police about it, as opposed to what I think
5 Councilman Nutter's trying to address, and that is
6 vibrant neighborhood and/or retail areas where
7 there's traffic and people and somebody to call
8 911. I mean --

9 MR. SOLVIBILE: I think that any plan
10 we put together, or any legislation that we --
11 like you mentioned having the group meet and a
12 thing of Council meet. It would be a benefit to
13 improving the community, but I think that if we
14 don't rush with this one and come up with a better
15 way of doing it, we'd all be better off.

16 You're right, like with the big lots,
17 we've found that the fence got stolen but then we
18 came up with jersey barriers, and it worked
19 somewhat.

20 COUNCILMAN KENNEY: Well, they got --

21 MR. SOLVIBILE: They stopped short
22 dumping anyway and short dump in the street, which
23 makes it a Streets Department problem.

24 COUNCILMAN DICICCO: Thank you. I just
25 wanted to follow up. And, again, I don't think

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2 there's any universal solution to these problems
3 because even if you do the trees, which I think is
4 much more esthetically pleasing, and I think if
5 you clean the neighborhood, it allows for your
6 maintenance people to get in their with some
7 heavier equipment that the fencing would not
8 allow.

9 The problem is, as Councilman Nutter
10 pointed out, sometimes you have a single-family
11 dwelling now that is exposed on all four sides so
12 there's a question of security, and you don't want
13 to leave those people exposed. So there's some
14 cases where you would have to do maybe a
15 combination of the two -- not maybe as extensive
16 an amount of fencing, but a little bit at the back
17 end of the property to close off what was formerly
18 the alley.

19 MR. SOLVIBILE: Basically too, a lot of
20 senior citizens, when you create an open space
21 next to their lot, the kids start hanging around
22 and then they become very concerned about that,
23 too -- which creates another problem.

24 COUNCILMAN DICICCO: Thank you.

25 COUNCILMAN KENNEY: Councilman Rizzo?

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2 COUNCILMAN RIZZO: Commissioner, the
3 area of short dumping, the subject of short
4 dumping, the Police Department's sanitation
5 division, I believe, is responsible for
6 investigating short dumping?

7 MR. SOLVIBILE: Yes. We write
8 violations against the lot, but the police
9 sanitation division would investigate.

10 COUNCILMAN RIZZO: Could you just
11 comment briefly on the process that we use in the
12 City to investigate. Are people being -- I'm sure
13 there are people being arrested for short dumping,
14 but is the risk of being apprehended so small that
15 contractors and people just short dump because
16 they don't believe they're going to be arrested?
17 Could you describe the investigative process?

18 MR. SOLVIBILE: Sure. I can speak to
19 our contractors' demolition. They now know the
20 law is what it is and that you can't short dump on
21 top of or bury. A cooperative effort between the
22 Philadelphia Police Department's industrial waste
23 unit, I believe it's called, Lieutenant Nealy
24 (ph.) is the person in charge of that unit, and
25 the district attorney's office, we had a joint

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2 investigation going on on our contractors and
3 found several -- one contractor who is being
4 brought to trial for violation of it, so the world
5 of L&I contractors now knows this is the law.

6 But would have to ask the Police
7 Department about what they do on top of short
8 dumping situations. I know when we call and they
9 investigate, they do a good job.

10 COUNCILMAN RIZZO: So if, let's say, a
11 contractor that's not one of yours, I mean that
12 would be a disgrace if one of your own would short
13 dump, and they deserve to be put in jail.

14 MR. SOLVIBILE: You never know,
15 Councilman. You never know how dumb people are,
16 you really don't.

17 COUNCILMAN RIZZO: Yeah. That would be
18 that would be just hard to accept.

19 But I'm talking about the small
20 renovation contractor that's got a dump truck full
21 of junk, dry wall, and he backs up --

22 MR. SOLVIBILE: The biggest problem.

23 COUNCILMAN RIZZO: And he backs up, are
24 we -- and, again, you said to ask the Police
25 Department, but are you satisfied that the Police

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2 Department is doing enough to pursue and apprehend
3 short dumpers?

4 MR. SOLVIBILE: I'm really not sure,
5 other than my own personal involvement, and
6 they've been effective for me. But I don't know
7 about the City in general so I couldn't answer
8 that question.

9 COUNCILMAN RIZZO: Okay, thank you.

10 COUNCILMAN KENNEY: Just for your
11 information, Councilman Rizzo, one thing the
12 police did do at our request was to upgrade the
13 radio priority call for short dumping to a
14 vandalism in progress, which it was, and in
15 effect, the short dumping is a vandalism in
16 progress. So it doesn't get the same priority
17 call as a man with a gun or a person screaming,
18 but it did move up the ladder when the guy's
19 backing the truck up and the lady looks out her
20 window and sees it and calls 911. The priority
21 has been increased to a vandalism in progress,
22 short dumping in a particular location. So I
23 think they've been little more successful because
24 they're getting there quicker.

25 COUNCILMAN RIZZO: Thank you. Thank

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2 you for that.

3 COUNCILMAN KENNEY: Any more questions
4 for these witnesses?

5 (No further questions.)

6 COUNCILMAN KENNEY: None?

7 Thank you very much.

8 MR. FELDGUS: Have a good afternoon.

9 COUNCILMAN KENNEY: Is there anyone
10 else here to testify on this bill?

11 All right are you together? Are the
12 three of you together? There's just one witness?
13 Please come forward.

14 Who else? Come on up. Bring them up
15 so we'll have two and then two.

16 (Witnesses come forward.)

17 COUNCILMAN KENNEY: Good afternoon.
18 Please identify yourself for the record.

19 MR. MALVEY: Good afternoon,
20 Councilman. Myname is Paul Malvey. I'm the
21 Director of the Open Space Program at New
22 Kensington CDC.

23 We wanted to testify about the bill
24 with mixed feelings. We need to fence in some
25 lots. A lot of what I was going to say has

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2 already been discussed out so far. But we've been
3 very successful without fences, with organizing
4 our neighbors to get together and clean these lots
5 and keep them clean by assuming an ownership that
6 is not real but that is assumed because they put
7 their time and effort into cleaning.

8 One of the things we're interested in
9 is after the fact, where the fences would go up,
10 how would we remove the fences after the case, and
11 would L&I be able to go in then and maintain these
12 lots once they're sealed off, and how would we get
13 access to them?

14 We're also concerned about the soil --
15 the environmentally friendly soil treatment. Is
16 the soil to be sterilized? And if, then, someone
17 were to come in from the community and want to
18 work on this, would the soil have to be removed
19 before a garden could be put in.

20 Further, we have found that by cutting
21 the weeds and keeping them trimmed or planting
22 grass seed or keeping the rain water on the lot
23 and not washing it into the sewers, if you clear
24 off all the vegetation, you're surely going to
25 wash that soil right down the sewer, and that

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2 can't be very good for the environment.

3 As I said, most of the things have been
4 said. One of the other things we wanted to know
5 was, if the fence were to be put up on lots, would
6 an organization like ours be able to get money for
7 trees instead of fences, if this is going to the
8 rule of thumb that a fence has to go up. If we
9 were to claim a particular lot, can that money be
10 put into other uses or different types of things?

11 That's all I have to say.

12 COUNCILMAN NUTTER: I'm sorry. Please
13 tell me your name again.

14 MR. MALVEY: Excuse me?

15 COUNCILMAN NUTTER: Please tell me your
16 name again.

17 MR. MALVEY: It's Paul Malvey, from New
18 Kensington.

19 COUNCILMAN NUTTER: Malvey?

20 MR. MALVEY: Malvey, M-A-L-V-E-Y.

21 COUNCILMAN NUTTER: Thank you. Thank
22 you first for your testimony, Mr. Malvey.

23 Secondly, I think you may have heard some of the
24 discussion about the notion that every lot doesn't
25 have to have a fence on it. I mean, I certainly

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2 believe that. I'm aware of your work, and there
3 is some discretion for the L&I commissioner in
4 those kinds of situations.

5 We also did try to anticipate some of
6 the issues that you've raised today in the bill in
7 talking about the L&I department working
8 cooperatively with other city and city-related
9 agencies on any plans for the acquisition,
10 disposition, and reuse of these vacant lots,
11 including, but not limited to, community
12 development housing, neighborhood gardening,
13 landscaping, play areas, side yards, kind of, you
14 know, a large array of different things. Again,
15 that could be done with the lot.

16 I mean, I'd be the first to say -- I
17 mean, I don't want the City to just end up with a
18 whole lot of lots with fences on them. I really
19 want something to happen to them, but sometimes
20 those things take time, and the time between the
21 demolition, the stucco and all the people go away,
22 and the day that something more positive happens
23 at that lot, in the interim, often a lot of bad
24 things happen.

25 So I'm just trying to secure the place

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2 in the anticipation with plans that something more
3 beneficial to the neighborhood will happen.

4 MR. MALVEY: That's why we say we have
5 mixed feelings.

6 COUNCILMAN NUTTER: I understand.

7 MR. MALVEY: We understand the need to
8 seal some of these lots.

9 COUNCILMAN NUTTER: Right.

10 MR. MALVEY: But with others, we would
11 like to have the discretion to work with them.

12 COUNCILMAN NUTTER: Sure. We believe
13 in discretion.

14 MR. MALVEY: Thank you.

15 COUNCILMAN NUTTER: Thanks.

16 COUNCILMAN KENNEY: Thank you very
17 much.

18 Please identify yourself.

19 MR. WINDER: Ralph Winder, 38th Ward
20 Leader Democrat and Chairperson of the Residents
21 Coalition Community Organization.

22 Good afternoon, Councilman DiCicco,
23 Nutter, Kenny, and Rizzo.

24 COUNCILMAN KENNEY: Good afternoon.

25 MR. WINDER: I'm here to speak in

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2 support of this bill. And I'm in support of it
3 because I know that, from living in my community,
4 people are very frustrated, annoyed, and totally
5 upset about the conditions of abandon housing and
6 vacant lots that are strewn with trash and debris
7 throughout many inner-city neighborhoods.

8 And as I looked at the campaigns that
9 recently took place throughout our city, almost
10 every candidate spoke of a need to turn their
11 attentions to the neighborhoods, to begin to spend
12 funding and money in the neighborhoods, as opposed
13 to the Center City area, which, I believe, has
14 been marvelously improved.

15 So now, as I begin to hear criticisms,
16 monetary criticisms of what it would cost in order
17 to do what I consider to be a very minimal effort
18 at improving and revitalizing our neighborhoods,
19 I'm a little surprised, because what it costs to
20 improve Center City and some of the Avenue of the
21 Arts kind of complexes are tenfold, twentyfold the
22 cost of what it would take to put a fence around a
23 vacant property after an abandoned property has
24 been torn down.

25 And so I think that, you know, it's a

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2 great need for us to protect not only our
3 communities from trash being thrown or by short
4 dumpers throwing trash in our neighborhoods, but
5 also the environmental issue that we speak about
6 is important, because if we would safeguard young
7 children from playing in areas where a building
8 had just been torn down and they have poison ivy
9 or some other foliage which could be either
10 contagious or poisonous, then I think that we
11 would begin to save our children and our
12 communities from health injuries as well as
13 possibly from suits. And there can be ways
14 against us for leaving these lots open that have
15 dangerous foliage or debris in them.

16 So I'm saying that I think this bill
17 should be highly considered and supported by this
18 Council. A number of years ago, back -- in fact,
19 a lot of years ago, back in the '60s, I was a part
20 of a community organization that went around and
21 just would take abandoned lots and then began to
22 turn them over and plant vegetation or flowers and
23 put benches in there, and we were admonished by
24 the City that these were not our property, that we
25 could not just take the lots that were already

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2 strewn with debris and trash, we could not just
3 take destructive areas like this and turn them
4 into what we considered to be constructive areas
5 in our community.

6 And so we made up our minds that we was
7 going to continue to challenge that law, and we
8 were going to continue to take these lots people,
9 and the people in the Ridge Avenue and Cecil B.
10 Moore area began to call these lots "victory
11 lots," and they began to farm and plant -- and I'm
12 getting to the point to say that eventually, we
13 agreed to stop doing this, but only when the City
14 began to discuss coming up with a urban gardening
15 program, a vacant property review board, and all
16 types of other things that sprung out of our
17 efforts to actually do civil disobedience in order
18 to improve the look of our community.

19 Right now, I think that this is an
20 needed thing, because an unfenced lot is a
21 invitation for dumping and for putting trash, and
22 that people are less likely to throw bags of trash
23 over a fence as they are to just walk in and to
24 dump. And so I'm 100 percent in support of this
25 bill. I do think it should be discretionary.

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2 Everyone may not want it, and I think that that
3 should be a consideration.

4 But, in general, I think this will
5 improve the look of our neighborhoods and start
6 the ball rolling toward improvement and
7 neighborhood revitalization and make people in the
8 neighborhood feel as though once an abandoned
9 building comes down, it's not just meant for that
10 lot to sit there with stones and rocks for
11 children to begin to pick up these rocks and throw
12 them at each other or to vandalize or whatever,
13 break a window.

14 We need these lots secured and we need
15 them accessible to the people in the community so
16 they can begin to plant gardens or make sitting
17 areas or whatever the community decides to do in
18 harmony with the City.

19 COUNCILMAN KENNEY: Thank you very much
20 for your testimony.

21 Are there any questions?

22 (No questions.)

23 COUNCILMAN KENNEY: Thank you.

24 Please come forward.

25 (Witness comes forward.)

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2 COUNCILMAN KENNEY: Please identify
3 yourself for the record and proceed.

4 MS. GILLEN: Okay. Hi. I'm Terry
5 Gillen. I'm a longtime neighborhood activist,
6 committee person, and a member of the South Street
7 West Civic Association and the South of South
8 Neighborhood Association. With me is Doug Norman,
9 who will speak for himself.

10 I have testimony which I'll be happy to
11 give you and I won't repeat it, but I just want to
12 make a few points. The first is that several
13 years ago, our civic association -- Doug can talk
14 more about this -- surveyed our neighbors. We are
15 south of South Street, west of Broad, and asked
16 what are the most important issues? And the
17 number-one issue in our neighborhood was vacant
18 lots. It was higher than education and it was
19 higher than crime, much to our astonishment. It
20 is a huge issue in my neighborhood.

21 Since becoming ward leader, it is the
22 number-one issue that my constituents ask for. We
23 have a huge vacant lot problem, and we're in a
24 fairly vibrant and growing neighborhood. Unlike
25 some neighborhoods that have been discussed today,

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2 our neighborhood is developing, and because it's
3 adjacent to Center City, it has potential for
4 having private and subsidized development going up
5 in it.

6 So it is a troubling issue for us, and
7 I'll just talk about one block that I'm grappling
8 with right now -- the 2200 block of Fitzwater
9 Street. If you go down that block, it's a
10 gorgeous block with gorgeous houses on it. Last
11 year, L&I demolished a house in the middle of the
12 block. We didn't ask them to, they just did it.
13 I think the house could have been saved, but
14 that's over and done with. And then they
15 demolished the two houses on either side, I guess,
16 just for good measure.

17 And now what was before an intact block
18 now has this huge, gaping hole in the middle of
19 the street, and the neighbors are grappling with
20 the trash problem and are asking, Can we get a
21 fence so that we can do a community garden? And I
22 have to explain to these people, all of whom pay
23 taxes, why they cannot get a fence for their tax
24 money.

25 And I just can't testify strongly

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2 enough in favor of this bill. We have got to do
3 something for people in middle-class and
4 working-class neighborhoods who want to know why
5 can't get help for some of these blocks.

6 So I just strongly want to urge members
7 to support it. I am not unmindful of the cost
8 issues; however, I think in a city that has just
9 run for the sixth year in a row with significant
10 budget surplus, the cost of this is money well
11 worth spent.

12 And as we are finding out, as we have
13 now lost 100,000 people just during the time of
14 this administration, 100,000 residents who have
15 left this city in the last 10 years, if we don't
16 pay for this now, then we will pay for it later,
17 by people leaving the city. And I think it's
18 money well spent, and I would urge you to approve
19 this bill.

20 Thank you.

21 COUNCILMAN KENNEY: Thank you very
22 much.

23 Any questions?

24 COUNCILMAN RIZZO: Just one quick
25 comment.

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2 COUNCILMAN KENNEY: Councilman Rizzo?

3 COUNCILMAN RIZZO: I just had a sidebar
4 with Councilman Kenney. In the event we do put a
5 fence-- maybe the L&I people could answer this
6 question -- that could be added to the lien
7 against the property, the cost of the fence, some
8 day we would recover that. Unlikely? I don't
9 know, but I don't know but I guess it's something
10 -- I see you shaking your head back there.

11 Come on up to the table and identify
12 yourself, please.

13 MR. FELDGUS: Richard Feldgus,
14 Administrative Services Director, Department of
15 Licenses and Inspections.

16 One of the problems with putting up
17 fences is one that I discussed before. We can't
18 issue a violation against the property for a fence
19 to put up a fence, so therefore, we can't lien the
20 cost of that fence to the property. If we do it,
21 we're doing it, the City's doing it, and it's an
22 expense that the City's just going to absorb.

23 COUNCILMAN KENNEY: Don't you lien the
24 property now for the cost of demolition?

25 MR. FELDGUS: We lien the property for

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2 the cost of demolition because what we do is when
3 we issue a violation notice for the owner of the
4 property.

5 COUNCILMAN KENNEY: Let me go to the
6 next step. As a result of this bill, if we're
7 requiring part of the demolition process to be the
8 fence, why wouldn't the entire cost of the
9 demolition, including your requirement to put a
10 fence up, be liened to the property as a
11 demolition lien?

12 MR. FELDGUS: But that's where we have
13 our problem, Councilman, because under the
14 Charter, our powers are the issue of violation for
15 an unsafe or dangerous condition. A vacant lot
16 does not constitute an unsafe or dangerous
17 condition. So, consequently, we can't order
18 people to do that.

19 COUNCILMAN KENNEY: Well, in some
20 regards, it --

21 MR. FELDGUS: You've got to have like a
22 railroad embankment or other conditions that --

23 COUNCILMAN KENNEY: But if you go out
24 and cite a property for its imminently dangerous
25 condition and the owner is not there or not alive

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2 or not in the universe, doesn't have any interest,
3 you have to go out and take your powers and know
4 the building down.

5 MR. FELDGUS: Correct.

6 COUNCILMAN KENNEY: At which time, you
7 attempt to recoup the cost of that demolition by
8 putting a lien on that property.

9 MR. FELDGUS: You're correct,
10 Councilman, but we usually don't collect the
11 money.

12 COUNCILMAN KENNEY: Correct, but at
13 some point in time, because the demolition of the
14 property is in a particular area -- and we went
15 through this today with Council President Verna's
16 district when we talked about the taking of vacant
17 lots and other types of things, and also in
18 Councilmember DiCicco's district, he's dealing
19 with some of the properties there. It's not
20 likely but there is a potential, I guess, a
21 potential that we could collect some of that.

22 MR. FELDGUS: Well, again, I'm not
23 arguing or using that as a point to not do it.
24 I'm just saying that under the existing
25 Philadelphia Home Rule Charter position, we would

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2 not have the legal right to lien the property for
3 the cost of the fence. We would lien it for the
4 demolition, which would be far in excess of the
5 cost of the value of the property anyhow. We're
6 talking about a property that's --

7 COUNCILMAN NUTTER: Hold on for one
8 second. Are you sharing with us today that either
9 by way of the charter or more by way of the
10 Philadelphia Code, that it is not in violation to
11 have a vacant lot with no protection on it, for
12 which you can then cite someone? Is that the
13 problem?

14 MR. FELDGUS: The problem is that the
15 Philadelphia Home Rule Charter is very specific in
16 stating that L&I can only abate a problem where
17 there's a dangerous condition that exists.

18 COUNCILMAN NUTTER: I understand that,
19 and some of us take the position that a vacant lot
20 is a dangerous condition.

21 I mean, are you telling me one that
22 day, you had a building next to you, the next day
23 you don't have a building, you now have a vacant
24 lot, which is open front and back, which allows
25 people to now immediately access in a different

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2 way your property, the trash, the debris, the
3 drugs, the other illegal activity. Are you
4 telling me that that is not dangerous to the
5 next-door neighbor?

6 MR. FELDGUS: Yes, I would have to say
7 that.

8 COUNCILMAN NUTTER: Under some absolute
9 interpretation of the word "dangerous"?

10 MR. FELDGUS: I would have to say that
11 vacant property in and of itself is not
12 dangerous. We have had vacant property in the
13 City of Philadelphia, we have a park that's all
14 vacant property -- is that dangerous? I would say
15 no, it's not.

16 COUNCILMAN NUTTER: Are you equating a
17 park to a regular neighborhood situation where
18 there's all kinds of activity going on on the
19 street?

20 MR. FELDGUS: I'm saying that a vacant
21 lot in and of itself is not dangerous.

22 COUNCILMAN NUTTER: Well, let me go
23 back to the original question. Are you saying
24 that there's also no provision in the code that
25 requires an owner of a vacant lot to not only

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2 maintain it in a clean and safe fashion, but also
3 a secure fashion? Is that the problem?

4 MR. FELDGUS: The code does not require
5 it to be secured. It is required that the
6 property must be kept in a clean fashion. You
7 can't have weeds on that property above a certain
8 height. They have to cut down the grass and the
9 weeds on that lot. But it's not a safety issue.
10 It's a sanitation issue rather than a safety
11 issue, which is different from what we have the
12 power to go in and lien against. That's the
13 differentiation.

14 Where we have a dangerous building, the
15 City has no choice but to act. Where we have a
16 condition, for instance, where somebody doesn't
17 have heat in a property, that's a health-
18 threatening condition, and we must act. Those are
19 the places where we have abatement powers, where
20 we can act and then follow up with a lien against
21 the property.

22 Now, I would agree with you, and we all
23 know the amount of money that we get back from
24 demolishing properties in this city is minuscule,
25 and I am not trying to put forth as an objection

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2 to this bill whether or not the property's lienied,
3 I don't think it's meaningful. I think that if
4 the City wants to expend the money and put up a
5 fence, then we're just going to have to do it, and
6 that's the end of it, I think we're going to put
7 up the fence.

8 We used to have a program in this city
9 called the Vacant Land Utilization Program -- it
10 was in the Recreation Department. That program
11 went on for many years. I don't know if you're
12 familiar with it or not. That program attempted
13 to take vacant lots like the property that's just
14 been discussed and convert it into some type of
15 useful property, whether it would be a vest pocket
16 park or a garden area or things of that nature.
17 And then the Recreation Department used to do the
18 things of putting up fences and landscaping and
19 doing all those things.

20 I think that one of the things we might
21 want to talk about is revisiting that whole idea
22 because, for a period of time, that was an ongoing
23 problem. Now funding killed that in the '80s when
24 the Goode administration did not have the funding
25 to continue and we had to start cutting programs,

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2 so that was eliminated.

3 But I think that if, in fact, there's
4 money to be spent, it should be looked at as
5 trying to do that kind of a program, particularly
6 in good viable areas.

7 COUNCILMAN NUTTER: Well, your
8 recitation of the history is probably now telling
9 me what I'm dealing with in the 200 block of North
10 Wharton Street, where I'm spending \$75,000 to
11 refurbish what was probably one of these --

12 MR. FELDGUS: Vest pocket parks.

13 COUNCILMAN NUTTER: Yeah. There was a
14 recreation thing, then there's nothing there now
15 and so I'm redoing it.

16 MR. FELDGUS: Yeah.

17 COUNCILMAN NUTTER: So, okay, all right
18 thank you.

19 Maybe there are some code issues that
20 we need to take a look at.

21 COUNCILMAN KENNEY: Okay, Councilman
22 DiCicco?

23 COUNCILMAN DICICCO: Thank you.

24 Mr. Feldgus, there are a number of
25 variations of vacant lots throughout the City.

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2 There are areas where there are vast amounts of
3 vacant land that are nowhere near residential
4 communities.

5 I want to speak to, for a moment, a
6 vacant lot similar to the lot that Miss Gillen
7 just spoke to, where you have residential
8 properties either on either side of the vacant lot
9 or you have a vacant lot at the corner of a block
10 and you have an occupied house adjacent to it or
11 around the corner from it. Either way, it's
12 somewhat adjacent to it.

13 I think earlier today in the
14 information that was supplied to us, we're
15 spending on average about \$11,000 to \$13,000 to
16 demolish a typical single-family residential
17 dwelling in the City of Philadelphia today. And I
18 understand your statements as it relates to the
19 Philadelphia Charter and the codes and what have
20 you.

21 Could we not incorporate in the
22 contract for the demolition of a property the cost
23 of the fence to be installed by the contractor or
24 his or her subcontractor, meaning the demolition
25 contractor, and include that in the cost of the

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2 demolition? Realizing that we're not going to get
3 -- in most cases, we're not going to recoup the
4 demolition cost anyway, but for the extra thousand
5 dollars, which is probably high for a 16-foot-
6 across, 6-foot high fence, with a gate, I think
7 we're spending -- when I say "we," I have a
8 nonprofit and we do some of this -- somewhere in
9 the vicinity of 3 to \$600 per lot.

10 Could we not figure a way in saying,
11 where there's a vacant lot that is bordered or
12 adjacent to an occupied house or houses, the saw
13 tooth, the middle of the block, that we would go
14 for the expense of installing a fence with a gate
15 at that lot site, but incorporate it into the cost
16 of the demolition, because if we're fortune enough
17 to get a developer to come in or we find the
18 owner, and all of a sudden, the owner decides to
19 make him or herself whole with the City and pay
20 for the demolition and pay up the back taxes, I
21 don't think they're going to say, Well, I don't
22 have to pay the extra 600, it wasn't included
23 because in the Charter, you were not allowed to,
24 or not permitted to put a fence on that site. And
25 I don't mean to be sarcastic or funny but that's

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2 really -- I don't think anybody's going to go down
3 and extract that.

4 MR. FELDGUS: One of the things I can
5 tell you, Councilman, is that --

6 COUNCILMAN DICICCO: And that's in most
7 cases, in most cases, and there are exceptions.
8 Most of the cases we're talking about are the
9 16-foot sections of six-foot high fence.

10 MR. FELDGUS: I don't disagree with
11 what you're saying. I can just tell you that over
12 the years, what has happened with those kinds of
13 situations -- and we have done it over the years
14 -- we have actually incorporated into certain of
15 our contracts where we know the community has felt
16 strongly, and we feel there's a dangerous
17 condition, you know, a problem condition,
18 something like that, we have included fencing as
19 part of the treatment.

20 One of the things that typically
21 happens -- and this happens all the time, whether
22 or not we have a fence there or not. People will
23 go to the Board of Revision of Taxes or the Tax
24 Review Board, and they will protest our bills, and
25 they have a legal right to do that. And

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2 invariably, this type of activity will be thrown
3 out. I mean, they're just going to sever that
4 from the bill and say no, that's not -- that was
5 not part of what had to be done, therefore, we're
6 not going to charge it.

7 Now, I will also tell you that
8 invariably, that same Tax Review Board will cut
9 the demolition cost in half regardless of how much
10 we spend, whether it's legal or not, merely
11 because somebody shows up, so we do have a problem
12 with that board.

13 You know, again, I don't think -- I
14 think we have to look at this from a standpoint of
15 recognizing that certain things, if the City's
16 going to choose to do it, if this Council's going
17 to choose to do it, we're not going to be able to
18 collect money for it, and that's just going to be
19 the end of it.

20 COUNCILMAN DICICCO: Okay, could I go
21 back again. When you make a decision on
22 demolition, it is primarily based on the condition
23 of the property.

24 MR. FELDGUS: Yes.

25 COUNCILMAN DICICCO: It is unsafe, and

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2 therefore, it warrants demolition. Could we not,
3 in the language of the contract or whatever it is
4 that you decide on a form, to say that this
5 property is imminently dangerous; therefore, we
6 should demolish it, but we also need to make the
7 condition of the property safe. And the
8 interpretation for "safe" is to either -- I won't
9 use the word "encapsulate" it but to fence it as
10 part of the making it safe condition in the first
11 place.

12 MR. FELDGUS: Well, that's what Deputy
13 Commission Solvibile told you that we do now.
14 When we come into -- we are limited to where we
15 would be exposing a safety hazard. So, i.e., if
16 the house bordered on a railroad right-of-way or
17 something of that nature, and we took the house
18 down, we're exposing a dangerous condition. The
19 Charter limits us to what we can legally do as far
20 as putting an abatement charge against the
21 property.

22 COUNCILMAN DICICCO: So if the
23 demolition, if we were to build a three-foot
24 trench across the face of that property, we could
25 then say that we're putting a fence in to make it

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2 safe so that someone doesn't fall into a
3 three-foot trench. I mean, if you're putting it
4 at the back of the property -- and I understand
5 what you're doing here, there's the back end of a
6 property and there's a five-, ten-foot drop-off so
7 to make it safe so that no one falls, we're going
8 to put in a fence.

9 MR. FELDGUS: Right, and we do that.

10 COUNCILMAN DICICCO: And you do that.

11 MR. FELDGUS: And we include those in
12 the demolition contract, and we do erect fences
13 and --

14 COUNCILMAN DICICCO: But fencing it off
15 in between two occupied properties, residential
16 properties, to make it safe for the people who
17 live on either side, so that outside folks don't
18 enter that lot and have access to their yard, that
19 is not considered making it safe?

20 MR. FELDGUS: No, because you're taking
21 a vacant lot, it's a piece of ground.

22 COUNCILMAN DICICCO: But we made it a
23 vacant lot. We've made it -- we tore down an
24 existing building and created the vacant lot. And
25 I'm not saying we're wrong for doing that, but

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2 that's what we did, we create the vacant lot.

3 MR. FELDGUS: Yeah, but typically what
4 we've done is, we've taken a vacant and open
5 building that people have been able to go through
6 willy-nilly whenever they pleased anyhow and we
7 haven't really changed the circumstance.

8 COUNCILMAN DICICCO: If we fence it,
9 we've changed it because they're not going to be
10 able to go through willy-nilly, as you say,
11 because we've taken a condition of a vacant
12 building that is either deteriorated or
13 structurally unsafe, that people have been
14 entering and using it for prostitution, for drugs,
15 vagrants get in there, what have you. It's
16 unsafe. We take the building down and now we
17 leave it exposed for the prostitutes, the drug
18 dealers, and everything else that was going on
19 inside the building. The only thing is, we took
20 the walls down so now they could do it outside.
21 It's unsafe before, it's unsafe after.

22 COUNCILMAN KENNEY: It's like an
23 outdoor patio for the drug dealers and the --

24 MR. FELDGUS: The difference is that
25 what we had before was a building that could fall

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2 on somebody and kill somebody. A vacant lot is
3 not going to fall on somebody and kill somebody.
4 That's the difference.

5 COUNCILMAN DICICCO: So if we put a
6 three-foot trench across it --

7 COUNCILMAN KENNEY: This discussion got
8 started as a result of issue raised as to whether
9 or not it was lienable and collectible, and that
10 was how we got started with this But, secondly,
11 your testimony is, we're not collecting that much
12 on demolition liens anyway, so really, the whole
13 issue is kind of moot other than the argument as
14 to whether or not it's safe or unsafe as a vacant
15 lot.

16 MR. FELDGUS: That is correct, and we
17 would not try to submit that as an argument
18 against this legislation.

19 COUNCILMAN KENNEY: Okay, thank you
20 very much.

21 Mr. Norman, please. Please identify
22 yourself.

23 MR. NORMAN: My name is Doug Norman.
24 I'm the Executive Director of South to South
25 Neighborhood Association. Our borders are South

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2 Street to Washington Avenue and Broad Street to
3 the river.

4 And if I may comment on some of this
5 discussion. First of all, I'd like to describe,
6 as you gentlemen, as you Councilmen have,
7 real-life scenarios with an 82-year-old woman
8 living next door when an L&I comes in, takes the
9 building, and she gets robbed because now her back
10 is open to the world. This is a situation the
11 City has created, and it's hard to explain to the
12 82-year-old woman who has just been robbed blind,
13 who lives alone, by the way, that no one had any
14 idea of protecting her, we simply tore the house
15 down and left her open. And this happens all the
16 time. This is not an isolated incident.

17 Secondly, in terms of the argument that
18 these properties, once a building comes down, is
19 not unsafe or dangerous, is a bogus argument. I
20 can take you to my neighborhood and show you
21 hundreds of lots. For those of you that were at
22 the hearings this morning and have these pictures
23 and I would ask that you -- I do not have another
24 copy of them, but if you could maybe put those
25 pictures in this record.

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2 When you have lots that have not been
3 cleaned for ten years and you have a child living
4 next door, you have drug dealing on the lot night
5 and day, with five feet of trash, if that child
6 goes next door and happens to touch that trash and
7 gets sick, if this isn't a dangerous situation, I
8 don't know what it is. These drug dealers have
9 guns -- that's not a dangerous situation? We need
10 to get them off the lots. And I feel very
11 strongly about that. I just will not accept this
12 argument, and I hope you don't either, that once
13 the building comes down, this lot is now not
14 unsafe or dangerous. It's ludicrous.

15 COUNCILMAN KENNEY: We need to -- I'm
16 sorry, go ahead. Have you completed your
17 testimony?

18 MR. NORMAN: One more comment.

19 COUNCILMAN KENNEY: Please proceed,
20 sorry to interrupt you.

21 MR. NORMAN: I would just say
22 emphatically that I understand that you can't get
23 the \$3 million back, or it's very difficult. And
24 we all know that we can't get some taxes back. In
25 this economy and what's happening in Center City,

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2 and I'm two blocks away from it and so are a lot
3 of other people, and I'm not saying that other
4 areas of the city aren't important. But if you
5 get the \$3 million back enough, I would say to you
6 that it's worth the \$3 million to keep people
7 safe. And I feel very strongly about that.

8 COUNCILMAN KENNEY: Thank you very
9 much.

10 Just two comments. Number one, I think
11 the issue of the recoupment of the money was made
12 clear in the line of questioning that Councilman
13 Nutter engaged in with Mr. Solvibile and Mr.
14 Feldgus and Mr. Haigler initially, and that is,
15 how many times do we clean the same lot? How many
16 times does the Streets Department clean it in
17 addition to L&I cleaning it? And what is the
18 cumulative amount of money spent in a particular
19 16-by-50-foot lot? And how much would be saved
20 if, in fact, the money spent at the end of
21 demolition to secure an actually cleaned lot? And
22 I think that's part of what the issue of what the
23 expenditures are.

24 Secondly, let me say for the record, in
25 defense of Mr. Feldgus and Commissioner Solvibile

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2 and Mr. Haigler, they're here representing the
3 view of the Administration. They're doing their
4 job. They would like to have more than
5 \$10 million a year to demolish all of the
6 properties that need to be demolished and to treat
7 all of the areas need to be treated to make our
8 neighborhoods a better place.

9 This administration, to its credit in
10 some areas, and maybe not to its credit in some
11 others, is extremely concerned about the issue of
12 increasing expenditures outside of our current
13 budget that we have and outside of the five-year
14 plan. It's been a consistent theme for the past
15 eight years and they've been successful in that
16 regard some of the issues. In fairness to them,
17 they're really doing their job as good soldiers,
18 as orders have been given to them to maintain this
19 five-year budget, which we really don't disagree
20 with either.

21 I think the issue is one that comes
22 down to, are we spending more money than we have
23 to in order to keep and maintain lots after
24 demolition than we would have if we had put a
25 fence up. So I think those are the issues that

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2 we're wrestling with. I don't think any of them
3 disagree with the need to secure and maintain
4 decent neighborhoods, but we'll make a decision as
5 a result of our deliberations on what to do.

6 Proceed your testimony.

7 MS. GILLEN: One more thing. The
8 hidden costs that no one talks about, Councilman
9 Kenney -- and you have been as eloquent on this as
10 anybody -- is the cost of people leaving the City.

11 COUNCILMAN KENNEY: Absolutely.

12 MS. GILLEN: And no one ever puts that
13 calculation into the cost of any of this stuff.
14 And I really think -- I mean, as I struggle with
15 this block on Fitzwater Street and start seeing
16 people leave the block and leave the City because
17 they say, You know what? It ain't worth it. I'm
18 not getting my money's worth.

19 So I would caution you not to be too
20 focused on the number -- the cost of cleaning up
21 the lot versus the cost of fencing, because it's
22 that hidden cost of people leaving and taxpayers
23 leaving that never gets calculated.

24 COUNCILMAN KENNEY: I agree. Thank
25 you.

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2 MS. GILLEN: Thank you.

3 COUNCILMAN KENNEY: Thank you very much
4 for your testimony.

5 Is there anyone else here to testify on
6 this bill?

7 (No response.)

8 COUNCILMAN KENNEY: For the record,
9 Bills No. 990251 will be held. Bill No. 990223
10 will be withdrawn at the request of the sponsor.
11 Bill No. 990494 will be held at the request of the
12 sponsor.

13 If there's no one else to testify on
14 this bill, we will now move to Bill 990422, which
15 is an ordinance amending Section 9-206 of the
16 Philadelphia Code, entitled "Sidewalk Vendors in
17 Neighborhood Districts, by designating the south
18 side of the 1400 block of Morris Street and 1421
19 West Passyunk Avenue as a new neighborhood
20 business district within which sidewalk sales are
21 subject to the provisions of Section 9-206, and by
22 specifying the number and the location of
23 permitted vendor sites within that district, all
24 under certain terms and conditions.

25 Mr. Haigler, please identify yourself

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2 for the record and proceed.

3 MR. HAIGLER: Otis Haigler, Jr.,
4 Legislative Regulatory Affairs Manager for the
5 Department of Licenses and Inspections.

6 Councilman Kenney and members of the
7 committee, we have no objections to the enactment
8 of this ordinance.

9 COUNCILMAN KENNEY: Thank you.

10 Are there any questions for Mr.
11 Haigler?

12 (No questions.)

13 COUNCILMAN KENNEY: None.

14 We will now move to Bill No. 990533,
15 which an ordinance amending Section 9-205 of the
16 Philadelphia Code relating to sidewalk sales by
17 adding a new provision prohibiting sidewalk sales
18 on Fifth Street, from Godfrey Avenue to Olney
19 Avenue, both sides.

20 Please identify yourself for the record
21 and proceed.

22 MR. HAIGLER: Yes. Otis Haigler, Jr.,
23 Department of Licenses and Inspections,
24 Legislative and Regulatory Affairs Manager.

25 Mr. Chairperson and members of the

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2 committee, on this particular bill, we have no
3 objections to the enactment and the enforcement of
4 this bill.

5 COUNCILMAN KENNEY: Thank you very
6 much.

7 Are there any questions on the part of
8 committee?

9 (No questions.)

10 COUNCILMAN KENNEY: Just give us one
11 second.

12 COUNCILMAN KENNEY: That will conclude
13 the public hearing of the Licenses and Inspections
14 Committee.

15 - - -

16 COUNCILMAN KENNEY: We will now convene
17 a public meeting.

18 And the Chair recognizes Councilman
19 Nutter for the purpose of offering amendments to
20 Bill No. 990565.

21 COUNCILMAN NUTTER: Mr. Chairman, I
22 have a couple amendments. Two are technical in
23 nature, and one is to try, in other best efforts,
24 to retain some level of friendship with Mr.
25 Feldgus and Mr. Haigler, that we put some limits

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2 on the requirements of the department.

3 Mr. Chairman, in Section PM-307.6, on
4 Page 2 of the bill, where the new language starts
5 with the sentence: "When the Department proceeds
6 to demolish any. . ." insert "residential or
7 neighborhood commercial corridor." And then the
8 sentence would continue with ". . . dwelling,
9 whether by contract. . ."

10 The second amendment would be in the
11 later sentence, which starts with: "In addition,
12 the Department shall work cooperatively with other
13 City and City-related agencies on any plans for
14 the acquisition, disposition and reuse of. . ."
15 delete the word "these" and insert the word "any."

16 And in the next sentence: "Pursuant to
17 a written request from a City department, agency
18 or official, the Commissioner shall have the
19 discretion to determine whether a fence is
20 unnecessary. . ." insert "for any vacant lot" and
21 continue the sentence with " . . .based on the
22 planned reuse of the vacant lot or other unique
23 circumstances."

24 The same amendments would be made in
25 Section PM-308.4. Again, it's to read: "When the

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2 Department proceeds to demolish any. . ." insert
3 "residential or neighborhood commercial
4 corridor." And continue the sentence with
5 ". . . dwelling, whether by contract. . ."

6 Later, in the same paragraph:
7 "Acquisition, disposition and reuse of. . ."
8 delete the word "these" and insert the word
9 "any."

10 And at the end: "The Commissioner
11 shall have the discretion to determine whether a
12 fence is unnecessary. . ." insert "for any vacant
13 lot" and continue the sentence with ". . . based
14 on a planned reuse of a vacant lot or other unique
15 circumstances."

16 Those are all of the amendments, Mr.
17 Chairman, and I would move the adoption of these
18 amendments at this time.

19 COUNCILMAN KENNEY: Is there a second?
20 (Duly seconded.)

21 COUNCILMAN KENNEY: All in favor, aye?
22 There are none opposed.

23 The amendments, as offered by
24 Councilman Nutter to Bill No. 990565 are accepted.

25 The Chair recognizes Councilmember

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2 Nutter for a motion on the amended bill.

3 COUNCILMAN NUTTER: Mr. Chairman, I
4 move that Bill No. 990565, as amended, be reported
5 out of this committee with a favorable
6 recommendation and a further recommendation that
7 the rules of Council be suspended so as to permit
8 consideration in our next Council session.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and second.

11 All in favor, aye?

12 There are none opposed.

13 Bill No. 990565, as amended, will be
14 reported out of this committee with a favorable
15 recommendation and with a further request for a
16 rules suspension to allow for first reading at our
17 next Council session.

18 The Chair recognizes Councilmember
19 Nutter for a motion on Bill No. 990422, with a
20 rules suspension request, please.

21 COUNCILMAN NUTTER: Mr. Chairman, I
22 move that Bill No. 990422 be reported out of this
23 committee with a favorable recommendation and with
24 a further recommendation that the rules of Council
25 be suspended so as to permit first reading at our

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2 next Council session.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: Moved and seconded.

5 All in favor, aye?

6 There are none opposed.

7 Bill No. 990422 will be reported out of
8 this committee favorably and a request will be
9 made for a rules suspension to allow for first
10 reading at our next Council session.

11 The Chair recognizes Councilman Nutter
12 for a motion on Bill No. 990533.

13 COUNCILMAN NUTTER: Mr. Chairman, I
14 move that Bill No. 990533 be reported out of this
15 committee with a favorable recommendation and a
16 further recommendation that the rules of Council
17 be suspended so as to permit consideration at our
18 next Council session.

19 (Duly seconded.)

20 COUNCILMAN KENNEY: Moved and seconded.

21 All in favor, aye?

22 There are none opposed.

23 Bill No. 990533 is reported out of this
24 committee favorably and a request will be made for
25 a rules suspension so as to permit first reading

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2 at our next Council session.

3 Again, Bill No. 990251 will be held,
4 Bill No. 990494 will be held, and Bill No. 990223
5 will be withdrawn at the request of the sponsor.

6 Thank you very much for your
7 attendance.

8 (Adjourned at 3:44 p.m.)

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C E R T I F I C A T E

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RE: COUNCIL COMMITTEE ON LICENSES AND INSPECTIONS

14

BILL NO.'S 990422, 990533, 990565

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JOSEPHINE CARDILLO,

Registered Professional Reporter