

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING
4 BEFORE THE COMMITTEE ON STREETS AND SERVICES

5 - - -
6 Room 400 City Hall
7 Philadelphia, Pennsylvania
8 Tuesday, April 11, 2000
9 9:30 a.m.
10 - - -

11 BILL 000139 - Authorizing the revision of lines
12 and grades on a portion of City Plan No. 376 by
13 striking from the City Plan and vacating McNulty
14 Road and a portion of Meeting House Road. . .

15 BILL 000145 - Authorizing the revision of lines
16 and grades on a portion of City Plan No. 46-S in
17 the area of Geary and 20th Street. . .

18 BILL 000166 - Amending Chapter 9-200 of the
19 Philadelphia Code, entitled "Commercial Activities
20 on Streets," by adding a new section regulating
21 the location, size, operation, and maintenance of
22 newsstands. . .

23 (Full text of all bills within transcript.)

24 PRESENT: COUNCILMAN FRANK DICICCO, Chairman
25 COUNCILMAN DARRELL L. CLARKE
COUNCILMAN W. WILSON GOODE, JR.
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. ORTIZ
COUNCILMAN FRANK RIZZO

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2 I N D E X

3 Page

4 BILL 000139
 5 Paul Deegan, PIDC 4
 (Attached written testimony from Streets Dept.)

6
 7 BILL 000145
 (Attached written testimony from Streets Dept.)

8 BILL 000166
 9 Arthur Kaplan, Art Commission Member. 8
 10 Otis Haigler, Regulatory Affairs Manager, L&I 22
 Tom Chapman, City Planning Commission 24
 11 Nancy Sen, Engineering Supervisor, Streets. . 26
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 12 Architects & Planners
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 13 Attorney for Newsstand Operators
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2 P R O C E E D I N G S

3 COUNCILMAN DICICCO: Good morning,
4 everyone. The Committee on Streets and Services
5 is now in public session. Councilmembers in
6 attendance are Councilmember Rizzo, Councilmember
7 Clarke -- as in Darrell Clarke -- Councilmember
8 Goode, and Councilmember Donna Reed Miller.

9 What we will do is, the first two bills
10 we will take into consideration are the bills that
11 require Streets Department testimony and PIDC, and
12 then we will do the newsstand bill at the end,
13 'cause that will take the most time. Thank you.

14 The clerk will read the title of the
15 first bill.

16 THE CLERK: Bill No. 000139, an
17 ordinance authorizing the revision of lines and
18 grades on a portion of City Plan No. 376 by
19 striking from the City Plan and vacating McNulty
20 Road and a portion of Meeting House Road by
21 placing on the City Plan a dead-end turnaround at
22 the terminus of McNulty Road and at the terminus
23 of Meeting House Road, by reserving and placing on
24 the City Plan a right-of-way for drainage, water
25 main, and gas main purposes within the beds of

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2 Meeting House Road and McNulty Road being stricken
3 under the authority of this ordinance, by placing
4 on the City Plan two rights-of-way for drainage
5 purposes and water main purposes, and reserving
6 and placing on the City Plan a right-of-way for
7 drainage purposes within a portion of the existing
8 right-of-way for water main purposes, all under
9 certain terms and conditions.

10 MR. DEEGAN: Good morning, Mr. Chairman
11 and members of the committee. My name is Paul
12 Deegan, D-E-E-G-A-N, and I represent the
13 Philadelphia Industrial Development Corporation,
14 the owners of the adjacent properties affected by
15 this bill.

16 We are the party of interest for this
17 bill, and I'm here to testify in support. The
18 bill authorizes the revision of the existing
19 street system in the Byberry East Industrial Park
20 to accommodate the development of approximately 40
21 acres of vacant Keystone Opportunity Zone land
22 with new industrial development.

23 We currently have this land under
24 agreement of sale, the two companies, and the
25 removal of Meeting House Road and McNulty Road and

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2 the creation of cul-de-sacs, rather than the loop
3 street system, will allow us to create the larger
4 sites needed by the two developers. And I have a
5 plan here if you'd like to see how this lays out.

6 The development of these properties
7 will result in the construction of over 700,000
8 square feet of new warehouse and distribution
9 space. Approximately 500 existing jobs will be
10 retained in the City and 100 new jobs will be
11 created.

12 I ask that the committee consider this
13 bill favorably and that the rules of Council be
14 suspended to permit first reading at the next
15 regularly scheduled session of Council.

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

19 COUNCILMAN DICICCO: Thank you for your
20 testimony.

21 Are there any other questions for this
22 witness from the members committee?

23 (No questions.)

24 COUNCILMAN DICICCO: Is there anyone
25 else here who wishes to testify for or against the

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2 bill?

3 (No response.)

4 THE CLERK: I have written testimony
5 submitted by the Department of Streets. I don't
6 see Mr. Lonie here.

7 COUNCILMAN DICICCO: In support of it?

8 THE CLERK: In support of the bill.

9 MR. DEEGAN: We have worked very
10 closely with the Streets Department and the Water
11 Department and also with Fairmount Park, which is
12 adjacent to the site.

13 COUNCILMAN DICICCO: Thank you, that
14 ought to do.

15 The clerk will read the title of the
16 next bill.

17 THE CLERK: Bill No. 000145, an
18 ordinance amending Section 2 of an ordinance (Bill
19 No. 980709) approved December 30, 1998, entitled
20 "An ordinance authorizing the revision of lines
21 and grades on a portion of City Plan No. 46-S in
22 the area of Geary and 20th Street by placing on
23 the City Plan Geary Street from 20th Street to
24 Davinci Drive and Justinian Circle from Davinci
25 Drive westward, all under certain terms and

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2 conditions, including the dedication to the City
3 free and clear of all encumbrances of the beds of
4 Geary Street, Davinci Drive, and Justinian Circle
5 under certain conditions," by extending the period
6 for compliance with the authorization conditions
7 therein.

8 COUNCILMAN DICICCO: Who's testifying
9 on this bill, no one?

10 THE CLERK: I have written testimony
11 provided by Commissioner Larry Moy, the
12 Commissioner of the Streets Department, in support
13 of the bill.

14 COUNCILMAN DICICCO: There's no one
15 from the Streets to testify?

16 THE CLERK: No one's here.

17 COUNCILMAN DICICCO: All right, the
18 letter from the Commissioner will be a part of the
19 testimony.

20 Any questions? There's no witness to
21 question, right?

22 Is there anybody else here who has
23 anything to offer concerning this bill for or
24 against?

25 (No response.)

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2 COUNCILMAN DICICCO: Hearing none, the
3 clerk will read the title of the next bill.

4 THE CLERK: Bill 000166, an ordinance
5 amending Chapter 9-200 of the Philadelphia Code,
6 entitled "Commercial Activities on Streets," by
7 adding a new section regulating the location,
8 size, operation, and maintenance of newsstands on
9 the public sidewalk and by making conforming
10 amendments to other sections of the chapter, all
11 under certain terms and conditions.

12 Arthur Kaplan?

13 COUNCILMAN DICICCO: You can come up in
14 the interest of time and. . .

15 (Witnesses come forward.)

16 COUNCILMAN DICICCO: We understand you
17 have another appointment, Mr. Kaplan, so we will
18 get your testimony first.

19 MR. KAPLAN: Thank you.

20 COUNCILMAN DICICCO: Please have a seat
21 and speak directly into the microphone, state your
22 name for the record.

23 MR. KAPLAN: Arthur Kaplan. I'm a
24 member of the Art Commission and I'm appearing
25 today on behalf of the Art Commission. Thank you

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2 very much for giving me the opportunity to appear
3 here. Actually, I have two different bills.
4 There was a bill which I received from Art
5 Commission staff and I reviewed it in advance of
6 today's meeting, and another bill which I received
7 this morning.

8 It might make sense for me to give some
9 background with respect to this legislation as it
10 appears from the perspective of the Art
11 Commission. The Newsstand Owners Association
12 appeared before us a while back with a design for
13 a new and very much improved newsstand, which we
14 frankly thought is a terrific -- and still do
15 think is a terrific design. The fly in the
16 ointment was that the design was linked to
17 commercial internally lit advertising. And just
18 by coincidence at that meeting, the issue also
19 arose of advertising for cultural groups. The
20 newsstands on Chestnut Street -- excuse me, the --

21 COUNCILMAN DICICCO: The bus shelters.

22 MR. KAPLAN: The bus shelters on
23 Chestnut Street were being removed and replaced
24 with a new designed bus shelter that doesn't
25 accommodate advertising for cultural groups. The

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2 Center City District said that these cultural
3 advertisements were very much in demand among
4 cultural groups, and actually Councilman DiCicco
5 suggested a solution that appealed very much to
6 the Art Commission, which was that the advertising
7 on these newsstands be used for cultural group
8 advertising at the same kind of reduced rate that
9 they enjoyed on the bus shelters.

10 When the proposal then came back to us
11 -- and subsequently prototypes were erected of
12 these newsstands, which look at least as good or
13 better than they did on paper -- we were very
14 happy with the design of the newsstands. When the
15 proposal came back to us for the newsstands and
16 the advertising, it was not linked to advertising
17 for cultural groups and we were given to
18 understand that there had really been no
19 discussion among the Newsstand Owners Association
20 and either the Center City District or the
21 cultural groups about using the advertising for
22 that purpose. We were told that it simply wasn't
23 economic, that the cultural groups couldn't afford
24 the kind of advertising that was involved.

25 And basically we felt that we had a

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2 hard choice to make because, on the one hand, the
3 prototype for the newsstands is a vast improvement
4 on the current newsstands. On the other hand, we
5 -- we had reservations about the precedent of
6 allowing commercial advertising on the public
7 right-of-way. Ultimately, we've decided that
8 although it was a close call, we would approve
9 these newsstands with the commercial advertising;
10 the thought being that the incentive of this
11 revenue stream would perhaps be sufficient to
12 induce newsstand owners to replace the old
13 unsightly newsstands with the new, improved
14 newsstands.

15 It was, therefore, with considerable
16 concern that we received the bill which I reviewed
17 in advance of today's hearing because that bill
18 would, we believe, actually be counterproductive.
19 It -- the bill which we reviewed in advance of
20 today's meeting permits commercial advertising on
21 newsstands and it could be read to permit
22 commercial advertising on newsstands, regardless
23 of whether the newsstand is the new, improved
24 variety or the old unsightly variety; and,
25 therefore, there would be really no incentive to

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2 replace the old newsstands with the new ones
3 because the advertising would be permitted in any
4 event. In fact, the bill that we reviewed permits
5 commercial advertising of publications and the
6 lottery without regard to the size of the
7 advertising, and it could be read or misread to
8 actually permit more advertising on a newsstand
9 than the limited-size advertising that we had
10 approved at the Art Commission for the new
11 newsstands.

12 The bill also legalized the protruding
13 security grates on the old newsstands, which was
14 one of the selling points for the new newsstand.
15 In other words, we were told at the Art Commission
16 that one of the reasons we should approve the
17 package that included the advertising and the new
18 design was that we were going to get rid of these
19 unsightly and possibly illegal protruding grates,
20 but the bill that we were provided before today's
21 hearing actually would legalize the existing
22 situation with the protruding grates; and once
23 again, it would, therefore, create a disincentive
24 to replace the old unsightly newsstands with the
25 new, improved version.

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2 Now, this morning, I was handed a bill,
3 which seems to be substantially different than the
4 bill which I had reviewed previously. And looking
5 at it for the first time, it appears that it is --
6 it's intended to move in the direction of
7 legalizing the advertising only for the new,
8 improved prototype newsstand. And to the extent
9 that the intention of the bill is to permit the
10 construction of the newly designed prototype
11 newsstand, including the limited -- the
12 advertising limited in size and content that we
13 approved at the Art Commission, we do support the
14 more limited legislation.

15 COUNCILMAN DICICCO: Is that the first
16 -- you're speaking of the first version of the
17 new bill as opposed to the one that was
18 distributed yesterday sometime, I understand,
19 around 5 p.m., which I have not had an opportunity
20 to read 'cause I've not seen it yet?

21 MR. KAPLAN: Yeah. The first version
22 is the one which we believe is overbroad and would
23 actually create a disincentive to improve the
24 newsstands. The version which I --

25 COUNCILMAN DICICCO: And could you

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2 explain again why you think it's a disincentive?

3 'Cause I heard you mention something about the
4 security gates.

5 MR. KAPLAN: Yes. I think it creates a
6 disincentive to replace the old newsstands in two
7 regards: One is, I think it could read as
8 legalizing advertising on all newsstands,
9 including the old newsstands.

10 COUNCILMAN DICICCO: But there are
11 certain types of advertising that are permitted
12 already on newsstands: you can advertise for
13 lottery and any type of printed material that is
14 being sold at that newsstand is permitted on that
15 newsstand.

16 MR. KAPLAN: Perhaps this is a
17 misunderstanding on my part because the language
18 permitting the advertising was, I believe,
19 italicized. It was my understanding and, I think,
20 the understanding of the Art Commission staff that
21 this language permitting advertising on newsstands
22 is new language, but I certainly stand corrected
23 if advertising is already permitted on the
24 newsstands.

25 COUNCILMAN DICICCO: Counsel for City

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2 Council, Mr. Auerbach, suggests that maybe the L&I
3 -- is there anyone here from L&I? Yeah, I'm
4 sorry, I'm looking right at him back there.

5 I think L&I could explain some of that
6 'cause that's done by regulation. But for your
7 information, again, the lottery sales, the signs
8 for lottery -- and I don't know if there's any
9 limit on the size of a lottery sign that could be
10 placed on there, I'm not sure, and L&I could speak
11 to that -- and other types of printed material
12 that are sold on that newsstand are permitted to
13 be advertised on the newsstands.

14 And you're correct. When I did come up
15 to the hearing, which was my first and only
16 appearance in front of the Art Commission, we were
17 looking to find a way to have a much more
18 attractive way of displaying materials that are
19 being sold either on the newsstand or maybe some
20 commercial advertising -- I'm not trying to get
21 away from that. But I also had suggested at that
22 meeting that we might want to look to a way in
23 which we can advertise some of the cultural events
24 that we want to promote in Center City on the
25 newsstands. I mean, that is something that, I

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2 will be perfectly honest with you, I really
3 haven't had much discussion with the advertising
4 agency concerning that portion of advertising, and
5 I take responsibility for not discussing that.
6 It's just one of those things that kind of got
7 away from me.

8 Again, I was more excited and concerned
9 about replacing the newsstands from -- most of the
10 newsstands that are out there that are in dire
11 need of repair, and most of them are literally
12 illegal today, and we have not done any
13 enforcement through L&I 'cause we were trying to
14 find something that would be a suitable
15 replacement and would also meet the standards of
16 the materials that are required -- "materials,"
17 meaning that the newsstands now have to be made of
18 either fiberglass, steel or aluminum.

19 So we were looking for an opportunity
20 to -- and that's how whole thing came about with
21 Mr. Rocco from the Newsstand Association saying, I
22 know we have to do something. The City's been
23 kind enough to give us a certain amount of time to
24 comply and we haven't met that date of compliance,
25 so could you give us a little bit more time? and

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2 we will come back with a design of a structure
3 that will meet those material requirements but
4 maybe help the newsstand owners be able to create
5 a revenue stream that would help them maintain
6 these things in an orderly way. And that's how
7 this whole thing came about, and we're trying to
8 get through some of that today.

9 The new piece of legislation that was
10 forwarded yesterday, again, I have not had the
11 opportunity to see that yet. There -- I believe
12 that is -- they're asking for some amendments to
13 the size of the signage that is on the prototype.
14 I'm not suggesting I'm for or against that at this
15 time 'cause I want to get a lot of testimony on
16 that and there are a number of people in this room
17 who want to testify as to whether or not that
18 would be the appropriate thing for us to do.

19 I think what we --

20 MR. KAPLAN: Could I make the
21 suggestion that perhaps the best course -- leaving
22 aside the issue of whether the security grates
23 should be legalized, the Art Commission's view is
24 that they shouldn't, the protruding security
25 grates.

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2 COUNCILMAN DICICCO: But, again, the.

3 MR. KAPLAN: The -- the --

4 COUNCILMAN DICICCO: In the bill that I
5 read, it says -- and unless there's another -- it
6 may be on the new amended bill -- "Security gates
7 on newsstands provided that they are within the
8 structure of the newsstand." So we wouldn't be
9 legalizing, but the regulations would have to be
10 consistent with the existing regulations.

11 And go ahead, finish. I didn't mean to
12 interrupt you but I'm trying to -- you raised a
13 lot of points.

14 MR. KAPLAN: In terms of the old bill,
15 I'm relying on a staff memo that, you know,
16 results from a meeting of the City Planning
17 Commission and our staff and others. And the
18 staff seem to believe that the ordinance would
19 allow security grates two feet beyond the stand's
20 facade to some greater extent than the existing
21 legislation but, you know, I can't really vouch
22 for that.

23 My overall comment, Councilman, with
24 respect to the new legislation which we're looking
25 at this morning would be that any -- that any

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2 design for a newsstand that differs in any
3 respect, whether the respect is additional
4 advertising or otherwise, from the prototype that
5 was approved by the Art Commission should go back
6 to the Art Commission for approval. And I haven't
7 had an opportunity this morning to study the new
8 bill to the extent where I can say with certitude
9 whether by attempting to kind of describe
10 generically what the new newsstand is like,
11 whether it may be more permissive than the design
12 that we approved. And likewise, I don't know
13 whether it's more permissive in terms of the
14 amount of advertising.

15 But my suggestion would be that any
16 legislation should make clear that to the extent
17 that anyone is proposing a design that's different
18 in any respect than the prototype that we
19 previously approved, whether it's in terms of
20 advertising or otherwise, that they be required to
21 go through the process of Art Commission approval.

22 COUNCILMAN DICICCO: Let me ask you a
23 question, maybe you can answer this. If today
24 this committee were to vote out of this committee
25 and approve the legislation as it relates to the

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2 prototype newsstands -- no changes to the signage,
3 the size of the signage or anything else -- would
4 you have a problem at a later date if they came
5 back to suggest that -- if they would ask for
6 consideration for an increased -- to increase the
7 sign, the size of the signage on the prototype.
8 What I'm asking you is, there's a timing issue
9 here.

10 My understanding from the association
11 and Eller Media is that the contractor who is
12 building these newsstands, in order for to us get
13 a significant number of new newsstands in Center
14 City in time for the RNC, they need to have a
15 go-ahead signal within the next couple of days.
16 Otherwise, they may not meet that deadline. And I
17 have suggested to Eller and the other folks that I
18 think at this late hour is not the proper time to
19 come and ask us for any increase in size, and I'm
20 going to respect the Art Commission and the
21 Planning Commission, but I also would like to see
22 these newsstands being replaced in Center City in
23 time for the RNC.

24 MR. KAPLAN: So would we, but I think
25 we share your concern that it's a little bit of a

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2 pig in the poke. You know, at first, at your
3 suggestion, which, I think, every member of the
4 Art Commission thought was a good suggestion, we
5 were very hopeful that there would be some
6 exploration of cultural advertising. We were
7 later told that was uneconomic but without any
8 detailed exploration of the economics.

9 And, you know, what we have here is
10 essentially commercial advertising by people who
11 aren't paying real-estate taxes -- there's no user
12 fee for this use of public land, and the signage
13 is signage which someone who is paying real-estate
14 tax for the store nearby wouldn't be permitted to
15 erect over the sidewalk. And so, you know, we're
16 doing quite a bit already in order to get these
17 old newsstands replaced with the new newsstands.

18 There's -- in the absence of any
19 financial analysis that really supports the notion
20 that there's now a need for additional commercial
21 advertising over and above the commercial
22 advertising that the Art Commission agreed to as
23 an incentive and we were told sufficient incentive
24 to get these newsstands on the street, I would be
25 somewhat reluctant to just accept at face value

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2 that additional commercial advertising is
3 necessary.

4 COUNCILMAN DICICCO: Thank you.

5 Let's hear from the Department of L&I
6 and let me clear up some of this You can stay
7 there.

8 (Otis Haigler comes forward.)

9 COUNCILMAN DICICCO: Good morning.

10 MR. HAIGLER: Good morning. My name is
11 Otis Haigler, Regulatory Affairs Manager for the
12 Department of Licenses and Inspections.

13 In regard to the some of the issues and
14 questions that were raised particularly about the
15 security gating and the gating protruding from the
16 newsstand facade, the bill that I am familiar
17 with, 000166, that was introduced on March 23rd,
18 clearly states that the security grating would be
19 within the structure of the newsstand. Regarding
20 the fact that Section 9-212, which specifically
21 addresses newsstands now in the Philadelphia Code
22 as part of the ordinance, those requirements were
23 basically taken from the current regulations that
24 we already have in existence.

25 Nothing has materially changed from the

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2 two prototypes that were approved back last year,
3 that the ordinances were specifically to address
4 those prototypes on 12th and Market and the one at
5 Fourth and Chestnut. Nothing in this ordinance
6 materially changes what was approved through those
7 ordinances. I'm not aware of any additional
8 amendments or a new ordinance that was circulated
9 last evening. I only have the ordinance that was
10 introduced on the 23rd.

11 COUNCILMAN DICICCO: My Chief of Staff,
12 Robin, is correct: What is being referred to is
13 not a new ordinance that was sent over last night;
14 it's a request for amending Bill No. 000166.

15 MR. HAIGLER: And I hadn't had an
16 opportunity to see the amendment, so I really
17 don't know what the --

18 COUNCILMAN DICICCO: I'm in the same
19 boat that you are, and I don't know if any other
20 members of this committee have had the opportunity
21 to see it either. So this is coming as a first
22 for all of us.

23 Is there anyone else up at the witness
24 table who needs to testify or who wishes to
25 testify at this time? And then we'll have the

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2 other folks, and Mr. Claflen, I think, can clear
3 up some of those questions that have been raised.

4 (Tom Chapman comes forward.)

5 MR. CHAPMAN: Good morning, Mr.
6 Chairman and members of the committee. For the
7 City Planning Commission, my name is Tom Chapman.

8 I'd like to preface my comments by
9 saying that I was personally not aware of the
10 timing deadline mentioned by Councilman DiCicco,
11 and I'm also sure that the Planning Commission was
12 not aware of this deadline when they considered
13 this bill this past Thursday.

14 The Planning Commission's
15 recommendation was that either the bill be tabled
16 for further discussion with the various interest
17 groups involved or that the bill be amended.
18 There's -- I have like about a page and a half of
19 amendments that I could submit to the committee
20 today, but just to summarize those amendments, I
21 think that they're generally, we've been --
22 they've been discussed already this morning in one
23 form or another, and they are concerns regarding
24 the advertising, the size of the advertising, and
25 sidewalk clearances.

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2 COUNCILMAN DICICCO: Let me ask you a
3 question. You're saying that the Planning
4 Commission is asking for a continuance in this to
5 address some issues as it relate to the bill,
6 000166, and not to the amendments that were
7 circulated last night?

8 MR. CHAPMAN: Yes. Regarding
9 amendments that were circulated last night, I know
10 that personally I didn't see them.

11 COUNCILMAN DICICCO: Okay, all right.
12 I just wanted to get that clear.

13 My concern is, the reason that the
14 prototypes were put out there, I guess, at least
15 six months or so ago was to give everyone an
16 opportunity to take the time to go out there and
17 look at these things. And for the Planning
18 Commission, with all due respect, to come back now
19 and say that they have some concern about the size
20 of the advertising and other issues as it relates
21 to the prototype, I just find that a little bit
22 unusual that it would take all this time. I mean,
23 the Art Commission has been well aware of it and
24 they have looked at these things and commented on
25 them rather favorably, and their only concern is

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2 these amendments that were sent out last night,
3 for the most part, with the original.

4 And I wouldn't be inclined -- and I
5 don't know how the rest of the committee feels,
6 but I'm not inclined to just continue this because
7 the Planning Commission is now saying, Oh, we need
8 more time. I don't know how much more time you
9 need than six months. And these things have been
10 out there. These aren't sketches, these aren't
11 photographs that have been circulated around;
12 these are things go out and see and touch. So I
13 have a little bit of a problem with that.

14 And, again, I know you have your job to
15 come here and report their recommendations, so
16 please don't take that personal.

17 Is there anyone else at the witness
18 table who needs to testify?

19 MR. CHAPMAN: Thank you Mr. Chairman.

20 COUNCILMAN DICICCO: Thank you.

21 MS. SEN: Good morning. My name is
22 Nancy Sen. I'm an engineering supervisor with the
23 Streets Department.

24 With regard to Bill No. 166, the
25 following is offered as testimony from the Streets

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2 Department: This bill charges the Streets
3 Department with the responsibility of reviewing
4 and approving proposed locations for newsstand
5 structures on the public footway. The legislation
6 addresses the Streets Department's concerns that
7 each proposed location provide adequate setback
8 distance from the curbline and clear footway for
9 unimpeded pedestrian passage. On the sidewalk
10 side of newsstand, a minimum of six feet of
11 footway must be maintained at all times measured
12 from the outer-most point of any shelving,
13 security gate housing, racks, or appurtenances for
14 advertisements.

15 Aside from the necessary room required
16 for handicap access, it is the policy of the
17 Streets Department to maintain at least this
18 minimum for pedestrian flow and safety. Even the
19 six-foot value becomes inadequate on rainy days
20 when pedestrians open umbrellas. Therefore, the
21 bill allows the Streets Department the right to
22 increase this minimum requirement at any location
23 to adjust for increased pedestrian flow when it is
24 deemed necessary. The Streets Department supports
25 the new size restrictions as long as all

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2 clearances may be maintained at each proposed
3 location.

4 The Committee of Highway Supervisors'
5 review and approval for all newsstand anchorage
6 devices greater than four inches below grade is
7 put in for the safety and protection of existing
8 underground utilities in the right-of-way.

9 Basically, the Streets Department has
10 no objection to the passage of this ordinance.
11 However, we would like to propose the following
12 technical amendments to the bill. Each amendment
13 serves to clarify that all required footway
14 clearances mentioned will be measured from various
15 appurtenances of the newsstand rather than the
16 basic footprint size of the newsstand.

17 And I would like to read into the
18 record these amendments. I believe you have a
19 copy up there for following along.

20 Amendment 1: Delete all of subsection
21 9-212(4)(b)(.2), and replace it with a new
22 subsection 9-212(4)(b)(.2) to read adds follows:

23 "(.2) So that every part of the
24 newsstand, including every roof overhang permitted
25 under subsection 9-212(5)(a), is at least 18

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2 inches from the curbline."

3 Amendment 2: Amend subsection

4 9-212(5)(a) by adding the phrase "except the roof
5 may overhang those permitted dimensions by no more
6 than 4 inches on the curbside, 24 inches on the
7 sidewalk side, 12 inches on the other two sides,"
8 so that the subsection reads as follows:

9 "A newsstand shall not exceed 4 feet in
10 width, 10 feet in length, or 9 feet in height,
11 except that the roof may overhang those permitted
12 dimensions by not more than 4 inches on the
13 curbside, 24 inches on the sidewalk side, and 12
14 inches on the other two sides."

15 Amendment 3: Amend subsection

16 9-212(5)(d)(.5) by striking the phrase "and 18
17 inches on the sidewalk side" so that the
18 subsection reads as follows:

19 "(.5) The unit which houses the gate
20 allows a height clearance of no less than 7 feet
21 and projects no more than 24 inches from the side
22 of the newsstand on the sidewalk side."

23 Amendment 4: Delete all of subsection

24 9-212(5)(e) and replace it with a new subsection
25 9-212(5)(e) to read as follows:

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2 "(e) Racks, shelves, and shields shall
3 be permitted only as follows, provided that in no
4 event shall a rack, shelf or shield interfere with
5 the minimum pedestrian right-of-way required by
6 subsection 9-212(4)(b)(.4), and provided that all
7 racks, shelves and shields are removed when the
8 newsstand is not in use:

9 "(.1) Two shelves immediately
10 adjacent to the window opening shall be permitted
11 provided that no shelf shall project beyond the
12 permitted 10-foot length of the stand, and no
13 shelf shall project more than 12 inches from the
14 facade of the newsstand on the sidewalk side.

15 "(.2) One rack shall be permitted on
16 each side of the window opening for the display of
17 newspapers, magazines, and/or periodicals,
18 provided that each rack is installed on the front
19 of the stand and parallel to the front of the
20 stand, and no rack is hung from the roof of the
21 stand, and provided the rack does not exceed 24
22 inches in width, projects no more than 3 inches
23 from the facade of the newsstand on the sidewalk
24 side, and does not exceed 5 feet in height.

25 "(.3) A shield to protect customers

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2 and merchandise during inclement weather may be
3 hung from the newsstand and may overhang the sides
4 provided it does not project more than 12 inches
5 from the facade of the newsstand on the sidewalk
6 side."

7 Amendment 5: Delete all of subsection
8 9-212(6)(d) and it replace with a new subsection
9 9212(6)(d) to read as follows:

10 "(d) The footway surrounding a
11 newsstand shall be maintained free of any ice that
12 could form as a result of drainage from the
13 newsstand."

14 And, finally, Amendment 6: In
15 subsections 9-212(5)(d)(.3) and 9-212(5)(f),
16 change the references to "subsection
17 9-212(4)(b)(iv)" to "subsection 9-212(4)(b)(.4)."

18 And basically, just to reiterate,
19 that's just new language that we felt would
20 clarify and leave when the newsstand is in full
21 operation, that there would be adequate footway
22 passage, and also that the stand would be set back
23 from the curb the 18 inches required because we
24 don't want any of these nice stands to be hit by,
25 you know, trucks coming by the rearview mirror.

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2 And so that's the testimony.

3 COUNCILMAN DICICCO: Thank you.

4 I have a question. How do we enforce,
5 or what are we doing about those newsstands that
6 are out there today that don't allow for the
7 six-foot clearance? And I know one in particular
8 that I always bring up, at Seventh and Chestnut.
9 It's amazing that no one has been killed yet over
10 there.

11 MS. SEN: Frankly, I think --

12 COUNCILMAN DICICCO: I mean, I have the
13 same problem with hot dog stands that you can't
14 pass on 11th Street. It's 11th and 12th Street
15 that I'm familiar with off the top of my head.
16 It's outrageous, and I'm just curious, what's
17 being done, if anything, about that?.

18 MS. SEN: Basically, both the Streets
19 Department and L&I have, you know, our eyes out
20 there, and when they report certain locations,
21 it's been our practice to try to talk to the
22 newsstand owner to try to come up with perhaps
23 another location that, you know, could suit the
24 geometry or the size that he needs.

25 I think also we all feel that once all

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2 of this is said and done and we have a new chapter
3 in the Code, that there will definitely be a
4 reeducation of both streets and department forces
5 who are responsible for also going out there. And
6 if we could just, you know, get -- have something
7 that everyone's happy with, and I believe the way
8 that this is written, when applicants come to L&I
9 for their locations, they will know up front, you
10 know, no ifs, ands or buts, whether their stand
11 will fit at their proposed location. And I think
12 it would just be -- once we have this on hand, it
13 will be our job to make sure that we do a better
14 job of educating the inspectors that we have out
15 there.

16 COUNCILMAN DICICCO: Thank you.

17 Mr. Haigler?

18 MR. HAIGLER: And I would agree with
19 Miss Sen. L&I and the Streets Department have a
20 very good working relationship, and anytime that
21 we receive complaints relative to newsstands, our
22 inspectors are out, the Streets Department people
23 are out. We work together to try to solve or
24 rectify any problems that we've had in the past,
25 even if it means that we would have to remove the

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2 newsstand. We work together to do that.

3 So as far as the ordinance that's in
4 place, as Miss Sen states, this puts the
5 requirements right up front where everybody can
6 see them, it gives everybody the -- the ordinance
7 -- again, we would have to educate the public, as
8 Miss Sen says, as to what their full requirements
9 are for newsstands, but it puts everything up
10 front.

11 COUNCILMAN DICICCO: Thank you.

12 Councilmember Rizzo?

13 COUNCILMAN RIZZO: Thank you, Mr.
14 Chairman.

15 After visiting the prototype of the
16 newsstand at 12th and Market -- I don't know
17 whether this is a question for L&I or the Streets
18 Department, I speculate the Streets Department --
19 I noticed that on the overhang on the street side,
20 they've integrated a rain spout into that
21 overhang, which drains onto the sidewalk. My
22 concern would be that in the winter, during the
23 daylight warmer temperature hours, the snow runoff
24 could accumulate ice on the sidewalk.

25 So someone should take a look at that.

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2 Possibly there's a way to reconfigure the way that
3 drains rather than on the sidewalk -- possibly
4 into the street or a collection device or
5 something. But I know that could probably be a
6 problem.

7 MS. SEN: I guess by the amendment
8 we're offering today, we're hoping that for the
9 short time in Philadelphia, you know, when the
10 water can turn to ice, the rest of the year and
11 with buildings right besides it, there are
12 downspouts. So in talking with people about how
13 to address drainage, we came up with the amendment
14 that kind of puts the onus on the operator to make
15 sure that the sidewalk is free and clear of any
16 ice that may build up as a result of that. And
17 that's in the amendment that we offer today.

18 I mean, is that satisfactory or --

19 COUNCILMAN RIZZO: Well, I understand
20 that putting the onus on the operator is obviously
21 good, but in the event -- I think the design
22 should be considered to be also more efficient
23 than it running off into the sidewalk.

24 MS. SEN: One of the things that makes
25 -- I mean, maybe I should have the people who

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2 designed the prototype. But in talking to them,
3 it has an arched roof, and so in reality, we're
4 not talking about, you know, the whole entire roof
5 area being drained -- it's really just half of it
6 -- and for them to incorporate some downspouts
7 into the design.

8 I believed, in talking to them, that it
9 probably would significantly change the appearance
10 of it. You know, it's something that could be
11 thought of, but I think it might even change what
12 is something that's, you know, pleasing to the Art
13 Commission Committee already, so we tried to
14 address --

15 COUNCILMAN RIZZO: I'll be honest: I'm
16 more concerned about a senior citizen or me
17 slipping on my butt and hurting myself than what
18 it looks like. So I'd like to see something --
19 I'd like to see something incorporated and that
20 would prevent it from draining onto the walkway,
21 even if it drained into the street, because that
22 would be an unexpected ice patch that would be --

23 COUNCILMAN DICICCO: I don't mean to
24 interrupt, but think that Mr. Claflen can speak to
25 that, but I'm going to ask him to hold his

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2 comments.

3 Mr. Haigler, Councilmember Clarke has a
4 question for you.

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

7 Good morning, Mr. Haigler. Mr.
8 Haigler, I have a question with respect to the
9 process. In the event that there's a request for
10 oversized stand, can you tell me about the
11 process? And is it strictly an administrative
12 process, and does the City Council Councilmember
13 get involved in any aspect of this process?

14 MR. HAIGLER: In accordance with the
15 ordinance, the provisions of the ordinance,
16 Council is involved when the stand requires
17 electrification. Once the ordinance is passed,
18 the requirements to place an oversized newsstand
19 at any particular location would be based on the
20 approvals of the Department of Streets.

21 The Department of Streets -- once we've
22 received the application, we will forward the
23 application to the Department of Streets, they
24 would do a review of the application along with
25 any plans that may have been submitted with the

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2 application. They would also do a site survey of
3 the area to determine whether or not the newsstand
4 could be accommodated at that particular location.

5 COUNCILMAN CLARKE: So traditionally,
6 the electrification of the particular newsstand is
7 done prior to the submission of the plan?

8 MR. HAIGLER: No. A newsstand can
9 exist without electrification. If the person
10 should choose to electrify their newsstand, they
11 would have to come before Council for a specific
12 ordinance to do so.

13 COUNCILMAN CLARKE: Right. So in this
14 new process, for instance, if we're now going to
15 get new electrified stands with the new prototype
16 and the ones that don't currently have
17 electrification, would that plan be submitted to
18 the Councilmembers at the time of request for
19 electrification?

20 MR. HAIGLER: Correct, correct.

21 MS. SEN: Yes. The Streets Department
22 would introduce a private ordinance and actually
23 locate any conduit underground and the newsstand.
24 If it doesn't meet the ordinance, we would
25 definitely, you know, have a paragraph to that

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2 effect in the ordinance and kind of tie the two
3 together, both the electrification and any other
4 size other than that.

5 COUNCILMAN CLARKE: Okay. Is there any
6 process -- when you spoke earlier about some
7 potential abuses of the existing newsstands that
8 may not necessarily fall within the code, is there
9 a process that the electrification of that stand
10 can be revoked?

11 MS. SEN: Once, I believe --

12 COUNCILMAN CLARKE: 'Cause I could
13 think of a couple of stands that are not within
14 the Code and actually have electrification, so I
15 was wondering if --

16 MS. SEN: I believe once they're a
17 customer and, you know, the electric will flow.
18 The only thing that we in the Streets Department,
19 working together with L&I, could do is to go out
20 and cite someone who is operating a stand that
21 doesn't meet any of the requirements.

22 But once it's electrified, the job is
23 done up front, you know, before construction, to
24 make sure that we're okay with the plans. And, as
25 a matter of fact, before they get their permit,

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2 they're supposed to be signed off by both Bell and
3 PECO to make sure that the connection is safe, and
4 they must do an investigation before they start
5 construction to make sure that they're not going
6 to be in the way of any other utilities that are
7 already in the roadway or the footway, you know,
8 in their connection.

9 MR. HAIGLER: Again, also, if the
10 person's in violation of the Code and we should
11 issue citations against that person to comply with
12 the Code and they choose not to do so, eventually,
13 we can revoke their license, we can revoke their
14 privilege to even operate the newsstand. And,
15 thus, we could remove the newsstand from the
16 location.

17 COUNCILMAN CLARKE: Okay. That's more
18 of what I'm getting to, okay.

19 COUNCILMAN DICICCO: Councilmember
20 Rizzo?

21 COUNCILMAN RIZZO: I understand also
22 that there's going to be an effort on these new
23 facilities to put alarm systems in them to notify,
24 obviously like any other business, fire or police
25 for a response. And they'll have to pay the alarm

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2 license fee?

3 MR. HAIGLER: Yes, they would.

4 COUNCILMAN RIZZO: So electrification
5 is absolutely a necessity for any newsstand
6 operator that would want to equip his facility
7 with an alarm.

8 MR. HAIGLER: Correct.

9 COUNCILMAN DICICCO: Yes, Mr. Kaplan?

10 MR. KAPLAN: Could I just make one
11 comment, one additional comment. Having looked at
12 the revisions that are suggested by the Newsstand
13 Association of Philadelphia --

14 COUNCILMAN DICICCO: These are the 5
15 p.m. revisions from yesterday?

16 MR. KAPLAN: Yes, the 5 p.m.
17 revisions. I do think that in general, these
18 represent a good-faith effort to reflect at least
19 what the Art Commission believed it was approving.
20 With respect to the difference, which they note in
21 their submission -- they're very up-front about it
22 in terms of the size of the signage -- one
23 possible way of going about this might be to
24 authorize the larger signage by legislation but to
25 expressly provide that any signage needs Art

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2 Commission approval, which is not unusual.

3 In fact, any signage over the public
4 right-of-way usually requires Art Commission
5 approval. That approval has already been given
6 with respect to the prototype, but with respect to
7 any signage larger than the prototype, it would
8 require them to go back to the Commission, which,
9 in the past, has been quite willing to hold
10 emergency meetings where there is need to hold
11 emergency meetings. So we could probably more or
12 less accommodate their schedule in terms of
13 reexamining the signage issue.

14 In terms of the drainage issue that was
15 raised by Councilman Rizzo, I think it's the
16 general sense of the Art Commission that there is
17 -- that usually good design in the sense of
18 something that works well is compatible with good
19 design in the sense of something that looks good.
20 And certainly the Art Commission would be more
21 than willing to review a redesign that functions
22 better in terms of drainage but also preserves the
23 really terrific look of the redesigned stands.

24 COUNCILMAN RIZZO: It doesn't appear
25 that it's a major modification. Rather than a

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2 drain on the sidewalk side, where you'd be --
3 where most traffic would be, it snows, the snow
4 melts, it runs down. The next thing you have is a
5 two foot in diameter ice patch and you're walking
6 down the street. So if it drained under the
7 stand, behind the stand, into the street, just
8 relocate the ice patch.

9 COUNCILMAN DICICCO: Thank you, Mr.
10 Kaplan, and you're going in the direction that
11 we've been discussing from early this morning,
12 that we may want to look at this on a case-by-case
13 basis. And I think it's already in the
14 legislation that it would require the Art
15 Commission.

16 So if a particular stand were being
17 proposed at a certain location and the newsstand
18 owner and the advertising agency wanted to get
19 something larger than the 2-by-7, which is on the
20 back end of the newsstand, it would have to come
21 to the Art Commission for approval, and I
22 personally have no problem with that, and I'm not
23 sure what the other members of this committee feel
24 about this, but I think that is the appropriate
25 way to go 'cause we may be able to accommodate the

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2 needs of everyone.

3 'Cause the advertising agency is now
4 saying that in order for it to work economically,
5 they need a little bit more signage space on the
6 back. You know, again, I don't want to throw this
7 at everybody at the 11th hour 'cause that's not
8 the way I like to do business. We've been working
9 on this thing for months -- everyone up there and
10 other people who are even in this room today have
11 had meeting after meeting after meeting, and
12 there's a considerable amount of time that went
13 into this. And I appreciate all of the time and
14 effort that went into this, and I just don't want
15 this to be an 11th hour attempt to throw
16 everything out the window and start from scratch,
17 'cause I don't think it benefits any of us.

18 Are there any other questions for the
19 folks who are at the witness table?

20 (No further questions.)

21 COUNCILMAN DICICCO: Mr. Claflen, I
22 think this might be the opportunity for you to
23 come forward now that you've heard some of the
24 questions that have been asked, and you might be
25 able to address those.

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2 (Mr. Claflen comes forward.)

3 COUNCILMAN DICICCO: Please identify
4 yourself for the record.

5 MR. CLAFLEN: Good morning. My name is
6 George Claflen. I'm an architect in Philadelphia
7 and a resident of the 5th Councilmatic District,
8 where I've resided for twenty years. I teach
9 architecture at Temple University. In 1997, I was
10 the president of the American Institute of
11 Architects Philadelphia Chapter, and I have an
12 architectural practice.

13 To my right is David Curry of Eller
14 Media. To my left is John Rocco, the President of
15 the Newsstand Association in Philadelphia. And to
16 his left is Aaron Summers-Effler (ph.) of Claflen
17 Associates.

18 I think we may have been responsible
19 for what was referred to as "the new bill," which
20 is merely our testimony, and the reason you didn't
21 see it until yesterday afternoon was that it
22 wasn't finished until 3 a.m. Monday morning. We
23 tried in very good faith, I believe, to respond to
24 the process that has evolved in this very, very
25 exciting project to us.

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2 And I want to summarize first before I
3 go into point-by-point issues that in terms of the
4 big picture, we fully agree with the testimony of
5 the Art Commission. We believe that the
6 modifications that we are suggesting here by
7 amendment are consistent with the approval and the
8 meaning behind the approval, the intent behind the
9 approval that we believe the Art Commission gave
10 to us on two occasions, in September and in
11 February.

12 We have a number of issues. I know the
13 advertising one is a significant one but, in fact,
14 in the way the bill is written, that is the last
15 item. And if you could direct your attention to
16 our testimony, I'll just go through the items
17 where we propose changes as quickly as I can.

18 On our text, Page 4, it's the section
19 on the setback from the curbline is the first
20 point where we propose a modification. Many of
21 the numbered streets in Philadelphia have
22 sidewalks that are 12 or 12-foot and a new inches
23 in width, and when you add in a 4-foot newsstand
24 with a 1-foot shelf, it becomes difficult to
25 maintain the 6-foot pedestrian clearance. And the

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2 only thing that we see that can give on that is to
3 move the newsstand closer to the curb. We don't
4 like that we, but we feel that that flexibility is
5 desired for the numbered streets.

6 You have cases where you have had a
7 newsstand in some cases that's been in existence
8 for 20 years on that location. So the enforcement
9 situation, I think, would be a bit of a nightmare
10 to move those stands.

11 We fully agree with the Streets
12 Department intention of maintaining a 6-foot
13 right-of-way, and this is our attempt to balance
14 the interests of the longtime newsstand operators
15 with the need for the 6-foot right-of-way, which,
16 we agree, is quite important. So that's our first
17 comment on Page 4 of our text.

18 The second one is on the design of the
19 newsstands, Section 5, number (a). We propose
20 that a newsstand not exceed 4-foot-6 in width.
21 What we have found in the prototyping is that the
22 4-foot width is very, very tight and has proven to
23 be difficult ergonomically in terms of the use of
24 some of the newsstand operators. And we,
25 therefore, propose that where possible, where it

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2 does not conflict with the 6-foot right-of-way,
3 basically on a case-by-case basis, that up to
4 4-foot-6 feet be allowed.

5 And we've also further proposed the
6 text that newsstands higher than 8 feet or longer
7 than 8 feet may not have externally applied
8 exposed security grills or shutters, including the
9 housings for such grills or shutters. Where the
10 sidewalk width available is less than 13 feet, the
11 newsstand shall not exceed 4 foot in width.

12 And those two provisions really, I
13 think, achieve the objective of the Art
14 Commission. The first sentence is intended to
15 achieve the objective of the Art Commission, that
16 only the new newsstands can benefit from the
17 larger size. And the public benefit from that is
18 the hidden security grills. The security grills
19 and the housings for them are invisible. As
20 written, the bill would appear to permit any
21 newsstand to be the larger size and to have
22 exposed security grills.

23 Similarly, the 13-foot sidewalk
24 reference is -- 13 feet is the threshold sidewalk
25 where you can get a 6-foot clearance with a

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2 4-foot-6 newsstand. So that's the reason that
3 that is referred to.

4 We have some more comments about the
5 security shutters, but I want to comment on the
6 materials. When L&I introduced the regulations in
7 the fall of 1998, they said that newsstands should
8 henceforth be metal or fiberglass. The new
9 regulations refer to fire-resistant material,
10 which means that in theory, a new newsstand could
11 be made of fire-retardant firewood, which we do
12 not believe is the intent of L&I or the Council.

13 So on the top of our Page 5, we propose
14 to reword the materials clause to read the
15 following: "No newsstand shall be constructed of
16 any structural or exterior material other than
17 aluminum, steel, or fire-retardant fiberglass.
18 Fire-retardant wood may be used on the interior of
19 newsstands."

20 And our comment there is simply to
21 clarify what we believe was the original intent
22 all along and to distinguish fire-retardant
23 fiberglass from flammable fiberglass, which is
24 also an available product, and to clarify the use,
25 which we believe is appropriate, of fire-retardant

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2 wood on the interior but not the exterior of
3 newsstands.

4 If we go down below that on our Page 5,
5 Section (d)(.5), this is to us the confusion about
6 the security gates. Although Mr. Haigler
7 testified -- by the way, I do want to comment that
8 we appreciate very deeply the cooperation that
9 each City agency afforded us -- L&I, Streets, and
10 City Planning, as well as the Art Commission. And
11 while we may disagree on certain points, the
12 cooperation and professionalism was exemplary.
13 And we hope that are comments will be viewed in
14 that context as well.

15 On (d)(.5), it refers to the gate
16 housing and it refers to a gate housing that could
17 be of 24 inches in size and could overhang on the
18 street side. And we propose -- our experience
19 with these gates, which we've researched in some
20 intensity, is that a 15-inch gate housing is
21 adequate for an existing newsstand.

22 So in the case of an existing
23 newsstand, we propose to limit that to 15 inches
24 and to allow no overhang for security gates on the
25 street side. Typically, they are not furnished on

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2 the street side, so we don't think that's a
3 problem for either an existing or a new newsstand.

4 But then we say, "When a newsstand is
5 higher than 8 feet or longer than 8 feet, the unit
6 which houses the gate must be totally concealed
7 within the newsstand." This, again, requires
8 anyone who wishes to take advantage of the larger
9 size of the newsstand to give a benefit to the
10 City in terms of a better appearance, the
11 appearance that the Art Commission desires and
12 that we desire.

13 I think we're in no substantial
14 agreement on the rack and shelf provision. I
15 think I'm just going to skip that. The wording is
16 a little bit different.

17 We do propose on our Page 6 a specific
18 discussion of the roof. We don't -- we see no
19 discussion of the roof in this legislation. And
20 in the past, the way this was structured was very
21 limited authorization from Council and very
22 detailed regulations from L&I and the Streets
23 Department, and now we're going and putting all of
24 this in the legislation. So we feel that it's
25 appropriate here, in sections (g) and (h), to

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2 cover some things that weren't in the regulations.

3 Section (g) covers a roof, and our
4 position on the roof is essentially the same as
5 the Streets Department and, I believe, consistent
6 with the Art Commission in that the roof we
7 describe is the same as the one that you see on
8 the prototype newsstands. It overhangs 24 inches,
9 which is what has been permitted for years, on the
10 front side and a foot on each of the ends and 4
11 inches on the rear side.

12 The next item, (h), which we propose to
13 add, regards the color. The color that we've
14 recommended and that the Art Commission approved
15 is, in fact, the color used within the Center City
16 District. And we're aware that on the Avenue of
17 the Arts and in the West Philadelphia-University
18 City District and possibly other districts
19 throughout the City, other colors may be desired.
20 But our principle here is that the color of the
21 streetscape is a matter of civic interest to the
22 City of Philadelphia and should not be at the
23 discretion of either advertisers or individuals.
24 And we propose a consistent look in terms of color
25 within each district of the City, subject to the

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2 approval of the Art Commission as we propose in
3 liaison with the various service districts that
4 may apply.

5 And now we come to advertising. Our
6 position is consistent with that of the Art
7 Commission. We feel that there is no reason to
8 grant the advertising privilege to the existing
9 newsstands, and as written, that could be
10 misconstrued in that direction. The existing
11 newsstands may -- that is, existing newsstands and
12 newsstands with exposed security gates, we propose
13 that they continue to be allowed to have what they
14 have now: namely, the Pennsylvania Lottery, if
15 they have a lottery machine, and advertisements
16 for any newspaper or publications sold in the
17 newsstand.

18 We propose that newsstands built -- new
19 newsstands that have concealed security shutter
20 housing may have illuminated advertising as
21 follows: In a band not to exceed 6 inches in
22 height, located at least 6-foot-4-inches above the
23 sidewalk. That's the identity band in which the
24 newspapers and publications within the newsstand
25 might be identified, such as the New York Times,

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2 USA Today, and so forth.

3 We propose that there then be up to
4 three backlit panels. And the initial proposal to
5 the Art Commission proposed two such panels -- one
6 on either end of the newsstand and another one at
7 the rear, which you see in that photograph on the
8 front of your package, which is horizontal in
9 proportion and approximately 2 feet by 7 feet.

10 And we propose that the content of
11 these light-box advertisings not be limited,
12 except that it may not include advertising for
13 tobacco products, alcohol products, adult
14 entertainment, casino gambling, or any other
15 content otherwise prohibited by ordinance in
16 public streets.

17 We also propose -- and this was
18 actually recommended to us by a member of the Art
19 Commission -- that the rolling security shutters
20 themselves may contain a graphic logo identifying
21 the owner or sponsor of the newsstand, subject to
22 the approval of the Art Commission. That logo is
23 not to be illuminated. And the intention was,
24 when the stand is closed, that something that
25 engages the eye of the public be available.

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2 I should comment also that Mr. Kaplan
3 commented extensively on the public-interest
4 advertising. And a couple of things there that --
5 I believe the Eller Media organization has already
6 agreed to accept public advertising where there's
7 no other use for the space, where the space is
8 vacant. So that far, which I realize, may not be
9 the extent of the program Mr. Kaplan desires, has
10 already been suggested by one of the sponsors.

11 The other factor comes to the size of
12 the advertising. And on the size of the
13 advertising, we're here today to ask you to
14 approve what was submitted to the Art Commission
15 with the three small ads, the two small ones on
16 the end and the larger one on the back, the
17 2-by-7, we would like to point out, however, that
18 the 4-by-6, which is contained in the second
19 package that you have, the loose sheets, the
20 4-foot-by-6-foot advertising is a known size
21 within the advertising industry. It would have
22 the following effects:

23 It would permit greater substitution of
24 public-interest advertising, because the public-
25 interest advertising is already available in that

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2 format;

3 And secondly, obviously, because it's a
4 larger size, it would result in increased
5 revenue. And the consequence of that increased
6 revenue would be greater availability of
7 newsstands within the neighborhoods of
8 Philadelphia, that is a greater opportunity to
9 develop newsstands at locations which might not
10 otherwise be economically viable.

11 So it's a difficult decision, and we
12 understand your concerns on it.

13 On the issue of the ice, we do agree
14 with the wording proposed by the Streets
15 Department. We can indeed develop a tube or other
16 downspout condition which might be subject to
17 vandalism, but which would also obviously be
18 beneficial, as Councilman Rizzo suggests.

19 I think -- let me just ask Mr. Rocco if
20 there's anything I've left out, and my associate,
21 Mr. Summers-Effler, if there's anything I've left
22 out.

23 (Mr. Claflen confers off the record
24 with colleagues.)

25 MR. CLAFLEN: Do you have any

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2 questions?

3 Again, I want to reiterate our great
4 joy in engaging in this process. I also want to
5 point out that in comparison to many other cities
6 in the United States, this is the only program
7 that I know of that has been initiated by the
8 actual newsstand operators themselves. In many
9 other cities, it's a very large-scale concession
10 operation, and I think this is a tremendous
11 opportunity to set a national model for
12 Philadelphia of helping small-business persons who
13 are working on the streets every day in sometimes
14 very difficult conditions to improve both the
15 appearance of the city and their businesses.

16 So I thank you very much for the
17 opportunity to testify. And if you have any
18 questions, I'll be glad to try to answer them.

19 COUNCILMAN DICICCO: For the record, I
20 want to acknowledge that Councilmember Nutter is
21 now in the chambers.

22 Are there any questions for any of
23 these witnesses from members of the committee?

24 Councilmember Nutter?

25 COUNCILMAN NUTTER: Thank you. Thank

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2 you, Mr. Chairman.

3 I want to make sure that I have all the
4 players correctly. Now, you're Mr. Rocco? You're
5 Mr. Rocco?

6 MR. ROCCO: Yes.

7 COUNCILMAN NUTTER: And the gentleman
8 who was speaking, are you Mr. --

9 MR. CLAFLEN: Claflen.

10 COUNCILMAN NUTTER: Claflen, right.
11 And you're the architect?

12 MR. CLAFLEN: Yes, sir.

13 COUNCILMAN NUTTER: Okay. And you
14 design these facilities?

15 MR. CLAFLEN: (Nods head.)

16 COUNCILMAN NUTTER: Now, you were
17 reading from a document and, unfortunately, during
18 some of your reading, I was having a very
19 important conversation with the chairman. Is it
20 my understanding that from -- I have two documents
21 here. One has a picture of the prototypes on it,
22 the one at Fourth and Chestnut, which I have seen
23 at night; I've not seen the one at Twelfth and
24 Market.

25 It appears that you have taken the

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2 current bill and made some proposed amendments,
3 and that's what you are reading into the record
4 and giving your explanation as to what their
5 about; is that what you were doing?

6 MR. CLAFLEN: Yes, sir.

7 COUNCILMAN NUTTER: Okay. And were
8 these initially proposed today or yesterday?

9 MR. CLAFLEN: The synthesis that this
10 document represents was not completed until very
11 early on Monday morning. The issues had been a
12 matter of discussion between the City agencies and
13 our organization and sponsors over the last two
14 weeks.

15 COUNCILMAN NUTTER: Okay. Well, I can
16 appreciate that, I know this is a very involved
17 process, and I know my colleagues have known me on
18 occasion to come in with things almost right up
19 until the time we start. So I'm very familiar
20 with that.

21 How much do these things cost?

22 MR. CLAFLEN: About as much as a car.

23 COUNCILMAN NUTTER: Well, it probably
24 depends on what kind of car you buy, right?

25 MR. CLAFLEN: Since the vendor is in

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2 this room and we have to negotiate a price with
3 them --

4 COUNCILMAN NUTTER: I mean, are we
5 talking about a Volkswagen, a Cadillac, a
6 Maserati? You know --

7 MR. CLAFLEN: I'm going to answer it as
8 best I can. The vendor is in this room and we
9 have to negotiate a price with him, presuming we
10 can move forward.

11 COUNCILMAN DICICCO: Could you give us
12 a ballpark range?

13 MR. CLAFLEN: Yes, sir. It's in the
14 Ford Taurus range.

15 (Laughter.)

16 COUNCILMAN DICICCO: I recently bought
17 a Porsche; I don't know what a Taurus runs. Could
18 you tell me about the price of the Taurus?

19 MR. ROCCO: We're looking at around 20.

20 COUNCILMAN DICICCO: How much?

21 COUNCILMAN NUTTER: I'm sorry?

22 MR. ROCCO: Around 20.

23 COUNCILMAN DICICCO: 20,000?

24 MR. ROCCO: 20,000.

25 COUNCILMAN NUTTER: 20,000.

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2 COUNCILMAN DICICCO: Even if it's that
3 done -- excuse me, Councilman Nutter. Even that's
4 done on a large production, if you do 100 versus
5 10, the number's not going to change that much?

6 MR. BELLER: Mr. DiCicco, that's what
7 we're negotiating now.

8 COUNCILMAN DICICCO: Okay.

9 MR. BELLER: We're taking what we think
10 the outside number is, we're taking the outside
11 number.

12 COUNCILMAN NUTTER: I understand you
13 want to look at me. Why, I don't know, but I need
14 you to use the microphone so that the stenographer
15 can hear you.

16 COUNCILMAN DICICCO: Joe, would you
17 identify yourself for the record, please.

18 MR. BELLER: Joseph Beller. I'm the
19 attorney for the newsstand operators.

20 And I was answering because we are
21 talking about at actual price now. The figure
22 that Mr. Rocco gave you -- he's the president of
23 the association -- is the ballpark figure we're
24 working with right now.

25 COUNCILMAN NUTTER: It's 20, okay.

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2 MR. BELLER: Yes, sir.

3 COUNCILMAN NUTTER: And if I understand
4 from the pictures and what I saw very quickly down
5 at Fourth and Chestnut, this would have three
6 sides of advertising, all three sides being
7 illuminated; is that correct?

8 MR. ROCCO: Yes.

9 MR. CLAFLEN: That's correct.

10 COUNCILMAN NUTTER: Okay. And what
11 does it cost to advertise on one of these?

12 MR. CURRY: Hi. I'm Dave Curry, with
13 Eller Media.

14 Well, obviously, that varies. That's
15 one of the reasons we're in here today trying to
16 change the size of the sign on the back. Not only
17 do you have to look at the cost of buying these
18 things out front for approximately \$20,000, but
19 you also have the cost of running the power
20 lines. But what will really be the bigger cost in
21 the long run is maintaining the newsstands while
22 they're out in the street. I mean --

23 COUNCILMAN NUTTER: What's involved in
24 the --

25 MR. CURRY: Well, there's -- obviously

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2 sometimes, if you look at them, you're going to
3 see graffiti.

4 COUNCILMAN DICICCO: You need to turn
5 your chair around, whatever works for you to speak
6 closer to the microphone and explain what you mean
7 by "maintenance."

8 MR. CURRY: Obviously, there's graffiti
9 and different stickers and all kinds of things on
10 the newsstands right now. This plan will
11 eliminate all of that stuff. We will be in charge
12 of all maintenance, we'll make sure that if
13 there's graffiti, it's removed. The newsstands
14 are designed specifically so we can get the
15 graffiti off. We won't allow any other stickers
16 or anything else that you see on these things now.
17 It will strictly be the ad boxes.

18 So, in essence, there will actually be
19 less, probably, square footage of advertising than
20 you see of them now because right now, there are
21 signs everywhere on them.

22 We're proposing to leave the two signs
23 on the sides as 18-by-36. That's a foot and a
24 half by 3, very small signs in the advertising
25 business. On the rear, the sign is now 2-by-7,

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2 it's a horizontal sign, and that was pretty much
3 done for -- you know, when this project started,
4 it was a Center City project pretty much 'cause
5 that's where most of the newsstands are -- at
6 least we assume most of the newsstands were in
7 Center City. And it was designed that way because
8 of cars parking and things like that, to get the
9 ad over the top.

10 But 2-by-7 isn't a standard size in the
11 business. It's kind of just the size that came
12 up. It doesn't meet with any national or
13 large-type advertisers, the type of production
14 they're running right now. It would have to be
15 something that they printed separately. Just like
16 the stuff that the cultural places are using on
17 the bus shelters wouldn't fit in these signs, and
18 they would have to do new production and spend
19 money to use these signs.

20 Our proposal now to help -- well, one
21 of the things that a lot of the Councilmen and
22 their associates came up to us and said, Well,
23 what about in our district? Why not Center City?
24 We were realizing that there were that many
25 newsstands all over the City.

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2 COUNCILMAN NUTTER: You probably didn't
3 hear that from me, did you?

4 MR. CURRY: We did not, no. It was at
5 the luncheon we had on Thursday or Friday, and
6 they wanted to make sure that their newsstands
7 that are in their areas would be included in the
8 program.

9 COUNCILMAN NUTTER: Mm-hmm.

10 MR. CURRY: So in order for us to do
11 that, you know, obviously, advertising drives this
12 whole program, and it's very expensive to buy and
13 very expensive to maintain. And in order to do
14 that, we felt that changing the ad box from 2-by-7
15 across to 4-by-6 vertical, which is a standard
16 size in the industry, it's the same exact size as
17 bus shelters, that would enable us to market those
18 with the surrounding bus shelters all outside the
19 City, and we could tie those in.

20 COUNCILMAN NUTTER: Well, 4-by-6, I
21 mean, that's like about the size of a piece of
22 plywood or something, right?

23 MR. CURRY: No. Plywood is 4-by-8.

24 COUNCILMAN NUTTER: I know that.

25 MR. CURRY: So it's a little smaller

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2 than a piece of plywood. It's the exact same size
3 as a shelter. It's a little bit bigger than the
4 2-by-7 that's there now.

5 COUNCILMAN NUTTER: Mm-hmm. I
6 appreciate your response, but the question was,
7 how much does it cost to advertise? And I
8 appreciate you're going into the -- changing from
9 -- 'cause, I mean, that was smart on your part to
10 take my question and really answer what the answer
11 that you want to give.

12 MR. CURRY: I was getting to it.

13 COUNCILMAN NUTTER: But, you know, I
14 was kind of paying attention so let's get back to
15 what I was talking about.

16 MR. CURRY: Well, it's different. The
17 size across the top sells for less than the 4-by-6
18 because it's standard. I can't sell a 2-by-7 to
19 General Motors because they have to buy different
20 production, and they're buying in the suburbs and
21 everywhere else.

22 But we would like to think that we
23 could sell a 4-by-6 for somewhere between 5 and
24 \$600.

25 COUNCILMAN NUTTER: Well, I understand,

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2 but for the moment, you're not at 4-by-5; you're
3 at 2-by-7 based on the, I think, the picture I saw
4 and --

5 MR. CURRY: Yeah.

6 COUNCILMAN NUTTER: And I'm going to
7 assume that the bill allows for 2-by-7, so you've
8 got the 2-by-7, and what's on the sides?

9 MR. CURRY: 18-by-36.

10 COUNCILMAN NUTTER: Okay, 18-by-36
11 inches. Somewhere in Center City -- I mean, what
12 does that sell for?

13 MR. CURRY: Somewhere around -- the one
14 in the back would probably sell for somewhere
15 between 350 to \$400. The sides, maybe \$100 each.

16 COUNCILMAN NUTTER: 350 to 400 over
17 what period of time?

18 MR. CURRY: That's a month.

19 COUNCILMAN NUTTER: That's a month.
20 And the 18-by-36's are. . . ?

21 MR. CURRY: About 100 -- again, it's
22 not a standard size, so it's a new size in the
23 business. So it's kind of a guess, but somewhere
24 like \$7500 a month.

25 COUNCILMAN DICICCO: That's each sign?

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2 MR. CURRY: Each space.

3 COUNCILMAN NUTTER: Each?

4 MR. CURRY: Yes.

5 COUNCILMAN NUTTER: Okay, so one 2-by-7

6 and so two 18-by-36's. On a good day, they get

7 you about \$600 a month; is that right?

8 MR. CURRY: That's correct, if

9 everything was sold, yes.

10 COUNCILMAN NUTTER: And what do you

11 estimate your maintenance cost to be?

12 MR. CURRY: Well. . . well, you know,

13 it's hard to say for each individual newsstand

14 what we're going to have as a maintenance cost.

15 We'll have probably two or three people assigned,

16 depending on how many newsstands we finally get up

17 to do it.

18 I mean, there's a lot of variable

19 costs. If someone runs into the side of a

20 newsstand, we have to repair that newsstand.

21 COUNCILMAN NUTTER: Well, I understand

22 but, I mean, you're proposing to embark on this

23 endeavor, and I get the impression that you'd like

24 to do it relatively soon, and being a good

25 business person, at some point in time, I know

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2 you're going to figure all these things out,
3 otherwise, you wouldn't do it, right?

4 MR. CURRY: That's correct. There is a
5 proforma that's been done on it, on the entire
6 project.

7 COUNCILMAN NUTTER: Okay. Why don't
8 you tell me about that.

9 MR. CURRY: Well, I personally don't
10 have it. It's done by our -- we have a sister
11 company called Ad Shell. Ad Shell is our street
12 furniture branch of Eller Media, and they have
13 done the proforma.

14 But I want to say that we're going to
15 need two or three full-time people maintaining the
16 newsstands, depending, again, on how many we put
17 on. I mean, we'll have -- you know, I could tell
18 you what our people make at our place now. We
19 hire 120 employees now and each make between 40
20 and \$50,000 a year. I don't know what the salary
21 scale's going to be on this type of a job, but we
22 also have materials, the cleaning.

23 There will be a lot of things involved
24 in it, so it will be expensive.

25 COUNCILMAN NUTTER: I'm sure it will

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2 be.

3 MR. CURRY: Yes.

4 COUNCILMAN NUTTER: But at the end of
5 the day -- I mean, you're not running a charity,
6 right?

7 MR. CURRY: No. Obviously, we're in
8 this to make a profit.

9 COUNCILMAN NUTTER: So you have two or
10 three people who are going to maintain the stands.
11 This is citywide or just Center City?

12 MR. CURRY: Well, again, as I said
13 before, originally, we were thinking Center City,
14 but we are now planning on doing this citywide.
15 Everyone has asked that we put it -- you know, the
16 newsstands in their place.

17 COUNCILMAN NUTTER: Right. Let's just
18 talk about Center City. I mean, do you have a
19 ballpark figure or a range on what you think your
20 monthly maintenance costs will be for -- how many
21 stands do you plan to put in Center City?

22 MR. CURRY: I believe there's
23 approximately 50 in Center or 60?

24 MR. ROCCO: 50.

25 MR. CURRY: 50.

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2 COUNCILMAN NUTTER: So what do you
3 think it will cost?

4 MR. BELLER: Councilman Nutter, if I
5 may. Again, Joseph Beller.

6 COUNCILMAN NUTTER: Sure.

7 MR. BELLER: I don't represent Eller so
8 you'll understand that my answer is really keyed
9 into the newsstand operators.

10 It's impossible for us to imagine what
11 it might cost, even when we try to do our own
12 survey, because every location is different. Some
13 are prone to have people who put graffiti there,
14 some are prone to have people who put election
15 stickers for all sorts of things. And one of the
16 things that we're trying to do is --

17 COUNCILMAN NUTTER: You just had to
18 rope us into that?

19 MR. BELLER: Beg your pardon?

20 COUNCILMAN NUTTER: You just had to
21 attack the elected officials as a part of the --

22 COUNCILMAN DICICCO: That's for union
23 elections, not --

24 MR. BELLER: I have not only run for
25 office, I actually worked in this august chamber

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2 for some years when all of you were little
3 children some 30-some years ago, and so I
4 appreciate the fact that no good elected official
5 would do that. It's obviously some other
6 organizations.

7 COUNCILMAN DICICCO: "No good?"

8 COUNCILMAN NUTTER: "No good," right.

9 MR. BELLER: At any rate, at any rate,
10 one of the problems from our point of view is that
11 this is the opportunity for us -- and when I say
12 "us," I'm talking about the independent newsstand
13 operators. Remember, it's not a monolithic
14 organization; it's the last of the small
15 independent people. And this is our opportunity
16 to have somebody else provide for a stand that is
17 beautiful for the City and possible for us to live
18 in and work in, with heat and electricity and so
19 forth.

20 And we know that Eller's going to make
21 a profit. We hope they make a tremendous profit
22 because we'd like to see this spread throughout
23 the City. Obviously, we've been over this with
24 them and we've tried to do our own proformas.
25 Obviously, they can obtain more profit from an ad

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2 in Center City than perhaps in some outlying
3 district, but we don't want anybody excluded from
4 this, Councilman.

5 COUNCILMAN NUTTER: I understand.

6 MR. BELLER: And so -- well, obviously,
7 I know that you have the absolute right to go into
8 that. We have impressed them as hard as you are
9 because in addition to maintaining, repairing and,
10 most important, initially providing the stand,
11 they are also going to be paying a commission,
12 which will be paid to our individual members.

13 So we're as much interested in those
14 numbers as you are but I don't know that, in all
15 fairness to Eller or to Add Shell, that they can
16 even begin to guess at what maintenance will be.
17 The only thing we could look to is what the Center
18 City District is.

19 COUNCILMAN NUTTER: Right.

20 MR. BELLER: And you know and you have
21 been a supporter of cleanliness in your own
22 district, I know it well. And you know what it is
23 to maintain, and that's the problem. I'm not
24 trying to save him; I'm just trying to have you
25 understand.

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2 COUNCILMAN NUTTER: No problem.

3 MR. BELLER: I don't think he's being
4 disingenuous because I don't think he knows what
5 it's going to cost yet, and I don't want you to
6 scare him off.

7 COUNCILMAN NUTTER: No, no, no. You
8 know, I'm a kinder, gentler councilman at this
9 point, but I do like to talk about money -- not
10 that I have any but, you know, it kind of becomes
11 the bottom line.

12 Let's figure out the maintenance cost
13 for a second. There's \$600 a month in ad
14 revenue. Are there any other financial components
15 to this? Is there something that kind of flows
16 between Eller and the individual newsstand
17 operator?

18 MR. CURRY: Yes. There's a percentage
19 share in the revenue, that's correct.

20 COUNCILMAN NUTTER: A percentage share
21 of what revenue?

22 MR. CURRY: Whatever revenue the signs
23 generate, the Newsstand Association would get a
24 percentage of that, before expenses.

25 COUNCILMAN NUTTER: Well, does Eller

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2 participate in any of the other revenues generated
3 witness the newsstand itself.

4 MR. CURRY: Absolutely not.

5 COUNCILMAN NUTTER: Or is it strictly
6 on the advertising itself?

7 MR. CURRY: It's strictly on the
8 advertising.

9 COUNCILMAN NUTTER: Okay. Well, let me
10 -- we were all the beneficiaries of little dual
11 solar calculators from PECO Energy. They might be
12 an advertiser on the thing there. But at 600 a
13 month, that came to \$7200 a year in revenue for
14 the stand. That's just 600 times 12.

15 MR. ROCCO: Okay.

16 COUNCILMAN NUTTER: Does that sound
17 right? I mean, that's what the calculator says.

18 MR. CURRY: Well, just so you know, you
19 can't use the number 600, but you're assuming that
20 we're sold 100 percent of the time. Our typical
21 number around the City of Philadelphia and in the
22 surrounding suburbs is somewhere around 70 to 75
23 percent sales, plus you're not including -- we pay
24 an ad agency a commission of 15 or 16-2/3s,
25 depending on who's buying the ad. That comes off

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2 the top.

3 COUNCILMAN NUTTER: I understand. I'm
4 just going based on what you shared with me.

5 MR. CURRY: Our sales (unintelligible)
6 gets 5 to 10 percent for selling it on our end.
7 There's a million costs that --

8 COUNCILMAN NUTTER: Wait a minute.
9 Everybody has got to eat that, I understand that.

10 MR. CURRY: Okay.

11 COUNCILMAN NUTTER: But based on the
12 figures you gave me of 350 to 400 a month for the
13 big one --

14 MR. CURRY: Mm-hmm.

15 COUNCILMAN NUTTER: -- and 75 to 100 on
16 the two small ones --

17 MR. CURRY: That's correct.

18 COUNCILMAN NUTTER: -- 600 a month,
19 7200 a year. And you're paying \$20,000 for the
20 facility.

21 MR. CURRY: Plus electrifying and
22 installation of --

23 COUNCILMAN NUTTER: I understand that,
24 but you're going to have that anyway 'cause many
25 of the stands have electricity already.

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2 MR. CURRY: It's still at least \$1,000.

3 COUNCILMAN NUTTER: It's more, right.

4 Basically, you have about a three-year
5 payback on the newsstand, if you're fully rigged
6 up for the year.

7 MR. CURRY: If we're 100 percent sold
8 and you don't count any of our expenses, yes, it's
9 a three-year payback.

10 COUNCILMAN NUTTER: Okay.

11 MR. ROCCO: It's probably closer to
12 five.

13 COUNCILMAN NUTTER: And -- I'm sorry?

14 MR. CURRY: I would think it's higher
15 than five personally, but. . .

16 COUNCILMAN NUTTER: I mean, 7200 times
17 3 years is \$21,600. Those are the numbers.

18 MR. CURRY: Mm-hmm.

19 COUNCILMAN NUTTER: If you have 50
20 stands at those rates, you're talking about
21 \$360,000 a year in ad revenue, 2 people, maybe you
22 have 30 to do the maintenance operation, so you're
23 talking about another 60 or 90, plus all the
24 things that you laid out.

25 MR. CURRY: Right. Plus we have to

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2 take off the share that the Newsstand Association
3 gets.

4 COUNCILMAN NUTTER: Okay, all right.

5 But, I mean, these -- the numbers are not
6 outrageous. I mean, they're not that far out of
7 the ballpark as to be absurd?

8 MR. CURRY: No, but you're not taking
9 into consideration a lot of different things.
10 You're assuming it's sold all the time, you're not
11 including any of our costs.

12 COUNCILMAN NUTTER: Again, not to be in
13 an argument with you. I can only take what you
14 give me. I've asked you for a number of things,
15 and you said, Well, we have a proforma, but that's
16 at another company, and I don't have that, so I'm
17 limited in my ability to get to where I'd like to
18 be based on the information I get. I'm willing to
19 factor anything into this equation based on what
20 you're willing to share with us.

21 MR. CURRY: Well, you can use a 75 sold
22 ratio and you can take 25 percent off for sales
23 commission, and then I'm not at liberty to tell
24 you what commission I'm paying to the Newsstand
25 Association.

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2 COUNCILMAN NUTTER: That's what I want
3 to know.

4 MR. CURRY: I can tell you that it's
5 substantial. So you're three-year payback is
6 nowhere even close.

7 COUNCILMAN NUTTER: Okay, all right.

8 Now, with this particular bill, would
9 this allow anyone who presently has a newsstand to
10 have this new type of newsstand?

11 MR. CURRY: Yes, but let me qualify
12 that by saying that we have promised the Newsstand
13 Association that we would do all the Newsstand
14 Association members first, and we would actively
15 try and recruit other members -- non-members to be
16 members of the association to --

17 COUNCILMAN NUTTER: Are you legally
18 able to do that?

19 MR. CURRY: Why not?

20 COUNCILMAN NUTTER: I mean, what's the
21 --

22 MR. CURRY: I mean, my contract is
23 between the Newsstand Association, so --

24 COUNCILMAN NUTTER: Oh, okay, all
25 right. So you have a contract with them.

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2 MR. CURRY: Yeah. You know, we
3 promised them that we would try to do theirs
4 first. Most of their members are Center City.
5 And we would try and recruit along with John Rocco
6 in going out and saying, Would you join? You join
7 get a free newsstand, you get a share in the
8 revenue, it doesn't cost you a thing, and the
9 outside is maintain.

10 We pretty much feel that just about
11 everybody would like to join that. The membership
12 fee is not that expensive, I don't believe, to
13 join.

14 COUNCILMAN NUTTER: Okay. You know, I
15 don't --

16 MR. CURRY: And if they wouldn't join,
17 we would offer it to them anyway.

18 MR. BELLER: Councilman, for \$150 a
19 year, you too can have the Taurus.

20 (Laughter.)

21 MR. BELLER: And, incidently, Dave is
22 quite right, we do have a contract with them
23 because, as you know, along with the cooperation
24 that was mentioned from the City from Councilman
25 DiCicco's office, from City Council, Streets

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2 Department, L&I, and so forth, the Art Commission,
3 it really has been the newsstand operators that
4 have really spearheaded this with that. And so,
5 obviously, we're the ones who enter into the first
6 contract. We're not going to ever exclude anybody
7 else, and no one has to join anything.

8 And I just think, as I say, for \$150,
9 you too can have the brand new Taurus.

10 COUNCILMAN NUTTER: Let me ask one last
11 question. The Chairman has been most
12 accommodating with me and I appreciate that.

13 What is the light issue, the
14 illumination issue? Is that just a further
15 enhancement of the advertisement and the concern
16 that people can't see whatever is being advertised
17 at night? I mean, why do these have to be lit
18 up?

19 MR. CURRY: Why do the signs have to be
20 lit up or why does there have to be electricity to
21 the newsstand?.

22 COUNCILMAN NUTTER: No, I know why
23 there's electricity to the newsstand, but why do
24 the signs have to be lit up?

25 MR. CURRY: Well, I mean, all signs

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2 like that it's just part of selling it to national
3 clients.

4 COUNCILMAN NUTTER: We have light in
5 bus shelters because wept people to stand there.

6 MR. CURRY: By putting it in new
7 newsstands, if the city goes dark by 5 o'clock --
8 not in the summertime -- you need backlit light.
9 It's pretty much standard in the industry that
10 these type of signs are going to be illuminated.
11 I mean, we would obviously have to charge less.

12 COUNCILMAN NUTTER: Even when the stand
13 is closed?

14 MR. CURRY: The light will stay on.

15 COUNCILMAN NUTTER: Will it stay on all
16 night?

17 MR. CURRY: It's standard in the
18 industry that 11 or 12 o'clock at night is when
19 it's shut off. And you could look at it as a
20 secure area. They're not that bright, but it does
21 illuminate the area right around the newsstand and
22 keeps it more secure from a lot of break-ins, and
23 it not going to blind anybody and it's just going
24 to illuminate the area, it will probably make it a
25 safer and more secure area.

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2 COUNCILMAN NUTTER: That's an
3 interesting concept. Okay, all right.

4 MR. BELLER: Again, I hate to
5 interrupt, Councilman Nutter, but I want you to
6 know that at one point, long before we talked
7 about the new newsstands, representatives of the
8 Police Department came to our meetings and asked
9 if we could put lights around the various
10 newsstands and keep them on all night as a help to
11 them. So lighting's not a new concept for us, and
12 we're willing to cooperate. As Dave said,
13 normally, you could put them on a timer and they
14 would go off at 11, 12 o'clock.

15 COUNCILMAN NUTTER: Are there any
16 newsstands on Walnut Street or soon-to-be-remade
17 Chestnut Street?

18 (Individuals at witness table confer
19 among themselves off the record.)

20 COUNCILMAN NUTTER: I need somebody to
21 answer into the microphone.

22 MR. CLAFLEN: Yeah. Well, I'm thinking
23 of the immediate vicinity of Walnut that I'm most
24 familiar with. Most of them are on the cross
25 streets at the intersection with Walnut, such as

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2 18th and Walnut.

3 COUNCILMAN NUTTER: Walnut Street is
4 one of the brightest streets in the City of
5 Philadelphia. I mean, it has a foot candle
6 reading of 4 to 5, as compared to most City
7 streets, which is a quarter to a half. I mean,
8 what's the additional light that you're providing
9 that our new pedestrian light out there aren't
10 providing?

11 I mean, I'm just kind of intrigued at
12 the notion that -- I mean, if people want to have
13 new newsstands and get away from the wooden ones
14 and have aluminum and steel and, you know,
15 titanium might be next, I mean, that would be very
16 interesting. I mean, they'll withstand, you know,
17 fallout or something. But, I mean, I thought it
18 was the Street Department's responsibility to make
19 sure that our streets are well lit and not
20 necessarily have that burden or responsibility on
21 newsstands and advertising companies.

22 MR. CURRY: Yeah. I mean, obviously,
23 you know, we're not backlighting signs just for
24 safety and security reasons. It's an added
25 benefit that comes out of it.

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2 COUNCILMAN NUTTER: Oh, okay.

3 MR. CURRY: And in certain areas, it
4 will definitely help because a lot of them are
5 very dark. On Walnut Street, it may be very light
6 at night. However, we can't sell half of them lit
7 and half of them not lit.

8 You know, everything in advertising is
9 sold in a package and it will be -- they all --
10 and that's why I'm asking for a standardized size,
11 because we're going to tie it into the rest of the
12 City and the suburbs with the advertising and it
13 will make it easier to sell so that we can get
14 closer to our 75 or 80 percent sales rates.

15 COUNCILMAN NUTTER: You really want to
16 take me back to that 4-by-6. You really like that
17 4-by-6, don't you?

18 MR. CURRY: I like it because it's the
19 standard size.

20 COUNCILMAN NUTTER: I understand.

21 MR. CURRY: And it will also help --
22 all the cultural places, they already have 4-by-6
23 copy right now that they're using in the bus
24 shelters. It's very expensive, that stuff, and if
25 anybody has ever bought it, they realize it. They

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2 can take it right now and we've offered it -- at
3 the Art Commission, we've offered it and we can
4 make the same offer and we can put it in the
5 legislation. And anytime we have unsold space,
6 we'll put them up free of charge as long as they
7 supply the advertising.

8 COUNCILMAN NUTTER: All right. Let me
9 just lastly say that -- I mean, my limited
10 observations of the advertising industry is that
11 at the end of the day, people will make, cut,
12 shape, whatever it is they need to make, cut,
13 shape to fit in wherever it needs to be fit in,
14 because that's where the money is. I mean, that
15 thing that's wrapped around that building down
16 there near the Ben Franklin Bridge, I don't think
17 that's a standard size -- is that a standard-size
18 building rack?

19 MR. CURRY: That is not, no.

20 COUNCILMAN NUTTER: Okay. So someone
21 made that to go with that particular building,
22 right?

23 MR. CURRY: That's correct, but that's
24 a larger-scale type thing. When you're talking
25 smaller signs, you know, an advertiser like

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2 McDonald's will come in and buy 100 signs at one
3 time. They're not going to buy 3 to their
4 10-by-20, 3 to their, you know 10 inches by this.

5 They all have to be the same because
6 it's all done at an ad agency and it's all
7 produced the same size. And, you know, every time
8 you change the size of an ad, not only do you just
9 have to -- you don't just reprint it. The design
10 people have to redesign it to fit on that size.

11 COUNCILMAN NUTTER: I understand.

12 MR. CURRY: It's just much easier to
13 have a standard size. It will help us sell the
14 signs that are outside of the Center City area, it
15 will help us tie in all the stuff in North and
16 Northeast Philadelphia and South Philly, and it
17 will make it that an easier sell if it's all the
18 same.

19 COUNCILMAN NUTTER: Okay, thank you.

20 COUNCILMAN DICICCO: Thank you.

21 I need to make an announcement. There
22 is another hearing that was supposed to begin at
23 10 o'clock this morning. And while this, I think,
24 is very important and I've been working on this
25 for the better part of a year, I guess, with a

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2 team of people from all different agencies, for
3 the hearing that is coming up, there are a number
4 of people who are CEOs from these major companies
5 which are really important to the economic benefit
6 to the City of Philadelphia.

7 And because of the last-minute
8 introduction of amendments that were distributed
9 late last evening, which I have not even had the
10 opportunity to see, I'm probably going to go back
11 on what I said originally. I didn't want to delay
12 this, but I think at this point, there's no other
13 way to do this in a proper way and to have full
14 participation in the discussion but to allow
15 people to take some time and look into those
16 amendments. And because of the hearing that's
17 following us, I'm going to recess the hearing on
18 this bill, 000166, until April 26th at 3 o'clock
19 p.m. We will vote out the other two bills
20 momentarily.

21 And, again, I apologize to those of
22 you, Paul and Kathy and other folks who were here,
23 and I appreciate the fact that you came today, but
24 we are really running out of time. And, again, I
25 think for all of us to us got back and digest some

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2 of these things over the next two weeks might be
3 beneficial to all of us and will help Council and
4 other members of Council who are not a part of
5 this committee who may be affected -- in
6 particular Councilmember Nutter and other District
7 Councilpeople -- to look at this and cumulatively
8 come back with some suggestions, amendments,
9 reamendments, whatever it is, to get this thing to
10 work.

11 So I want to thank you all for coming.
12 I want to again apologize. We're going to recess
13 the hearing on this bill.

14 This concludes the public hearing on
15 bills on the Committee of Streets and Services.

16 - - -

17 COUNCILMAN DICICCO: We will now move
18 into the public meeting on the Committee of
19 Streets and Services.

20 The Chair recognizes Councilmember
21 Clarke for a motion on Bill No. 000139.

22 COUNCILWOMAN CLARK: Thank you, Mr.
23 Chairman. I move for motion on Bill No. 000139
24 with a suspension of the rules.

25 (Duly seconded.)

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2 COUNCILMAN DICICCO: It's been properly
3 moved and seconded that Bill No. 000139 be
4 reported out of this committee with a favorable
5 recommendation and a further recommendation that
6 the rules of Council be suspended.

7 All those in favor will signify by
8 saying aye.

9 Those opposed?

10 The bill is approved.

11 The Chair recognizes Councilmember
12 Clarke for a motion on Bill No. 000145.

13 COUNCILWOMAN CLARK: Thank you, Mr.
14 Chairman. A motion on Bill No. 000145, with a
15 suspension of the rules.

16 (Duly seconded.)

17 COUNCILMAN DICICCO: It's been properly
18 moved and seconded that Bill No. 000145 be
19 reported out of committee with a favorable
20 recommendation and that the rules of Council be
21 suspended.

22 All those in favor of the bill, signify
23 by saying aye.

24 Those opposed?

25 The bill is approved.

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2 Thank you for your patience. This
3 concludes the public meeting on the Committee of
4 Streets and Services.

5 (Adjourned at 11:13 a.m.)

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RE: COUNCIL COMMITTEE ON STREETS AND SERVICES

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BILL NO.'S 000139, 000145, 000166

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JOSEPHINE CARDILLO,

Registered Professional Reporter