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CITY COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING

3

BEFORE COMMITTEE ON LICENSES AND INSPECTIONS

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Room 400, City Hall, Philadelphia, Pennsylvania
Tuesday. May 12, 1998, 10:18 a.m.

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BILL 960517 - Prohibiting sidewalk sales on
Northeast Boulevard, both sides, from Red Lion
Road to Woodhaven Road.

7

8

BILL 970550 - Prohibiting sidewalk sales at 100
block of W. York, 1800 block of E. York, 2300

9

block of N. Jasper, 100 block of W. Dauphin, 2300
block of N. Hope, 2400 block of N. Front; on

10

Kensington Ave., from York St. to Lehigh Ave.

11

BILL 970551 - Designating 2300 block of North
Front as a neighborhood business district.

12

BILL 970675 - Creating an additional designated
neighborhood vending district.

13

BILL 970676 - Prohibiting sidewalk sales in area
bounded by Washington Ave., 12th St., Oregon Ave.,
17th St.

14

BILL 970695 - Extending ban on vending on Chestnut
Street to Front Street.

15

BILL 980163 - Prohibiting sidewalk sales Frankford
Ave., both sides, Wakeling St. to Bridge St.

16

BILL 980164 - Prohibiting sidewalk sales on both
sides of Torresdale, Harbison to Cheltenham.

17

RES. 980153 - Conduct hearings on encroachment of
wholesale merchandising in C2 areas.

18

COUNCILMAN J. KENNEY, Chair	COUNCILMAN M. NUTTER
COUNCILWOMAN J. KRAJEWSKI	COUNCILWOMAN M. TASCO
COUNCILWOMAN A.C. Verna	COUNCILMAN F. DICICCO
COUNCILWOMAN D. MILLER	COUNCILMAN F. RIZZO

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1		
2	I N D E X	
		Page
3	BILL 960517	
4	John P. Campbell, Manager.	3
	Legislative Regulatory Affairs Manager, L&I	
5	BILL 970550	
	John P. Campbell, Manager.	5
	Legislative Regulatory Affairs Manager, L&I	
6	Rudy Paliaga, Chief.	6
	Business Regulatory Enforcement, L&I	
7	BILL 970551	
	John P. Campbell, Manager.	7
8	Legislative Regulatory Affairs Manager, L&I	
	Rudy Paliaga, Chief.	8
9	Business Regulatory Enforcement, L&I	
	BILL 970675	
10	John P. Campbell, Manager.	10
	Legislative Regulatory Affairs Manager, L&I	
11	Rudy Paliaga, Chief.	11
	Business Regulatory Enforcement, L&I	
12	BILL 970676	
	John P. Campbell, Manager.	15
13	Legislative Regulatory Affairs Manager, L&I	
	Rudy Paliaga, Chief.	13
14	Business Regulatory Enforcement, L&I	
	BILL 970695	
15	Rudy Paliaga, Chief.	17
	Business Regulatory Enforcement, L&I	
16	BILL 980163	
	John P. Campbell, Manager.	18
17	Legislative Regulatory Affairs Manager, L&I	
	BILL 980164	
18	John P. Campbell, Manager.	19
	Legislative Regulatory Affairs Manager, L&I	
19	Frank Bempong, Private Citizen	21
	RES. 980153	
20	Robert McGowan, 61st Ward Democratic Leader. .	37
	Olney Section of Philadelphia	
21	Linda Sistrunk, Committee Person 42nd Ward . .	41
	Olney Section of Philadelphia	
22	Lorraine Little Chairperson.	42
	Olney Neighbors for Change	
23	Jack Connaire, President	44
	Greater Olney Community Council	
24	Mary Hoffman, Treasurer.	47
	Olney Neighbors for Change	
25	- - -	

1 COMM. ON LICENSES & INSPECTIONS - BILL 960517

2 P R O C E E D I N G S

3 COUNCILMAN KENNEY: Ladies and
4 gentlemen, a quorum is present for the public
5 hearing before the Committee on Licenses and
6 Inspections, so we'll proceed with the meeting.

7 COUNCILMAN KENNEY: The first bill
8 consideration is Bill No. 960517, which is an
9 ordinance amending section 9-205 of The
10 Philadelphia Code, entitled "Sidewalk Sales," by
11 prohibiting sidewalk sales on Northeast Boulevard,
12 both sides, from Red Lion Road to Woodhaven Road.

13 Good morning. Please identify yourself
14 for the record and proceed with your testimony.

15 MR. CAMPBELL: Good morning, Mr.
16 Chairman.

17 COUNCILMAN KENNEY: Good morning.

18 MR. CAMPBELL: And Members of the
19 Committee. I'm John P. Campbell, Legislative
20 Regulatory Affairs Manager for the Department of
21 Licenses and Inspections. At my right is Rudy
22 Paliaga, Chief of Business Regulatory Enforcement,
23 Licenses and Inspections.

24 And we're here today to testify on the
25 provisions of Bill No. 960517 which, if adopted,

1 COMM. ON LICENSES & INSPECTIONS - BILL 960517
2 will prohibit vending and sidewalk sales along
3 Northeast Boulevard from Red Lion Road to
4 Woodhaven.

5 Our technical staff and our operations
6 staff have reviewed this bill, and we have no
7 problems with its enactment. And if Council so
8 deems, we will enforce its provisions of the bill.

9 COUNCILMAN KENNEY: Thank you very much
10 for your testimony on the bill.

11 Mr. Paliaga, do you have anything to
12 add?

13 MR. PALIAGA: No, sir.

14 COUNCILMAN KENNEY: Thank you. Does
15 anyone have questions for these witnesses?

16 (No questions.)

17 COUNCILMAN KENNEY: Seeing none, is
18 there anyone in the audience who would like to
19 testify on Bill No. 960517 dealing with Northeast
20 Boulevard from Red Lion Road to Woodhaven Road?

21 (No response.)

22 COUNCILMAN KENNEY: Seeing none, we will
23 now proceed to Bill No. 970550, which is an
24 ordinance amending Section 9-205 of The
25 Philadelphia Code, entitled "Sidewalk Sales," by

1 COMM. ON LICENSES & INSPECTIONS - BILL 960550
2 prohibiting sidewalk sales (except for certain
3 sidewalk sales by business owners in front of
4 their own business properties) at the following
5 locations: the 100 block of West York Street; the
6 1800 block of East York Street; the 2300 block of
7 North Jasper Street; the 100 block of West Dauphin
8 Street; the 2300 block of North Hope Street; the
9 2400 block of North Front Street; and on
10 Kensington Avenue, from York Street to Lehigh
11 Avenue; all under certain terms and conditions.

12 Please identify yourself for the
13 record.

14 MR. CAMPBELL: Again, Mr. Chairman, I'm
15 John P. Campbell, Legislative Regulatory Affairs
16 Manager. At my right again is Rudolph Paliaga,
17 Chief of Business Regulatory Enforcement.

18 On this bill, the Department has no
19 objections to its enforcement and will enforce the
20 provisions if Council so deems so deems.

21 I might add that this bill is similar
22 to a number of bills that have been passed which
23 prohibit vending and sidewalk sales but also
24 protect the right of the store owner to place
25 goods immediately in front of his business to

1 COMM. ON LICENSES & INSPECTIONS - BILL 960550
2 complete transactions.

3 COUNCILMAN KENNEY: Would you do me a
4 favor also. When you request -- I assume that
5 everything is being requested with a suspension of
6 the rules unless you tell me otherwise.

7 MR. CAMPBELL: That is correct, Mr.
8 Chairman.

9 COUNCILMAN KENNEY: So then for Bill
10 No. 960517, a suspension of the rules is
11 requested?

12 MR. CAMPBELL: Yes, sir.

13 COUNCILMAN KENNEY: And also for Bill
14 No. 970550?

15 MR. CAMPBELL: Yes, sir.

16 COUNCILMAN KENNEY: Fine.

17 Mr. Paliaga, do you have anything to
18 add?

19 MR. PALIAGA: Yes, I do, Councilman
20 Kenney. This --

21 COUNCILMAN KENNEY: Please identify
22 yourself for the record.

23 MR. PALIAGA: This particular area has
24 been a source of numerous complaints to our
25 business compliance unit, so the enactment of this

1 COMM. ON LICENSES & INSPECTIONS - BILL 960551
2 ordinance would enhance our enforcement ability at
3 this location -- or these locations.

4 COUNCILMAN KENNEY: Thank you very
5 much.

6 Are there any questions for these
7 witnesses?

8 (No questions.)

9 COUNCILMAN KENNEY: Is there anyone in
10 the room to testify on this bill, 970550?

11 (No response.)

12 COUNCILMAN KENNEY: Seeing none, we'll
13 move on to Bill No. 970551, which is an ordinance
14 amending Section 9-206 of The Philadelphia Code,
15 entitled "Sidewalk Vendors in Neighborhood
16 Business Districts," by designating the 2300 block
17 of North Front Street as a neighborhood business
18 district within which sidewalk sales are subject
19 to the provisions of Section 9-206, and by
20 specifying permitted vendor sites within that
21 district, all under certain terms and conditions.

22 And please identify yourself for the
23 record.

24 MR. CAMPBELL: Again, John P. Campbell,
25 Legislative Regulatory Affairs Manager. Rudolph

1 COMM. ON LICENSES & INSPECTIONS - BILL 960551

2 Paliaga, Business Regulatory Affairs Manager --
3 Enforcement Manager, excuse me.

4 This particular bill would create a
5 special vending district in the neighborhood.
6 This is legislation that the Department developed
7 with City Council to deal with those unique
8 problems that arise -- vending problems and
9 business problems that arise in the neighborhood
10 vending and neighborhood commercial strips.

11 Again, we already have two areas along
12 Germantown and Cheltenham. And the second area that
13 Council just passed is the University of Penn
14 vending district. This will become the third such
15 neighborhood vending district.

16 We have no objection to its adoption.
17 In fact, we support the adoption of this
18 legislation.

19 MR. PALIAGA: Councilman Kenney, I --

20 COUNCILMAN KENNEY: Please identify
21 yourself for the record.

22 MR. PALIAGA: Rudolph Paliaga.

23 As indicated previously, this would
24 enhance our enforcement activities in this area.
25 We get -- actually receive very little complaints

1 COMM. ON LICENSES & INSPECTIONS - BILL 960551
2 in the Germantown area and the Center City area
3 and, hopefully, now at the University City area as
4 a result of people that have designated -- vendors
5 that have designated locations enhances. It
6 enhances our enforcement ability.

7 COUNCILMAN KENNEY: And may I add for
8 the record that it has been my experience with
9 bills that we've dealt with here in the past that
10 are similar that it enhances the opportunities for
11 the vendor to have a better vending area, a
12 cleaner, more orderly, and more conducive to
13 business as opposed to chaotic nature of
14 unregulated business strip in neighborhood vending
15 areas.

16 So I concur with your testimony.

17 Are there any questions for these
18 witnesses on this bill?

19 (No questions.)

20 COUNCILMAN KENNEY: Is there anyone in
21 the audience testify on Bill No. 970551.

22 (No response.)

23 COUNCILMAN KENNEY: Seeing none.

24 Bill No. 970675, an ordinance amending
25 Chapter 9-200 of The Philadelphia Code, entitled

1 COMM. ON LICENSES & INSPECTIONS - BILL 960675
2 "Commercial Activities on Streets," by amending
3 Section 9-206 entitled "Sidewalk Vendors in
4 Neighborhood Business Districts," by creating an
5 additional designated neighborhood vending
6 district.

7 Mr. Campbell.

8 MR. CAMPBELL: Again, John P. Campbell,
9 Legislative Regulatory Affairs Manager.

10 Again, the Broad and Snyder area is an
11 ideal location for this neighborhood vending
12 legislation. The business district legislation
13 there has been a problem area for about ten years
14 that I'm aware of.

15 COUNCILMAN KENNEY: At least.

16 MR. CAMPBELL: At least. And over the
17 years, Council -- various District Councilpeople
18 have tried to wrestle with the problem. There
19 have been a number of bills introduced at various
20 times to ban vending in the area.

21 We have worked with Councilman DiCicco,
22 the Councilman in the 1st District, to come up
23 with a vending scheme that -- well, as you just
24 previously mentioned in the other bill -- that
25 will clean up the area, will be conducive both to

1 COMM. ON LICENSES & INSPECTIONS - BILL 960675

2 the businesses and to the vendors in that area and
3 will really resolve a long-term problem.

4 So we support the adoption of this bill
5 and will work with the vendors and the
6 neighborhood businesses to implement the
7 provisions of the bill. Rudy?

8 COUNCILMAN KENNEY: Mr. Paliaga.

9 MR. PALIAGA: Councilman Kenney,
10 Rudolph Paliaga.

11 As you know, this particular area is an
12 area that we've received numerous complaints over
13 the past two years I've been in business
14 enforcement.

15 COUNCILMAN KENNEY: Are you talking
16 specifically about me or --

17 MR. PALIAGA: By yourself and
18 Councilman DiCicco and others, actually, including
19 my wife, who drives by there quite frequently.

20 And more recently, at the request of
21 Councilman DiCicco, we did hand out to the vendors
22 that are there now a public notice indicating that
23 the area is going to be regulated.

24 And as of this morning, I checked, and
25 95 percent of the vendors in this area are

1 COMM. ON LICENSES & INSPECTIONS - BILL 960675
2 properly licensed and are paying their taxes. And
3 so it should be no surprise to those vendors
4 there.

5 COUNCILMAN KENNEY: What about that
6 other 5 percent?

7 MR. PALIAGA: We're working on those.

8 COUNCILMAN KENNEY: Oh, fine, good.

9 And at this time, I'd like to recognize
10 Councilman DiCicco who is now present. This is
11 his bill, and I'd like to commend him for his
12 tireless efforts in moving forward to clean up
13 this very important intersection, which is
14 actually a gateway to Philadelphia from South
15 Jersey and from Delaware County. And, I can tell
16 you, the condition of it from time to time is less
17 than desirable.

18 Councilman, would you like to make a
19 statement? We'd be happy to hear it. This is
20 970675. Hold on.

21 We'll move on. Is there anyone in the
22 room to testify on this bill, 970675, which is
23 Broad and Snyder basically?

24 (No response.)

25 COUNCILMAN KENNEY: Okay. What I'd

1 COMM. ON LICENSES & INSPECTIONS - BILL 960676
2 like to do is -- Councilman DiCicco would like to
3 have Mr. Campbell on the side to discuss one
4 potential amendment, and we will move forward.
5 Are you ready to testify on the other bills, Mr.
6 Paliaga.

7 MR. PALIAGA: I think so, sure.

8 COUNCILMAN KENNEY: The next bill for
9 consideration is Bill No. 970676, an ordinance
10 amending Chapter 9-205 of The Philadelphia Code,
11 relating to sidewalk sales by adding a new
12 provision prohibiting sidewalk sales in the area
13 bounded by Washington Avenue on the north side,
14 12th Street on the east side, Oregon Avenue on the
15 south side, and 17th Street on the west side.

16 Mr. Paliaga, please identify yourself
17 for the record and proceed.

18 MR. PALIAGA: Business licenses and
19 inspections.

20 Councilman Kenney, this particular
21 ordinance actually enhances the Broad and Snyder
22 area by prohibiting sidewalk sales in an area that
23 actually overlaps Broad Street, as you can see by
24 the locations.

25 Over the past month, as we were handing

1 COMM. ON LICENSES & INSPECTIONS - BILL 960676

2 out notices to the vendors, we only noticed in
3 these particular areas 12 vendors that were
4 actively vending in that area. So any particular
5 changes will not affect a lot of people actually,
6 and there will be other locations that they can
7 move to vend to that are not prohibited.

8 COUNCILMAN KENNEY: And all those
9 vendors that you checked are licensed?

10 MR. PALIAGA: Yes, sir, we have. And
11 that's part of the 5 percent that we're working
12 on, and they really do want to come into
13 compliance, and they've cooperated with us.

14 COUNCILMAN KENNEY: Fine. Are there
15 any questions for Mr. Paliaga on this particular
16 bill?

17 (No response.)

18 COUNCILMAN KENNEY: Is there anyone in
19 the audience that would like to testify on Bill
20 970676 dealing with the area of Washington Avenue,
21 12th Street, Oregon Avenue, 17th Street?

22 The Chair recognizes Councilman
23 DiCicco.

24 COUNCILMAN DICICCO: Thank you, Mr.
25 Chairman.

1 COMM. ON LICENSES & INSPECTIONS - BILL 960676

2 I just had a brief conversation with
3 Mr. Campbell, and I would like to offer an
4 amendment.

5 COUNCILMAN KENNEY: Which bill? I'm
6 sorry.

7 COUNCILMAN DICICCO: 970676.

8 COUNCILMAN KENNEY: 970676 is
9 appropriate right now.

10 COUNCILMAN DICICCO: I'd like to amend
11 the bill to include -- or eliminate the northwest
12 corner of 13th and Oregon, which means it would
13 permit the vendor's who's been there for some
14 30-odd years to continue to operate at that
15 location. The northwest corner of 13th and
16 Oregon.

17 COUNCILMAN KENNEY: Mr. Campbell, you
18 will mark the bill accordingly prior to submission
19 to the Chief Clerk's office?

20 MR. CAMPBELL: Yes, I will.

21 COUNCILMAN KENNEY: Okay.

22 MR. CAMPBELL: We have no objection for
23 that amendment, and support the adoption of the
24 bill. This bill, 970676, is complementary. There
25 was actually a three-bill package. There was a

1 COMM. ON LICENSES & INSPECTIONS - BILL 960676
2 no-truck-parking, the Broad and Snyder vending,
3 and 970676 prohibited vending.

4 What we did not want to happen was once
5 we got Broad and Snyder under control, we didn't
6 want to create a situation where vendors would be
7 flying to the surrounding blocks and we end up
8 playing chase the vendor.

9 But, you know, in this particular case,
10 the gentleman's been there for 30 years. And,
11 again, the Department has no objection.

12 COUNCILMAN KENNEY: Thank you very
13 much. Anything else, Councilmember?

14 COUNCILMAN DICICCO: No. Thank you,
15 Councilman.

16 COUNCILMAN KENNEY: Is there anyone
17 else to testify on this bill, 970676, or its
18 amendment?

19 (No response.)

20 COUNCILMAN KENNEY: Seeing none, we'll
21 now move to Bill No. 970695, an ordinance amending
22 Title 9 of The Philadelphia Code of ordinances
23 entitled "Regulation of Businesses, Trades and
24 Provisions," by amending Subsection 9-204(8)(a) by
25 extending the ban on vending on Chestnut Street to

1 COMM. ON LICENSES & INSPECTIONS - BILL 960695
2 Front Street.

3 Mr. Paliaga, please identify yourself
4 for the record and proceed with your testimony.

5 MR. PALIAGA: Rudy Paliaga, Business
6 Enforcement, Licenses and Inspections.

7 Bill 970695. The Department's
8 technical staff reviewed provisions of this bill,
9 which does extend the vending ban from Broad to
10 Front Street. There's no objection to enactment
11 of this bill if the Council so deems.

12 It should be important to point out
13 that no authorized vending locations will be
14 eliminated if this bill is enacted.

15 COUNCILMAN KENNEY: Mr. Campbell, do
16 you have anything to add?

17 MR. CAMPBELL: No, sir.

18 COUNCILMAN KENNEY: Thank you very
19 much.

20 Are there any questions for these
21 witnesses?

22 (No questions.)

23 COUNCILMAN KENNEY: Is there anyone in
24 the audience that would like to testify on Bill
25 No. 970695, which deals with vending bans,

1 COMM. ON LICENSES & INSPECTIONS - BILL 980163

2 extending them on Chestnut Street to Front

3 Street?

4 (No response.)

5 COUNCILMAN KENNEY: Seeing none, Bill

6 No. 980163, which is an ordinance amending Section

7 9-205 of The Philadelphia Code, entitled "Sidewalk

8 Sales," by prohibiting sidewalk sales on Frankford

9 Avenue, both sides, from Wakeling Street to Bridge

10 Street.

11 Thank you. Identify yourself for the

12 record.

13 MR. CAMPBELL: John P. Campbell,

14 Legislative Regulatory Affairs Manager from the

15 Department of Licenses and Inspections. Again, at

16 my right is Rudy Paliaga, our Business Regulatory

17 Enforcement Director.

18 Again, the Department has no objection

19 to the enforcement of the provisions of this bill

20 and will enforce its provisions if Council so

21 deems.

22 We recognize that Council regulates

23 activities on the streets and on the sidewalks,

24 and that legislation generally of this nature,

25 especially in the areas where they're asking for

1 COMM. ON LICENSES & INSPECTIONS - BILL 980163
2 total prohibition, generally comes in as a result
3 of complaints from businesses and from people in
4 the neighborhood.

5 COUNCILMAN KENNEY: Thank you very
6 much.

7 Any questions, Mr. Paliaga?

8 MR. PALIAGA: No, thank you.

9 COUNCILMAN KENNEY: Does anybody have
10 any questions for these witnesses?

11 (No questions.)

12 COUNCILMAN KENNEY: Is there anyone in
13 the room that would like to testify on Bill No.
14 980163, which deals with banning vending on
15 Frankford Avenue from Wakeling to Bridge?

16 (No response.)

17 COUNCILMAN KENNEY: Seeing none, the
18 next bill is 980164, which is an ordinance
19 amending Section 9-205 of The Philadelphia Code,
20 entitled "Sidewalk Sales," by prohibiting
21 sidewalk sales on Torresdale Avenue, both sides,
22 from Harbison Avenue to Cheltenham Avenue.

23 MR. CAMPBELL: Again, John P. Campbell,
24 Legislative Regulatory Affairs Manager from the
25 Department of Licenses and Inspections, and Rudy

1 COMM. ON LICENSES & INSPECTIONS - BILL 980164

2 Paliaga.

3 Again, the Department has no objection
4 to the enactment of this legislation. And as I
5 testified on the previous bill, again, we
6 recognize Council's right and general ability to
7 regulate activity on the streets and the
8 sidewalks.

9 And, again, in areas where total bans
10 have been -- ordinances have been drafted by the
11 various District Councilpeople, we find that they
12 are generally as a result of complaints from
13 people in the districts or -- in the district or
14 in the businesses.

15 COUNCILMAN KENNEY: Councilmember
16 Nutter.

17 COUNCILMAN NUTTER: Mr. Campbell, isn't
18 that the same thing you just said on the last
19 bill?

20 MR. CAMPBELL: Yes, sir. As I said
21 this, as I testified on the previous bill.

22 COUNCILMAN NUTTER: How do you do
23 that? How do you give the same exact testimony
24 without reading from anything on two different
25 bills? Is that a developed trait or is that years

1 COMM. ON LICENSES & INSPECTIONS - BILL 980164
2 of experience?

3 COUNCILMAN KENNEY: It's 75 years of
4 experience with the City.

5 MR. CAMPBELL: I think it's years of
6 experience -- four years of Latin in high school
7 and a year of Greek and --

8 COUNCILMAN NUTTER: I commend you for
9 your consistency.

10 Thank you.

11 COUNCILMAN KENNEY: Are there any other
12 questions for these witnesses?

13 (No questions.)

14 COUNCILMAN KENNEY: Is there anyone
15 else to testify on Bill No. 980164?

16 Yes, sir, please come forward.

17 (Individual subsequently identified as
18 Frank Bempong comes forward.)

19 COUNCILMAN KENNEY: Could one of the
20 witnesses please relinquish their chair for this
21 gentleman?

22 MR. BEMPONG: Thank you.

23 COUNCILMAN KENNEY: Good morning.

24 MR. BEMPONG: Good morning.

25 COUNCILMAN KENNEY: Please identify

1 COMM. ON LICENSES & INSPECTIONS - BILL 980164
2 yourself for the record.

3 MR. BEMPONG: My name is Frank Bempong,
4 spelled B-E-M-P-O-N-G.

5 COUNCILMAN KENNEY: Sir, I'm sorry. We
6 have an old microphone, you're going to have to
7 really put it closer to your mouth.

8 MR. BEMPONG: My name is Frank Bempong.

9 COUNCILMAN KENNEY: Thank you. Please
10 proceed with your testimony about this bill.

11 MR. BEMPONG: Uh. . .

12 COUNCILMAN KENNEY: This is a bill
13 which would prohibit sidewalk sales on Torresdale
14 Avenue from Harbison to Cheltenham.

15 MR. BEMPONG: The gentleman who spoke
16 before me just said there have been complaints?
17 What are some of these complaints?

18 COUNCILMAN KENNEY: The bill -- so you
19 understand --

20 MR. BEMPONG: He said they have
21 received complaints from the residents. What are
22 some of these complaints?

23 COUNCILMAN KENNEY: The ordinance was
24 introduced by the District Councilperson, and I
25 believe there is a staff person here, so what I'd

1 COMM. ON LICENSES & INSPECTIONS - BILL 980164
2 like you to do is have some discussion with
3 Councilwoman Krajewski's staff person off the
4 record so you can get an idea on what -- this is
5 Tara Egan.

6 MR. BEMPONG: Okay.

7 COUNCILMAN KENNEY: And if you would
8 like to come back and testimony, we won't close
9 the testimony out on this bill until you have
10 talked to her.

11 MR. BEMPONG: Okay.

12 COUNCILMAN KENNEY: Okay, thank you.

13 Is there anyone else to testify on this
14 bill?

15 (No response.)

16 COUNCILMAN KENNEY: We will hold
17 concluding testimony for Mr. Bempong.

18 And we will move to Resolution No.
19 980153, which authorizes the City Council
20 Committee on Licenses and Inspections to conduct
21 hearings on encroachment of wholesale
22 merchandising in C2 areas which border residential
23 communities.

24 I just read it into the record. We
25 will vote on this in our public meeting unless you

1 COMM. ON LICENSES & INSPECTIONS - RES. 980153
2 have anything you would like to testify on to
3 regarding this, we'll move on. Rudy rue I just
4 wanted to inform the Councilmembers that since
5 1976, over 400 ordinances have been passed by City
6 Council regarding sidewalk sales. We are in the
7 process of compiling all of those ordinances into
8 one document by Council District and Police
9 District. So we'll make that available to all
10 Councilmembers.

11 And in addition, when people come in to
12 secure new sidewalk sales licenses, they will get
13 a copy of that so they'll know where not to vend
14 in the City of Philadelphia.

15 COUNCILMAN KENNEY: Thank you. This
16 resolution was introduced by Councilmember Tasco,
17 and the Chair recognizes her for any comments
18 she'd like to make for the record regarding the
19 passage of this resolution.

20 The Chair recognizes Councilwoman
21 Tasco.

22 COUNCILWOMAN TASCO: Good morning.

23 COUNCILMAN KENNEY: Good morning.

24 COUNCILWOMAN TASCO: This resolution,
25 which I've introduced to Council, was passed by

1 COMM. ON LICENSES & INSPECTIONS - RES. 980153
2 Council and addresses a problem in a C2 commercial
3 corridor in my district, but I'm sure that the
4 problem has begun to occur in other sections of
5 this city.

6 A C2 commercial corridor is part of the
7 fabric of the residential communities to services
8 to support the needs of the community for goods
9 and services and to foster a spirit of
10 neighborhood identity.

11 When we discussed the community
12 development block grants just last week, one of
13 the constraints over the years has been the
14 objective of encouraging and fostering the growth
15 and stability of neighborhood commercial areas and
16 the diversity of varied businesses to provide
17 choices for the residents who patronize the
18 shopping area.

19 However, the growth of the wholesale
20 business has begun to limit the choices of the
21 community and has diminished the sense of
22 interconnectedness of the residents. This is very
23 detrimental to the residential patterns in my
24 district of Olney, where this is now taking place,
25 and which has been going on for several years.

1 COMM. ON LICENSES & INSPECTIONS - RES. 980153

2 This metamorphosis must stop, or that
3 section of the City will be severely and
4 negatively impacted by the traffic, the lack of
5 parking, and the nuisance disturbance.

6 At one time, it appeared that as if
7 existing owners were simply expanding. However,
8 it now appears that there are recurring efforts to
9 locate persons more interested in wholesale
10 activities and retail activities. Now, there is a
11 difference between a grocery store that sells at
12 wholesale prices bulk items in the communities and
13 a wholesale operation that is dedicated to hats or
14 radios. We want to recreate a record to help
15 other agencies recognize our problems here.

16 The Philadelphia Code prohibits a
17 wholesale business in a C2 area which is a
18 neighborhood commercial corridor. There are
19 specific areas that are reserved for wholesale
20 activities.

21 I want sufficient enforcement by the
22 Zoning Board and by the Department of Licenses and
23 inspections to help us combat this problem.
24 Wholesale activities do not outnumber the retail
25 shops but they have the capacity to change the

1 COMM. ON LICENSES & INSPECTIONS - RES. 980153
2 environment and to discourage smaller,
3 personalized service. I also want to have
4 cooperation from the Department of Commerce and
5 PCDC to assure that they will not recruit
6 wholesale merchants to these C2 districts.

7 All of that bottom line says that for
8 the last few years, we have brought before the
9 Zoning Board our requests for variances for
10 businesses on Fifth Street, for the businesses to
11 go from retail to wholesale. And what is
12 happening is, we're losing the spirit of the
13 retail business on Fifth Street. We now have to
14 contends with large tractor-trailors that are
15 delivering wholesale items, double-parking of
16 tractor-trailers. The provisions are not there to
17 provide delivery services for these businesses.
18 And we have not gotten the cooperation that we
19 have sought, so I thought we would have the
20 hearings today. We have spoken to the
21 Administration about the importance of their not
22 supporting these variances before the Zoning
23 Board, but we wanted to bring it to the attention
24 of my colleagues in Council as well as give the
25 opportunity to my constituents in the Olney area

1 COMM. ON LICENSES & INSPECTIONS - RES. 980153
2 to come down and testify and talk about the impact
3 of the growing number of wholesale businesses on
4 Fifth Street and what it's doing to the Olney
5 area.

6 It's a viable, vibrant area that has a
7 history of retail sales and a great cooperation
8 with the surrounding neighborhood, and we want it
9 to remain that way.

10 So Mr. Chair, we are grateful to have
11 these hearings today and have a list of people who
12 are today to testify.

13 COUNCILMAN KENNEY: Prior to our going
14 into the list of witnesses, what I'd like to do is
15 to recess the public hearing, convene our public
16 meeting, vote out the bills that we've already
17 testified to, then reconvene the public hearing
18 for testimony on this resolution.

19 - - -
20 (Public meeting begins.)

21 - - -
22 COUNCILMAN KENNEY: So we are recessing
23 the public hearing convening our meeting.

24 The Chair recognizes Councilmember
25 Nutter for a motion on Bill 960517.

1 COMM. ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 All the bills we are considering will
3 have a rules suspension.

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

6 I move that Bill No. 960517 be reported
7 out of committee with a favorable recommendation,
8 and a further recommendation that the rules of
9 Council be suspended so as to permit first reading
10 at our next session.

11 (Duly seconded.)

12 COUNCILMAN KENNEY: Properly moved and
13 seconded. All in favor, aye.

14 There are none opposed.

15 Bill No. 960517 will be reported out of
16 this committee with a favorable recommendation,
17 and a request is made for rules suspension.

18 The Chair recognizes Councilmember
19 Nutter for a motion on Bill No. 970550.

20 COUNCILMAN NUTTER: Mr. Chairman, I
21 move that Bill No. 970550 be reported out of
22 committee with a favorable recommendation, and a
23 further recommendation that the rules of Council
24 be suspended so as to permit first reading at our
25 next Council session.

1 COMM. ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 (Duly seconded.)

3 COUNCILMAN KENNEY: Properly moved and
4 seconded. All in favor, say aye.

5 There are none opposed.

6 Bill No. 970550 will be reported out of
7 this committee with a favorable recommendation,
8 and a request will be made for rules suspension to
9 allow for first reading at our next Council
10 session.

11 The Chair recognizes Councilman Nutter
12 for a motion on Bill No. 970551.

13 COUNCILMAN NUTTER: Mr. Chairman, I
14 move that Bill No. 970551 be reported out of
15 committee with a favorable recommendation, and a
16 further recommendation that the rules of Council
17 be suspended so as to permit first reading at our
18 next Council session.

19 (Duly seconded.)

20 COUNCILMAN KENNEY: Properly moved and
21 seconded. All in favor, say aye.

22 There are none opposed.

23 Bill No. 970551 will be reported out of
24 this committee with a favorable recommendation,
25 and a request will be made for rules suspension to

1 COMM. ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 allow for first reading at our next Council

3 session.

4 The Chair recognizes Councilwoman

5 Krajewski for a motion on Bill No. 980163 with a

6 rules suspension.

7 COUNCILWOMAN KRAJEWSKI: Mr. Chairman,

8 I move that Bill No. 980163 be voted out of this

9 committee with a favorable recommendation, with a

10 suspension of rules.

11 (Duly seconded.).

12 COUNCILMAN KENNEY: Properly moved and

13 seconded. All in favor, say aye.

14 There are none opposed.

15 Bill No. 980163 will be reported out of

16 this committee with a favorable recommendation,

17 and a request will be made for rules suspension to

18 allow for first reading at our next Council

19 session.

20 The Chair recognizes Councilwoman

21 Krajewski for a motion on Bill No. 980164.

22 (Interruption.)

23 COUNCILMAN KENNEY: Prior to the

24 motion, I would like the record to reflect that

25 conversations with Mr. Bempong have taken place in

1 COMM. ON LICENSES & INSPECTIONS - PUBLIC MEETING
2 the chamber with Council staff, and his opposition
3 is noted for the record.

4 But the Chair recognizes Councilwoman
5 Krajewski for a motion on Bill No. 980164.

6 COUNCILWOMAN KRAJEWSKI: Mr. Chairman,
7 I move that Bill No. 980164 be voted out of this
8 committee with a favorable recommendation and a
9 suspension of rules.

10 (Duly seconded.)

11 COUNCILMAN KENNEY: Properly moved and
12 seconded. All in favor, say aye.

13 There are none opposed.

14 Bill No. 980164 will be reported out of
15 this committee with a favorable recommendation,
16 and a request will be made for rules suspension to
17 allow for first reading at our next Council
18 session.

19 The Chair recognizes Councilmember
20 Tasco for a motion on Bill No. 970675 with a rules
21 suspension.

22 COUNCILWOMAN TASCO: Mr. Chairman, I
23 move that Bill No. 970675 be reported out of
24 committee with a favorable recommendation, and a
25 request of suspension of the rules so that this

1 COMM. ON LICENSES & INSPECTIONS - PUBLIC MEETING
2 bill can be heard at the next session of Council.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: Properly moved and
5 seconded. All in favor, say aye.

6 There are none opposed.

7 Bill No. 970675 will be reported out of
8 this committee with a favorable recommendation,
9 and a request will be made for rules suspension to
10 allow for first reading at our next Council
11 session.

12 The Chair recognizes Councilman Rizzo
13 for a motion to approve the amendment to Bill No.
14 970676.

15 COUNCILMAN RIZZO: Mr. Chairman, I move
16 that this bill. . .

17 COUNCILMAN KENNEY: Be amended.

18 COUNCILMAN RIZZO: Be reported out of
19 this committee --

20 COUNCILMAN KENNEY: No, I need to have
21 the amendment approved first.

22 COUNCILMAN RIZZO: That the amendment
23 be approved and voted out of committee with a
24 favorable recommendation.

25 COUNCILMAN KENNEY: The motion was to

1 COMM. ON LICENSES & INSPECTIONS - PUBLIC MEETING

2 approve the amendment to Bill No. 970676. Is

3 there a second?

4 (Duly seconded.)

5 COUNCILMAN KENNEY: Moved and

6 seconded. All in favor, say aye.

7 There are none opposed.

8 The amendment to Bill No. 970676 has

9 been approved.

10 The Chair recognizes Councilman Nutter

11 for a motion on the amended Bill 970676.

12 COUNCILMAN NUTTER: Mr. Chairman, I

13 move that Bill 970676, as amended, be reported out

14 of committee with a favorable recommendation, and

15 a further recommendation that the rules of Council

16 be suspended so as to permit first reading at our

17 next session.

18 (Duly seconded.)

19 COUNCILMAN KENNEY: Moved and seconded.

20 All in favor, say aye.

21 There are none opposed.

22 Bill No. 970676, as amended, will be

23 reported out of this committee with a favorable

24 recommendation, and a request will be made for

25 rules suspension so as to allow for first reading

1 COMM. ON LICENSES & INSPECTIONS - PUBLIC MEETING
2 at our next Council session.

3 The Chair recognizes Councilwoman
4 Krajewski for a motion on Bill No. 970695.

5 COUNCILWOMAN KRAJEWSKI: Mr. Chairman.
6 I move that 970695 be voted out of this committee
7 with a favorable recommendation with a suspension
8 of rules.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and seconded.

11 All in favor, say aye.

12 There are none opposed.

13 Bill No. 970695 will be reported out of
14 this committee with a favorable recommendation,
15 and a request will be made for rules suspension so
16 as to allow for first reading at our next Council
17 session.

18 Bill No. 970693 had previously been
19 considered by this committee, passed out of
20 committee and approved by Council, and will not be
21 heard again, obviously.

22 We will now recess -- hold on.

23 (Public hearing reconvenes.)

24 COUNCILMAN KENNEY: We will now -- we
25 will now -- excuse me. We will now recess the

1 COMM. ON LICENSES & INSPECTIONS - PUBLIC MEETING
2 public meeting of the Licenses and Inspections
3 Committee and reconvene the public hearing of the
4 Licenses and Inspections Committee.

5 And the Chair recognizes Councilwoman
6 Tasco.

7 COUNCILWOMAN TASCO: Mr. Chairman, we
8 have requested that the City send representatives
9 to testify on this resolution. I'm not sure that
10 they have sent anyone.

11 So we want the record to reflect that
12 we did ask the Administration to testify on this
13 resolution because it's very important. And if
14 we're going to be able to maintain Fifth Street as
15 a retail corridor, we're going to need the support
16 of the Administration.

17 At the end of this hearing, what we
18 will do is send a report to the Mayor and to the
19 Commerce Department and to the Zoning Board on the
20 actions and the issues raised here as well as the
21 concerns raised by the neighbors.

22 Thank you.

23 COUNCILMAN KENNEY: Thank you very
24 much.

25 I guess in the tradition of the late

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 William Barrett, ward leaders first. The Chair
3 recognizes Mr. Bob McGowan.

4 MR. MCGOWAN: Good morning.

5 COUNCILMAN KENNEY: Please identify
6 yourself for the record.

7 MR. MCGOWAN: Good morning. My name is
8 Robert McGowan. I'm the Democratic Ward Leader of
9 the 61st Ward in the Olney section of
10 Philadelphia.

11 I'm here today in regard to Bill No.
12 980153 regarding wholesale businesses in a retail
13 strip.

14 The Fifth Street corridor from --
15 circumferences three wards -- the 49th, 42nd, and
16 the 61st. It runs from Roosevelt Boulevard north
17 to Cheltenham Avenue.

18 A commercial strip retail strip
19 provides the neighborhoods with goods and services
20 that the residents need. A strip -- retail strip
21 owners keep their businesses clean both inside and
22 out because they know that if they want the
23 community business, they have to provide the
24 services, and no one wants to buy or go into a
25 store that is dirty inside or outside.

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153

2 A good retail community provides full-
3 and part-time jobs for neighborhood youth and the
4 older members of the neighborhood, maintains an
5 attractive family atmosphere. And also very
6 important, it attracts new homeowners to come into
7 that area.

8 A lot of homeowners do not have the
9 luxury buying a car and a home, so they have to
10 depend on public transportation. And a good
11 retail strip provides the services that they need
12 for clothing and food and whatever other items
13 they need.

14 In the 61st Ward, the retail stores
15 have played an important economic base for the
16 Olney area. I have been a resident of Olney since
17 1972, over 25 years. And Fifth Street has been a
18 -- even though with the shopping mall that's moved
19 five blocks away at Front and Olney, it is still
20 thriving.

21 And what is happening is that these
22 wholesalers are coming in with disregard for the
23 neighborhoods. They do not want the residents in
24 the neighborhood into their stores to browse and
25 purchase one or two items where they're selling

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 radios and jackets and sweatshirts and T-shirts,
3 25, 50, 100 at the time.

4 And they really don't care what their
5 businesses look like because they're not dealing
6 with the average person. The ones they deal with
7 make the orders or call the orders in and have
8 them shipped out.

9 And it creates a problems on Fifth
10 Street with the traffic, and that is a major bus
11 route, a major thoroughfare from Cheltenham Avenue
12 to Roosevelt Boulevard. And it's real congested.
13 And I know the 35th District has been getting
14 numerous calls from various neighbors, committee
15 people, ward leaders about the traffic on Fifth
16 Street, the double-parking.

17 There has been problems with fire and
18 emergency vehicles going down Fifth Street 'cause
19 there's parking on both sides, and it's one lane
20 both north and south.

21 So it's very hard for a community. And
22 at the time, you know, the economics of the United
23 States and the City is on the upward climb, but I
24 would like to see that strip become strictly
25 retail and try to get the community back in and

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 keep the people in Philadelphia, which makes your
3 job easier and will make my job easier because I
4 won't be getting phone calls from my committee
5 people that these stores going in.

6 So I thank you for the opportunity to
7 speak here today and hope everyone has a nice
8 day. Thank you.

9 COUNCILWOMAN TASCO: Thank you.

10 COUNCILMAN KENNEY: Thank you. Are
11 there any questions for Mr. McGowan?

12 COUNCILWOMAN TASCO: No, but I'd like
13 to thank him for his leadership over in the 61st
14 Ward since he's always been very active in the
15 community in his role as ward leader and as an
16 executive assistant to our state senator.

17 We work very closely together to
18 monitor what's happening in the Olney area. And I
19 appreciate his leadership and caring about what's
20 going on out there. Thank you very much.

21 MR. CAMPBELL: Thank you, Miss
22 Councilwoman.

23 COUNCILMAN KENNEY: Thanks for your
24 time.

25 The Chair recognizes Miss Linda

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153

2 Sistrunk, Jack Connaire. Please come forward.

3 And Lorraine Little also.

4 Good morning, everyone. Thank you for
5 waiting and thank you for your patience.

6 Please identify yourselves for the
7 record and proceed with your testimony.

8 MS. SISTRUNK: My name is Linda
9 Sistrunk. I'm the Olney Neighborhood Director for
10 Fifth and Fisher. I'm a committee person for the
11 42nd Ward, 21st Division.

12 My concern is about wholesale stores
13 that's moving in our area. It's complicated
14 because we don't have any clothing stores, no food
15 stores, and the wholesale stores won't sell to the
16 residents in the area. And it's a problem 'cause
17 we have to go all the way over to Fifth and Olney
18 -- Front and Olney, I'm sorry, to shop for
19 clothing and groceries.

20 So I'm speaking for all of the
21 neighbors as well as myself being personally
22 involved with it.

23 COUNCILMAN KENNEY: You know, I find it
24 very strange because in South Philadelphia,
25 there's one -- there was a number of them, but

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 there's one major wholesale outlet, food outlet,
3 down by the food center called Jetro, and they we
4 can nonbusiness people who become members of their
5 -- of their -- not of their club, but of their
6 business, and can come in and shop for their daily
7 groceries.

8 So I'm surprised that a company like
9 that wouldn't want the additional business, but I
10 guess they have a different mission.

11 MS. SISTRUNK: They do.

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

14 MS. LITTLE: My name is Lorraine
15 Little, and I'm a resident of West Chew Avenue.
16 I'm the block captain for the 500 block. I'm also
17 the chairperson for the community group Olney
18 Neighbors for Change.

19 I moved into the area about four years
20 ago. And since then, the residents and the
21 community, as a whole, have been doing work with
22 Fifth Street and Mrs. Coon (ph.), who is the
23 President of the Business Association.

24 As a retail area, some of things that
25 Bob already mentioned in terms of the congestion

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153

2 of traffic, double-parking, that is a reality.

3 And there's traffic spilling over into the

4 intersecting neighborhood, one being my block.

5 And often you can't even get a parking space to

6 your home.

7 So to project that into a wholesale

8 situation, that just kind of creates more of a

9 nightmare, which we all envision and we all have

10 some concern about.

11 Our other concern is the overall image

12 of Fifth Street. And we residents have been

13 working to kind of clean that up. It is a core of

14 our community. Whenever anyone comes to your

15 home, you direct them by Fifth Street. So we've

16 been working pretty hard to beautify the area.

17 And in addition to cleaning up environmentally --

18 trash and so forth.

19 Sanitation with this coming of

20 wholesale is another concern of the residents in

21 terms of business trash, how that is going to be

22 handled. There are very few ways to make

23 deliveries at door or to have your trash picked up

24 in the back of those stores. Everything is done

25 in the front main street of the store. So we have

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 concerns about that.

3 And, of course, inaccessibility for the
4 residents to shop. In that area, we have many
5 elderly folks who now can just walk down to Fifth
6 Street from their home, feel relatively safe, buy
7 their products, and return to their home.
8 Wholesale would block all of that out.

9 To speak really from my heart, when I
10 purchased my property, I wanted to live in a
11 neighborhood residential atmosphere. With
12 wholesale, the idea of it to me is like an
13 industrial corridor.

14 My other fear is that this is a move
15 towards much of Fifth Street becoming a wholesale
16 district. And that to me is living in industry,
17 big trucks, lots of traffic, lots of debris, and
18 that certainly takes away the neighborhood
19 residential atmosphere.

20 Thank you.

21 COUNCILMAN KENNEY: Thank you very much
22 for your testimony. It was very effective in
23 giving a picture of that community.

24 Mr. Connaire.

25 MR. CONNAIRE: My name is Jack

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 Connaire, President of the Greater Olney Community
3 Council. Lorraine pretty much mentioned what I
4 had to say.

5 The only thing Lorraine didn't mention
6 is the fact that she has personally cleaned up
7 Fifth Street herself and done painting on the
8 building and organized the people there, and she's
9 done great job has a lot to say. She has a lot to
10 say, but she backs it up with everything. She's
11 done a great job and she should be commended for
12 it.

13 The one thing that has been going on
14 for quite while in Olney doesn't so much have to
15 do with L&I but the pickup of trash, why there so
16 much trash around there. Their trash day is
17 Monday morning. Most of the stores don't open up
18 till 10 o'clock. Their trash is put out on
19 Saturday night, and it's a nightmare on weekends
20 up there with dogs tearing the trash apart, the
21 wind blowing the stuff.

22 And I wish something could be done
23 about the trash situation there. It only makes
24 area much, much worse-looking. If that trash
25 could be picked up somehow on a different day or

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 if they could get their trash out -- I don't know
3 how they can do it but that's been something we've
4 been fooling around with for 20 years, and I wish
5 that could be finalized too. It would make a big,
6 big difference in the area.

7 Thank you very much.

8 COUNCILMAN KENNEY: Thank you very much
9 for your testimony.

10 Councilmember Tasco?

11 COUNCILWOMAN TASCO: We have been
12 working and wrestling with this whole issue of
13 wholesale, I guess, for the last ten years. And
14 Jack has been, certainly, as President of the
15 Greater Olney Community Council, has been there to
16 support us.

17 And Lorraine and Linda and the new
18 residents to the area have moved in and taken on
19 leadership roles in their community and worked
20 very hard, and they care about Olney area.

21 And all we want is for the
22 Administration to understand your concerns, and we
23 have written letters to the Administration about
24 this issue, and we weren't getting any
25 cooperation. That's why had these hearings.

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153

2 And we appreciate your coming down.

3 Taking time to testify. We thank you for your
4 leadership in the community. Thank you.

5 COUNCILMAN KENNEY: Thank you.

6 Is there anyone else in the room who
7 would like to testify on this resolution? I'm
8 sorry, ma'am.

9 (Mary Hoffman comes forward.)

10 COUNCILMAN KENNEY: Please identify
11 yourself for the record.

12 MS. HOFFMAN: My name is Mary Hoffman.
13 I'm an Olney resident. I'm the Treasurer for
14 Olney Neighbors for Change, a community action
15 group.

16 My mother bought the house that I live
17 in, in 1968. I've lived there 21 of those 30
18 years, and I've seen the Fifth Street strip change
19 a lot over the years. What's happening there now
20 is not pretty.

21 I was in a friend's neighborhood. She
22 lives near 5900 Torresdale, and I saw what
23 happened to Torresdale Avenue. They went
24 wholesale. The wholesale businesses, they took
25 over existing retail buildings, and they just

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 boarded them up. This is the facade that they
3 present to the public.

4 The existing retail businesses that
5 remained, when the people move out or die or
6 retire, whatever, no one new comes in, those
7 places are boarded up, and it looks like a
8 no-man's land. I don't want to see that happen to
9 Fifth Street.

10 I don't have a car and there are a lot
11 of people in Olney who do not have cars, not just
12 older people. And it's very convenient to be able
13 to go down there and buy at least the basic
14 things. Some of these retail operations have
15 homemade -- they're nice-looking, but they're
16 homemade signs in the window saying "No Retail
17 Business." Stay out, basically. We are not
18 welcome into those places.

19 And there's just -- I don't think that
20 the neighborhood was zoned for wholesale; they
21 just sort of came in and started doing it.

22 Lorraine has been extremely active,
23 Lorraine Little, and she got me fired up and
24 concerned about it too. You know, I like the
25 neighborhood, and I want to stay there. I don't

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 want to see this happen.

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

5 Are there any questions?

6 COUNCILWOMAN TASC0: Thank you so much
7 for coming. We appreciate it.

8 What do you see in terms of the traffic
9 with the tractor-trailers along Fifth Street when
10 they are delivering?

11 MS. HOFFMAN: What do I see. . . um,
12 Fifth Street has become a parking lot,
13 essentially. Anyone who needs to get through that
14 section drives around it, which means that very
15 small residential streets have through-traffic --
16 I mean, on tiny one-way streets.

17 The tractor-trailers -- the street is
18 not constructed for them. I've done construction
19 work so I know a little bit about it. And the
20 street cracks, it sinks, there are holes in it, it
21 breaks. The weight of these vehicles is too
22 much. They come down Sixth Street, they go over
23 Grange, they go over Chew. They're all over
24 streets that are really not meant to take
25 tractor-trailer traffic.

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153

2 COUNCILWOMAN TASC0: You know, the area
3 is zoned C2, it's zoned for commercial retail --
4 not wholesale.

5 MS. HOFFMAN: Right.

6 COUNCILWOMAN TASC0: What happens when
7 an owner wants to make the facility wholesale,
8 they file for a variance before the Zoning Board.

9 What has happened -- and we have
10 opposed all of the requests for variance, but we
11 don't get the support from the Administration that
12 we need to maintain the commercial character of
13 the community. And that is why we are having
14 these hearings because we want the Administration
15 to know.

16 I've sent them letters, I've spoken to
17 the Administration personally about my concern for
18 what's happening before the Zoning Board, that
19 we're not getting the support to maintain that
20 area as a retail area.

21 So I appreciate your coming down and I
22 appreciate your working with Lorraine and her
23 group.

24 COUNCILMAN KENNEY: Mr. Connaire, you
25 want to come back?

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153

2 MR. CONNAIRE: Jack Connaire, from the
3 Greater Olney Community Council.

4 The one thing I wanted to add is that
5 Fifth Street is the only through-street in Olney
6 that goes from the Boulevard to Cheltenham
7 Avenue. On the east, the next street that does
8 that is Rising Sun Avenue. But Olney Avenue, that
9 would be basically C Street, and it goes on the
10 west all the way over to Broad Street.

11 So Fifth Street is the only
12 through-street, and it can be a nightmare when
13 people want to travel north and south there.

14 COUNCILMAN KENNEY: Thank you for that
15 addition.

16 Mr. Campbell, do you want to come up
17 here and solve this problem?

18 (Laughter.)

19 (Mr. Campbell comes forward.)

20 COUNCILMAN KENNEY: Please identify
21 yourself.

22 MR. CAMPBELL: John Campbell,
23 Legislative Regulatory Affairs Manager.

24 I really have no testimony on this bill
25 -- excuse me, on this resolution. The

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 Department's activity in this is really very
3 limited in that commercial -- a C2 commercial
4 district prohibits any kind of wholesale business,
5 business to the trade only.

6 And it's an automatic refusal from the
7 Department. The next stage is, you know, in order
8 to do any kind of wholesale activity, you have to
9 get a variance from the Zoning Board of
10 Adjustment.

11 COUNCILMAN KENNEY: Would you at least
12 commit to doing some of your legislative mental
13 gymnastics to determine whether or not there's
14 some additional legislation that could -- not
15 getting an answer today, but getting some
16 additional legislation that could help in
17 protecting this residential community from the
18 inundation of this onslaught of wholesale
19 business?

20 MR. CAMPBELL: We will look into it,
21 and I'll review the whole situation, get the notes
22 of testimony from the hearing.

23 Also, if there's any illegal activity
24 -- I mean people going without benefit of licenses
25 and without benefit of zoning, of course, we would

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 enforce through our Business Regulatory
3 Enforcement. That would be for the businesses
4 that have no zoning for the activity they're doing
5 at the location.

6 COUNCILMAN KENNEY: Councilwoman Tasco,
7 do you -- Councilman Rizzo?

8 COUNCILMAN RIZZO: Thank you. My
9 question is, it seems as though there's a thin
10 line between a business that's wholesale-retail.
11 How do we detect or know, other than what I heard,
12 that a business would refuse a walk-in?

13 How do we monitor? I wouldn't think I
14 would know, walking down Fifth Street or Wadsworth
15 Avenue or Germantown Avenue. A store that's retail
16 or wholesale. It seems to me it's very easily
17 disguised.

18 How does L&I monitor a business,
19 whether it be retail or wholesale?

20 MR. CAMPBELL: Well, Councilman, in
21 order to conduct any activity, you need a zoning
22 permit first. You have to apply to get the zoning
23 permit.

24 If you go in -- and I think I see where
25 you're going. If you go in and get a zoning

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 permit, say, for retail --

3 COUNCILMAN RIZZO: Right.

4 MR. CAMPBELL: -- and then, in fact, do
5 a complete wholesale activity instead of retail,
6 we would pick that up on a complaint. And that's
7 -- I think I just said that, you know, we -- and
8 at that point, we would go out and send our
9 inspectors out to determine what activities is
10 taking place there. If it's wholesale trade only,
11 then we would cite them for violation of the
12 zoning code.

13 COUNCILMAN RIZZO: It's only driven by
14 complaint? You know, I hear what you're saying,
15 but it sounds to me as though it looks good on
16 paper, but I would bet that it's so easily
17 disguised, retail businesses that do wholesale
18 business that I don't think -- I don't think I
19 could detect the difference.

20 What about a retail business that also
21 does wholesale? Is that legal or illegal?

22 COUNCILWOMAN TASCO: In a C2 area?

23 MR. CAMPBELL: Well, again, I don't
24 have the code with me, and this is like sort of
25 off the cuff, but there are definitions of what

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 retail is, what wholesale is. It's really set up,
3 you know, in the code itself.

4 And when we need a definition, we go --
5 the U.S. Department of Commerce classifies every
6 business.

7 COUNCILMAN RIZZO: I'll give you an
8 example. A paper company that sells dishes and
9 cups, and they have a retail business where people
10 walk in and buy a sleeve of Styrofoam cups, but
11 also a major restaurant chain could call them and
12 buy wholesale 50 cases.

13 MR. CAMPBELL: But I believe that is --
14 and, again, without the code in front of me,
15 without the definitions, I believe that is a
16 retail business because it is open to the public
17 and they are selling retail.

18 You know, and again, I beg your
19 indulgence because I'm a little vague on this as
20 far as the exact mechanics of each and every item
21 -- you know, is this retail, is this wholesale.

22 COUNCILMAN RIZZO: So even though you
23 can't be specific 'cause you don't have it in
24 front of you, the way to legitimize a wholesale
25 business to occasionally sell something retail,

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 and there's nothing you can do about it.

3 MR. CAMPBELL: No, sir. And, again, as
4 I said, I'm really far out of my area of expertise
5 on this.

6 COUNCILMAN RIZZO: I guess I don't have
7 an answer to my question, but. . .

8 MR. CAMPBELL: I will get that answer
9 to you, Councilman.

10 COUNCILWOMAN TASC0: What we find is
11 that when the neighbors go into the store to buy
12 something, they are told that they can't buy
13 retail, that it's only wholesale.

14 Now, some neighbors will call us and
15 complain, and that's how we find out that there's
16 a problem. Others won't, so we don't know. So
17 businesses could operate illegally for sometime
18 and we not know that they're really a wholesale
19 business; we think they are retail.

20 MR. CAMPBELL: Councilwoman, again --

21 COUNCILWOMAN TASC0: You don't have to
22 answer that. That's just a statement.

23 MR. CAMPBELL: Yeah, I understand where
24 you're coming from. And as I said to Councilman
25 Kenney, you know, we will get the notes of the

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 hearing and just review and then get back.

3 COUNCILWOMAN TASC0: I believe that --
4 I understand that there are Realtors advertising
5 that there are properties on Fifth Street that
6 could be used for wholesale merchandising. Are
7 you familiar with that?

8 MR. CAMPBELL: No, I am not,
9 Councilwoman.

10 COUNCILWOMAN TASC0: If you did know
11 about it, what would L&I do about it?

12 MR. CAMPBELL: I'm sorry?

13 COUNCILWOMAN TASC0: If you were aware
14 of that, if you saw an advertisement about
15 wholesale opportunities on Fifth Street, what
16 would your Department do about it? Do you have
17 any action you can take against the Realtor?

18 MR. CAMPBELL: Mm, not really,
19 Councilwoman. And, again, really, I really don't
20 know. I mean I. . .

21 COUNCILWOMAN TASC0: If you read the
22 Sunday adds and you an ad that says that you can
23 buy a business on Fifth Street for wholesale, and
24 you know wholesale is illegal on Fifth Street,
25 what action could L&I take?

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153

2 I mean, it doesn't have to be legal
3 action, but what moral action could you take
4 relative to the Realtor?

5 COUNCILMAN KENNEY: Well, it's my
6 understanding also that the State Realty Board
7 Department of State, through perhaps Senator
8 Kitchen's office, may be able to institute an
9 investigation into the Realtors who are misleading
10 their potential customers into thinking they're
11 buying a property that is zoned appropriately and
12 it's not.

13 We've had the same or a similar problem
14 in my neighborhood, for example, with Realtors who
15 put signs that say that the place is a triplex.
16 When I check the property, it's zoned
17 single-family. We make them take the sign down.

18 But those kinds of inappropriate
19 behaviors on the part of the real estate
20 individuals are something that the State Senator
21 could insist that the State Bureau of Real Estate
22 investigate.

23 COUNCILWOMAN TASC0: We have the same
24 problem with Realtors selling houses and telling
25 the buyers that they could do commercial in the

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153
2 home. And we had to intervene with that, in the
3 Olney area, to stop that.

4 MR. CAMPBELL: Councilwoman, I guess --
5 how time flies when having fun. But I guess it's
6 about fifteen or so years since I've taken any
7 real estate courses but my, at this point, very
8 vague recollection is that there is a code of
9 ethics and there are required things that Realtors
10 have to do, or they can lose their tag, lose their
11 license to do business.

12 And again, I think, as Mr. Kenny has
13 pointed out, that these are really issues that
14 should be maybe reviewed by the State Licensure
15 Board.

16 COUNCILWOMAN TASCO: Thank you.

17 COUNCILMAN KENNEY: Councilmember
18 Rizzo.

19 COUNCILMAN RIZZO: I'd just like to add
20 to that. If The Inquirer and The Daily News are
21 aware of that practice occurring, they have an
22 internal monitoring system that they will not
23 accept ads that they know could be deceptive so
24 that could also be a possibility that The Inquirer
25 and Daily News would be a party to make sure that

1 COMM. ON LICENSES & INSPECTIONS - RES. NO. 980153

2 the advertisements are accurate.

3 COUNCILMAN KENNEY: Thank you very
4 much.

5 Are there any other individuals that
6 would like to testify on this resolution?

7 (No response.)

8 COUNCILMAN KENNEY: Seeing none, that
9 will conclude the business of the Licenses and
10 Inspection Committee. We thank you for your
11 attendance.

12 COUNCILWOMAN TASCO: Thank you.

13 (Adjourned at 11:20 a.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Tuesday, May 12, 1998, were
reported and accurately by me, and that this is a
correct transcript of same.

RE: COUNCIL COMMITTEE ON LICENSES AND INSPECTIONS
BILL NO.'S 970517 970550, 970551, 970675,
970676, 970695, 9708163, 9708164, and
Resolution 980153.

JOSEPHINE CARDILLO, RPR