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COUNCIL OF THE CITY OF PHILADELPHIA

3

JOINT COMMITTEES ON PUBLIC SAFETY

4

AND PUBLIC HEALTH AND HUMAN SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 6, 2005
10:35 a.m.

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PRESENT:

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COUNCILWOMAN DONNA REED MILLER, CHAIRWOMAN

12

COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN JAMES F. KENNEY

15

COUNCILMAN FRANK RIZZO

16

COUNCILMAN JUAN RAMOS

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BILL 050865 - An ordinance amending Title 9 of
The Philadelphia Code, entitled "Regulation of
Businesses, Trades and Professions," by adding
a section prohibiting advertising of alcohol
products within a certain distance of
locations frequented by children...

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V A R A L L O Incorporated

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Litigation Support Services

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Eleven Penn Center

1835 Market Street, Suite 600

Philadelphia, Pennsylvania 19103

215.561.2220 215.567.2670

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COUNCILWOMAN MILLER: Good

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morning. This public hearing is now in

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session. This is the Joint Committees on

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Public Safety and Public Health and Human

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Services.

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I want to announce our quorum.

8

To my left, we have Councilman Rizzo,

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Councilman Goode, Councilman Clarke. To

10

my far right, Councilman Kenney and

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Councilman Ramos.

12

Will the Clerk please read the

13

title of the bill.

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THE CLERK: Bill No. 050865, an

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ordinance amending Title 9 of The

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Philadelphia Code, entitled "Regulation

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of Businesses, Trades and Professions,"

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by adding a section prohibiting

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advertising of alcohol products within a

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certain distance of locations frequented

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by children, including schools,

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playgrounds, recreation centers,

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childcare centers and libraries; by

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making findings; and by making technical

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changes; all under certain terms and

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2 conditions.

3 COUNCILWOMAN MILLER: Thank
4 you.

5 Before proceeding, Councilman
6 Clarke has been appointed to the
7 Committees by Council President Verna,
8 and he has an opening statement.

9 Councilman.

10 COUNCILMAN CLARKE: Thank you,
11 Madam Chair.

12 Good morning. Madam Chair,
13 first I would like to thank and commend
14 this particular City Council of
15 Philadelphia for all the work they have
16 done on all of the quality of life
17 issues, from stop-and-go's to
18 advertisement, from violence, all of the
19 things that create a better atmosphere in
20 our neighborhoods that are more conducive
21 to growing up to be model citizens as it
22 relates to our young people.

23 In this particular bill, one of
24 the intents is to continue the quality of
25 life initiatives that this Council has

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2 worked on during the course of the last
3 couple of years. We feel very concerned
4 about the subliminal messages that some
5 of this advertisement causes and
6 sometimes not necessarily so subliminal,
7 particularly to our young people having
8 to go to school, having to go to our
9 recreation centers, looking at walls
10 plastered with half-naked women with an
11 alcohol advertisement, somehow implying
12 that if an individual drinks alcohol,
13 they'll look like this. We think it is a
14 very negative, very negative environment
15 within our community.

16 I don't want to be
17 presumptuous, but I would like to thank
18 this Committee for the support of this
19 particular bill early on in the process.
20 Not that we are not a fair and a
21 reasonable Council. We will listen to
22 all sides.

23 And I want to thank all of the
24 individual advocates for coming down. I
25 was a little concerned about the weather.

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2 Thankfully, the weather broadcasters were
3 a little off, so it allowed us and
4 afforded us an opportunity to come down
5 here this morning. So I want to thank
6 all of you for coming down.

7 Thank you, Madam Chair.

8 COUNCILWOMAN MILLER: Thank
9 you, Councilman Clarke.

10 We're now going to proceed with
11 our first panel of witnesses. If you're
12 present in the room, please move up to
13 the witness table, state your name and
14 your affiliation for the record.

15 Joanne Godley, Acting Health
16 Commissioner; Dr. Arthur Evans, Office of
17 Mental Health and Behavioral Health; and
18 John McGee, Deputy Commissioner, DHS.

19 Again, will you please state
20 your name and your department for the
21 record and proceed with your testimony.
22 And it doesn't matter who goes first.

23 COUNCILMAN CLARKE: Ladies
24 first.

25 COUNCILWOMAN MILLER: Ladies

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2 first.

3 COMMISSIONER GODLEY:

4 Dr. Joanne Godley, Acting Health
5 Commissioner.

6 Good morning, Councilman
7 Clarke, Chairperson Reed Miller and
8 members of the Committees on Public
9 Health and Human Services and Public
10 Safety. I am Dr. Joanne Godley, Acting
11 Health Commissioner.

12 Thank you for the opportunity
13 to speak about the proposed ordinance
14 amending Title 9 of The Philadelphia Code
15 by adding a section prohibiting
16 advertising of alcohol products within a
17 certain distance of locations frequented
18 by children, including schools,
19 playgrounds, recreation centers,
20 childcare centers and libraries.
21 Collaborating with me on preparing this
22 testimony has been Dr. Arthur Evans,
23 Director of the Department of Behavioral
24 Health.

25 It is well documented that

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2 children exposed to alcohol advertising
3 are more likely to be adult abusers of
4 alcohol, and the Departments of Public
5 Health and Behavioral Health support
6 fully any attempt to reduce exposure of
7 children to alcohol advertising.

8 All of us are exposed to
9 alcohol advertising on a daily basis,
10 just as we are to tobacco and junk food
11 advertising and, for that matter, to
12 graphic displays of violence and a myriad
13 of harmful and unhealthful activities.
14 Exposure is from every direction, through
15 television programming and news
16 broadcasts, the film and music
17 industries, electronic games and the
18 print media. It would be safe to say
19 that billions of dollars are spent
20 annually on exhibiting these vices and
21 insidiously weaving them into our lives
22 by making them appear to be more of the
23 norm than the very abnormal activities
24 that they are.

25 Often it seems we have little

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2 control over what we see through the
3 media. Although as public health
4 agencies and advocates for quality of
5 life issues, we would like to believe
6 that we do have some control. Control,
7 however, does not come without cost.

8 Children are much more
9 vulnerable to advertising, as they have
10 not yet developed the ability to
11 differentiate views of real life from
12 those scenes that are staged for
13 advertising. The American Academy of
14 Pediatrics recommends banning, among
15 other forms of advertising, alcohol
16 advertising in all media. We know that
17 this is not likely to happen any time
18 soon, and some researchers believe that
19 counter-marketing ads are actually more
20 effective in dissuading young people from
21 drinking by educating them about the
22 negative effects of alcohol. Studies
23 have shown that alcohol consumption
24 decreases as the level of
25 counter-marketing increases. While this

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2 may be an effective strategy, it is a
3 costly one. The Department of Public
4 Health has been able to provide a limited
5 amount of tobacco counter-marketing, but
6 only through outside funding from the
7 tobacco settlement.

8 Alcohol advertising near
9 residential areas, schools and other
10 locations frequented by children can lead
11 to alcohol use in minors influenced by
12 those ads. Alcohol advertisements are
13 designed to make alcohol consumption
14 appear fashionable and desirable, and as
15 a result, impressionable children may see
16 alcohol consumption as a way to gain
17 status and acceptance.

18 But, in fact, what actually
19 occurs in minors who have been lured into
20 drinking by alcohol advertising is a
21 lowering of inhibitions, which can lead
22 to substance abuse and other regrettable
23 actions such as unprotected sex, assaults
24 and other criminal activity. The lowered
25 inhibitions and early abuse can also

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2 result in debilitating illnesses, fatal
3 accidents and a variety of
4 alcohol-related mental and physical
5 illnesses that further destroy lives,
6 families and communities.

7 According to the American
8 Medical Association, drinking is a factor
9 in half of all teen motor vehicle crashes
10 and is the leading cause of death among
11 teenagers. As cited in the legislative
12 findings of Bill 050865, there are
13 numerous national and local reports
14 documenting the degree of underage
15 drinking and the resultant impact,
16 especially with regard to motor vehicle
17 accidents. We also know that there is a
18 link between alcohol use and adolescent
19 suicide.

20 The longer adolescents delay
21 using alcohol and other drugs, allowing
22 their minds and bodies to more fully
23 mature, the less chance they have of
24 developing a substance use disorder later
25 in life. The National Institute on

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2 Alcohol Abuse and Alcoholism reports
3 studies that show more than 40 percent of
4 children who begin drinking before age 15
5 became alcohol dependent at some time in
6 their lives.

7 Decreasing the exposure of
8 children to alcohol advertising would
9 seem to be a classic example of, and I
10 quote, an ounce of prevention is worth a
11 pound of cure, end quote. We believe
12 that the proposed modification to The
13 Philadelphia Code on outdoor advertising
14 will serve as an effective tool to help
15 limit the effects of harmful advertising
16 on our children and adolescents and will
17 improve the quality of life for children
18 and adults in Philadelphia.

19 The Departments of Public
20 Health and Behavioral Health fully
21 support passage of this significant
22 legislation.

23 Thank you very much.

24 COUNCILWOMAN MILLER: Thank
25 you. We'll hold any questions until

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2 after everyone has testified on the
3 panel.

4 DHS.

5 DEPUTY COMMISSIONER MCGEE:

6 Good morning, Madam Chairperson,
7 Councilman Clarke and members of City
8 Council. I'm John McGee, Deputy
9 Commissioner of the Department of Human
10 Services, and I'm here on behalf of
11 Commissioner Cheryl Ransom-Garner and the
12 Department of Human Services.

13 I would like to thank you for
14 the opportunity to address the Council on
15 the pending alcohol advertising
16 legislation bill and give testimony
17 regarding this legislation on behalf of
18 the Department.

19 The mission of the Department
20 of Human Services is to protect children
21 from abuse, neglect and delinquency;
22 ensure their safety and permanency,
23 nurturing home environments and provide
24 effective community-based prevention
25 services. The children and families with

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2 whom we work present a wide spectrum of
3 problems. The issues to be resolved may
4 involve many factors, but one that
5 impacts a large number of families is
6 alcohol abuse and its devastating
7 effects, both psychological and
8 physiological on all family members.

9 Connecting abusive and
10 neglectful parents and caretakers to
11 alcohol rehabilitation programs, when
12 indicated, is part of the job for our
13 social workers. More recently, however,
14 the Department is seeing an increasing
15 number of youth who abuse alcohol in
16 addition to their other presenting
17 problems, such as delinquency, truancy
18 and incorrigibility.

19 We are currently working on the
20 development of a new residential
21 rehabilitation program for female teens
22 with a diagnosis of alcohol addiction.
23 This service investment clearly
24 demonstrates the need to address the
25 growing problem of teen alcoholism. The

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2 vulnerability of the children and youth
3 involved with our agency makes them even
4 more susceptible to the suggestion of
5 alcohol advertising that happiness and
6 success go hand in hand with the
7 consumption of alcohol.

8 The Department of Human
9 Services believes that we must focus on
10 our neighborhoods to build on strengths
11 and work together to solve their
12 problems. We, as a department, have
13 invested significant resources in the
14 community and have seen positive results.

15 We know we are all influenced
16 by our surroundings. We have an
17 obligation to our children and families
18 who use community parks, teen centers,
19 public facilities and playgrounds to
20 provide an environment that fosters
21 positive and healthy growth and
22 development. With the best interest of
23 the children of Philadelphia as our top
24 priority, we strongly support this
25 amendment prohibiting advertising of

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2 alcohol products within a certain
3 distance of locations frequented by
4 children as indicated in amending Title 9
5 of The Philadelphia Code.

6 Ladies and gentlemen of
7 Council, again, I thank you for your time
8 and attention allowing me to address the
9 Council.

10 COUNCILWOMAN MILLER: Thank
11 you.

12 The next gentleman. Excuse me.
13 I don't know your name.

14 MR. COVONE: My name is Michael
15 Covone, Deputy Director with the
16 Department of Behavioral Health, and as
17 Dr. Godley indicated, the Behavioral
18 Health testimony and the Public Health
19 testimony were integrated into one
20 document.

21 COUNCILWOMAN MILLER: All
22 right. Thank you.

23 Councilman Rizzo, you have a
24 question?

25 COUNCILMAN RIZZO: Thank you.

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2 I'm going to bring my thoughts
3 up now rather than wait, because I want
4 to better understand, and I'm not sure
5 who can answer the question, is the fact
6 that SEPTA apparently recently has
7 reversed its decision not to carry
8 advertising on their buses promoting
9 alcohol, what we're talking about today,
10 and possibly the shelters that are at
11 various locations throughout the City.
12 I'm not sure whether SEPTA has direct
13 control over what is placed there or not.
14 There's confusion. The City owns the
15 shelter and the SEPTA controls the actual
16 advertising, and, again, I'm not sure how
17 that works, but it doesn't seem
18 appropriate to have constraints against
19 outdoor advertising organizations and
20 then allow a public transportation
21 authority to pull a bus up to the front
22 of a school that's got the exact same
23 advertising on it.

24 So I think it's hypocritical
25 for SEPTA to now -- the information that

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2 I have, two months ago SEPTA reversed its
3 prohibition on alcohol advertising on its
4 buses and also its bus stops. If that
5 information is accurate and correct, and
6 I believe it is, we still have a big hole
7 here.

8 So would you agree with me that
9 if it advertises on a transportation bus,
10 we haven't fixed the problem? This might
11 be a good first step, but it's unfair, in
12 my opinion, to allow SEPTA to do this and
13 not a company that's in the business of
14 outdoor advertising.

15 COMMISSIONER GODLEY: I would
16 agree. I would just say that in areas,
17 say, around daycare centers or around
18 schools where young children are more
19 likely to be present, that that probably
20 poses a higher risk, because those young
21 children are more susceptible than the
22 mixed population that would be on public
23 transportation.

24 COUNCILMAN RIZZO: I'm not
25 talking about being on it. I'm talking

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2 about a bus coming down the street with
3 20 foot of the 40-foot bus, whatever the
4 length is, it's got an advertisement for
5 alcohol.

6 So I think SEPTA has got to
7 join hands here, and maybe the sponsor of
8 the bill would comment on that. And if
9 we're going to ask advertising
10 organizations to stop this, they must.

11 COUNCILWOMAN MILLER: Thank
12 you, Councilman Rizzo.

13 Councilman Clarke.

14 COUNCILMAN CLARKE: Thank you,
15 Madam Chair.

16 Councilman, I actually agree
17 with you with respect to SEPTA's
18 willingness to continue its advertisement
19 on buses. I do believe that the City of
20 Philadelphia has the ability to determine
21 the content of the bus shelters. That's
22 something that we; i.e., the City, can
23 do. Unfortunately, this particular
24 Council does not have that level of
25 jurisdiction over SEPTA. I often wish we

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2 did, because there would be a number of
3 things that would happen with SEPTA,
4 particularly the excessive rates that
5 continue to be the highest in the
6 country.

7 But if you, along with myself
8 and other members of Council, are
9 interested in going to SEPTA with some
10 sort of resolution or possibly doing a
11 resolution in Council and bringing SEPTA
12 in and discussing the need for them to
13 continue this advertisement on buses, I'm
14 more than willing to participate and
15 actually co-sponsor whatever legislation
16 we would do.

17 COUNCILMAN RIZZIO: Councilman
18 Clarke, I'd be more than happy, but,
19 again, I think it's unfair of us to try
20 to restrict the outdoor advertisers when
21 we allow our public transportation agency
22 to profit by this.

23 COUNCILMAN CLARKE: I
24 understand what you're saying,
25 Councilman, but at the end of the day, I

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2 can only affect what I have jurisdiction
3 over, and in this particular instance, we
4 have jurisdiction over outdoor
5 advertisements; i.e., signs, billboards
6 and posters. We have current regulations
7 associated with those particular items.

8 As I said, again,
9 unfortunately, I don't have jurisdiction
10 over SEPTA, but I'm more than willing to
11 participate in whatever form --

12 COUNCILMAN RIZZO: I appreciate
13 that.

14 COUNCILMAN CLARKE: I just
15 can't take the position, because there's
16 some level of fairness as it relates to
17 the types of advertisement that are
18 allowed, different venues, that I do
19 nothing as it relates to those things
20 that we can affect. So where we can
21 affect it, I think we should act on that.

22 (Applause.)

23 COUNCILWOMAN MILLER: Thank
24 you, Councilman Clarke.

25 Councilman Kenney.

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2 COUNCILMAN KENNEY: Thank you,
3 Madam Chair.

4 In the event that this bill
5 passes, and I think that it will, and
6 SEPTA is not compliant, we have the
7 ability to cite them, I believe, for
8 their failure to cease and desist the
9 activity that they're conducting. So,
10 for example, if a bus shelter is within
11 the thousand feet of a school, library,
12 whatever we delineate, L&I sends a letter
13 to SEPTA, tells them they're not in
14 compliance with City Code and please
15 remove the advertisement. If they don't,
16 we start issuing citations. Same thing
17 with bus routes that are within the
18 vicinity of schools, libraries,
19 recreation centers, which I think is
20 probably every bus route in the City.

21 I would expect that SEPTA may
22 find the ability to cooperate in this
23 situation, but if they don't, we could
24 probably generate some revenue by fining
25 them for all their buses and shelters

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2 that they refuse to comply with.

3 So I think that moving forward,
4 and this makes an inordinate amount of
5 sense, because the problem is serious,
6 and if SEPTA doesn't want to cooperate,
7 then maybe we'll start just enforcing the
8 law.

9 Thank you.

10 (Applause.)

11 COUNCILWOMAN MILLER: Are there
12 any questions of this panel from members
13 of the Committee?

14 COUNCILMAN CLARKE: Just one.

15 COUNCILWOMAN MILLER:
16 Councilman Clarke.

17 COUNCILMAN CLARKE: I just
18 wanted to ask one question, and anybody
19 can answer the question.

20 With respect to what people
21 within the fields who determine certain
22 things as it relates to the
23 impressionable years, what are probably
24 the most impressionable years in an
25 individual's lifetime, meaning that when

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2 outside forces can encourage individuals
3 or determine individuals' subsequent
4 behavior throughout their life?

5 MR. COVONE: I think from a
6 Behavioral Health perspective, it's
7 clearly those young adolescent years and
8 those years leading up to probably the 12
9 to 16 period, 11 to 15 period.

10 COUNCILMAN CLARKE: Okay.

11 COMMISSIONER GODLEY: I would
12 agree. The young, I guess, adolescent
13 and under are very susceptible to being
14 marketed, which is why a lot of the
15 Saturday morning programs are replete
16 with advertising, in order to guide
17 children's choices and also to help them
18 to develop some brand memory.

19 COUNCILMAN CLARKE: Would you
20 say that the type of advertisement may be
21 different when you're looking to impress
22 or encourage younger individuals, more
23 colorful, more active, more interactive,
24 the joke Camel thing with -- kids tend to
25 directly relate to that.

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2 COMMISSIONER GODLEY: There was
3 a very interesting study in 1995 during
4 the Superbowl. Budweiser used the
5 Budweiser frog. And in 1996, they
6 surveyed a number of young children, and
7 the children chose the Budweiser frog
8 over all of the other cartoon characters.
9 They recognized that particular
10 commercial and that particular figure.

11 And so, yes, I think young
12 children in particular are very
13 susceptible to colorful ads.

14 COUNCILMAN CLARKE: So I guess
15 one could assume that, understanding the
16 level of marketing strategies that a lot
17 of these companies use, that they in fact
18 clearly understand that by using a
19 Budweiser frog -- a frog, not necessarily
20 a Budweiser frog, but a frog -- that it
21 would obviously attract the attention of
22 young people based on your earlier
23 statements, and it clearly shows that
24 there is, to some degree, an attempt to
25 influence younger individuals to

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2 encourage them as they become legal or
3 something and, fortunately, not of legal
4 age to embark in using alcohol products.

5 COMMISSIONER GODLEY: I would
6 agree with that.

7 COUNCILMAN CLARKE: Thank you.
8 Thank you, Madam Chair.

9 COUNCILWOMAN MILLER: Thank
10 you.

11 I have a question. How serious
12 or how large is the teenage alcoholic
13 problem? Mr. McGee, in your testimony
14 you talked about opening a residential
15 treatment program.

16 DEPUTY COMMISSIONER MCGEE: I
17 don't have any data, Councilwoman. I'd
18 be glad to try to get it for you, but the
19 Department is noticing an increasing
20 number of youngsters who come to our
21 attention with problems of alcohol use
22 and abuse, many on referrals from family
23 court. But I'm glad to do some research
24 on our own data and provide that to the
25 Committee.

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2 COUNCILWOMAN MILLER: Okay.

3 Thank you.

4 Does anybody else know?

5 (No response.)

6 COUNCILWOMAN MILLER: I keep
7 thinking you work for DHS and I know you
8 work for Behavioral Health.

9 Thank you. Thank you for your
10 testimony.

11 The next panel will be Shelly
12 Yanoff, Robin Axcelrod-Sabag, Reverend
13 Jesse Brown, Bilal Qaayun.

14 Please identify yourself for
15 the record and proceed with your
16 testimony, and we can just start with
17 Shelly Yanoff.

18 MS. YANOFF: Thank you. Good
19 morning, Councilmembers and Chairman and
20 Chairwoman. I'm very glad to be here. I
21 want to thank you for the opportunity to
22 testify, as well as to bring this issue
23 out again. I'm afraid many of the things
24 I'll say will be repeated and be
25 repetitious, but it's important to repeat

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2 these things anyway, I think.

3 I'm here today to express
4 support, strong support, for this bill
5 and amendment, which will keep out
6 alcohol advertising in the neighborhoods
7 near our schools, near our playgrounds,
8 near our recreational centers; in other
9 words, in areas where many children come
10 together.

11 At City Council, you are
12 guardians of the public trust. As
13 grown-ups, we all should be guardians and
14 protectors of our children. We should be
15 protecting them and creating a safe and
16 healthy environment in which they can
17 grow up.

18 A glance at any newspaper, any
19 news story will remind us of how much
20 we're failing. This City, its leaders,
21 its communities and all of us must
22 continue and increase our efforts to
23 create better, safer environments for
24 children. This bill is but one step in
25 that process.

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2 We must continue to struggle to
3 get the guns out of our communities and
4 off the streets, to provide better
5 supports for parents, to support abuse
6 prevention, to decrease the lead in our
7 housing, to provide better and safer
8 childcare and, yes, to reduce kids'
9 exposure to alcohol advertising.

10 Underage drinking and teenage
11 alcoholism, as you've heard, are serious
12 problems in the country and in the City.
13 There's extensive data that correlates
14 alcohol advertising to underage drinking
15 in Philadelphia.

16 In Philadelphia, almost
17 one-third of teens report having drunk an
18 alcoholic beverage before the age of 13.
19 Nearly one-fifth of teens reported that
20 they had had a drinking binge. When
21 polled, one-third of teens stated that
22 they had had an alcoholic beverage in the
23 past 30 days.

24 Underage drinking contributes
25 to somewhere between 6,000 and 12,000

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2 Philadelphia teens needing substance
3 abuse treatment every year, at a cost to
4 Pennsylvania of \$3 billion.

5 A study supported by the
6 National Institute on Alcohol Abuse and
7 Alcoholism revealed that 12-year-olds who
8 were more aware of beer advertising held
9 more favorable views on drinking and
10 expressed an intention to drink more
11 often as adults than children who are
12 less knowledgeable about the ads. A
13 federally funded study of 1,000 young
14 people found that exposure to alcohol
15 advertising strongly affects whether they
16 drink alcohol.

17 The bottom line is that alcohol
18 advertising hurts children. We've known
19 this for some time. The Center on
20 Alcohol Marketing and Youth found that
21 from 2001 through 2003, youth in the
22 United States were 96 times more likely
23 to see an ad promoting alcohol than an
24 industry ad discouraging alcohol
25 drinking. In fact, studies have shown,

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2 as you heard from Dr. Godley, that
3 children are more familiar with
4 Budweiser's television frogs than
5 Kelloggs, Tony the Tiger, Power Ranger or
6 Smokey the Bear.

7 This proposed legislation will
8 allow children to go to and from school
9 to play in playgrounds without being
10 assaulted by alcohol advertisement. By
11 enacting this, the City will act as
12 protector of children. Sadly, our
13 children need much more protection than
14 we've been able to provide.

15 As Councilman Rizzo brought up
16 and as all of you noted, recently, to our
17 dismay, SEPTA's Board of Directors voted
18 to allow advertising of tobacco and
19 alcohol on their buses, while
20 acknowledging at the time and at that
21 hearing that children were a large
22 portion of their ridership. The SEPTA
23 Board voted to reverse their existing
24 policy, which had prohibited those ads,
25 and now to accept those ads in spite of

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2 and acknowledging the potential harm to
3 children.

4 Earlier this year, PCCY held
5 forums on the problem of violence
6 prevention and searched for answers to
7 the problem. One of the speakers spoke
8 consistently of the impact of the toxic
9 environment that children live in today.

10 Providing a decent environment,
11 cleaning up this toxicity are all of our
12 responsibilities. Some of the steps to
13 do this may be small, some bigger, but
14 they're all of a piece. We urge you to
15 support this bill and help build a better
16 environment for all our children and
17 families.

18 Thank you.

19 COUNCILWOMAN MILLER: Thank
20 you.

21 MS. AXCELROD-SABAG: Thank you.
22 I'm Robin Axcelrod-Sabag from
23 Philadelphia Safe and Sound.

24 Good morning, Councilmembers.
25 Thank you for giving me the opportunity

1 12/6/05 - PUBLIC SAFETY - BILL 050865
2 to testify today concerning Bill 050865
3 amending Title 9 of The Philadelphia Code
4 which would prohibit advertising of
5 alcohol products within a certain
6 distance of locations frequented by
7 children.

8 At Philadelphia Safe and Sound,
9 we have worked cooperatively with City
10 departments to improve the health and
11 well-being of children in the City of
12 Philadelphia. This legislation is an
13 important step to improve the quality of
14 life in our neighborhoods and to decrease
15 the incidence of alcohol use among our
16 youth.

17 Alcohol consumption by young
18 people can lead to drug use, acquisition
19 of sexually transmitted diseases,
20 long-term physical and biological
21 effects, and increased exposure to
22 alcohol in adulthood.

23 Nationally, alcohol consumption
24 remains a major public health problem.
25 About 81 percent of high school students

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2 drink alcohol and 31 percent binge drink
3 at least once a month. Binge drinking
4 here refers to having five drinks within
5 a single setting.

6 The incidence of alcohol use in
7 the City of Philadelphia is also an issue
8 of grave concern. According to data
9 collected from the 2003 Youth Risk
10 Behavioral Surveillance Survey, 69
11 percent of Philadelphia high school
12 students reported having had one or more
13 drinks of alcohol at one time; 29.8
14 percent drank one or more drinks of
15 alcohol within 30 days preceding the
16 survey; 12.2 percent had more than five
17 drinks of alcohol in a row on one of the
18 30 days preceding the survey. During the
19 30 days preceding the survey, 23.5 of
20 students nationwide reported that they
21 had ridden in a car with someone who had
22 been drinking alcohol.

23 Alcohol consumption early in
24 life often leads to the association of
25 drug abuse. The National Survey on Drug

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2 Use and Health found that in 2004, the
3 level of alcohol use was strongly
4 associated with illicit drug use. Among
5 16.7 million heavy drinkers age 12 or
6 older, 32.2 percent were illicit current
7 drug users.

8 According to the Center for
9 Disease Control's National Center for
10 Chronic Disease Prevention and Health
11 Promotion, alcohol use by young adults is
12 associated with earlier initiation of
13 sexual activity, unprotected sexual
14 intercourse, multiple partners, and
15 increased risk for sexually transmitted
16 diseases, as well as use of intravenous
17 drugs.

18 During adolescence and puberty,
19 accelerating cascades of growth factors
20 and sex hormones set off sexual
21 maturation, growth in stature and muscle
22 mass and bone development. Studies in
23 humans have found that alcohol can lower
24 the levels of growth in sex hormones in
25 both adolescent boys and girls.

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2 Evidence is also mounting at
3 least in animal models that early alcohol
4 use may have detrimental effects on the
5 developing brain, perhaps leading to
6 problems with cognition later in life.

7 As was stated earlier, it's
8 very difficult to deny the power that
9 advertising has on youth. America's
10 youth are overwhelmed with mass media
11 messages. Many research reports show
12 that exposure to alcohol advertising
13 shapes adolescents' attitudes. Much of
14 alcohol advertising in this culture is
15 presented in ways that appeal to youth.
16 Alcohol advertisements overwhelmingly
17 connect consumption of alcohol with
18 attributes particularly important to
19 youth, such as friendship, sex appeal,
20 fun and prestige. It is telling that
21 youth report alcohol ads as their
22 favorites, especially when many other
23 products vie for their attention. One
24 study found that 8 to 12-year-olds could
25 name more brands of beer than they could

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2 U.S. presidents.

3 Beer is the beverage of choice
4 for many youth, and between '98 and 2002,
5 industry spending on televised beer ads
6 increased 45 percent to \$972 million.
7 Youth also routinely see ads for alcohol
8 beverages in magazines, on billboards and
9 the Internet.

10 Considering these important
11 public health concerns related to
12 alcohol, the prevalence of underage
13 drinking and the association between
14 alcohol advertising and alcohol use, it
15 would be prudent to increase efforts to
16 curb the negative effects of alcohol
17 advertising. Although we cannot
18 completely stop the media from targeting
19 youth, we can at least do our share to
20 limit the exposure of such pro-alcohol
21 messages to youth in this City.

22 Thank you.

23 COUNCILWOMAN MILLER: Thank
24 you.

25 Bilal.

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2 MR. QAAYUN: Good morning,
3 Councilwoman Miller, Councilman Kenney,
4 Councilman Ramos, Councilman Clarke and
5 Councilman Rizzo. My name is Bilal
6 Qaayun. I'm one of the Co-Chairs of Men
7 United for a Better Philadelphia. I'm
8 here this morning to support Bill No.
9 050865 amending Title 9 of The
10 Philadelphia Code, entitled "Regulation
11 of Businesses, Trades and Professions."

12 My comments are going to be
13 very short.

14 As we go around our work in the
15 City of Philadelphia, we do see violence.
16 We see more and more young folks on the
17 streets. These young folks witness many
18 acts of violence, and a lot of these acts
19 of violence, as we find out, are acts of
20 violence that are results of folks who
21 are high, if it's either drug use or
22 alcohol use.

23 So we think that this bill is
24 one of those steps taken in the City,
25 which Councilman Clarke talked about

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2 earlier about the quality of life issues,
3 and the more and more that we tighten up
4 in our particular neighborhoods, where
5 most of these billboards are, to
6 eliminate these negative images of
7 alcohol and drinking as being part of the
8 good society when it actually isn't, we
9 wanted to step up and come and support
10 this effort. So we're here to give our
11 full support to this bill.

12 COUNCILWOMAN MILLER: Thank
13 you.

14 Reverend Jesse Brown. Please
15 identify yourself for the record.

16 REVEREND BROWN: I'm Reverend
17 Jesse Brown. I am representing the North
18 Philadelphia Community and Business
19 Initiative and the National Association
20 of African-Americans for Positive
21 Imagery, and I'm glad for the opportunity
22 to testify before this Joint Committee on
23 Public Health and Public Safety.

24 You have just received kind of
25 a summary of my testimony and also a

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2 number of photographs, and I'm going to
3 hold up a few of these as we go through
4 this process today.

5 The Bill 050865 is a good bill
6 that begins to protect Philadelphia's
7 children against targeted marketing of
8 alcohol and of the alcohol industry and
9 its practices.

10 As you will take the first
11 picture that you have in front of you,
12 you will notice that on the storefronts
13 there is alcohol advertising already
14 there. In the industry, they have
15 targeted all areas and segments of the
16 community to market their product.

17 The Center on Alcohol Marketing
18 and Youth have done a number of studies,
19 along with a number of other agencies,
20 indicating the overexposure of young
21 people to alcohol marketing in magazines,
22 television, radio, even as they promote
23 their games, video games, and in those
24 markets as well. And we've looked at the
25 responsibility on the dollars spent to

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2 promote responsible behavior as being --
3 well, let's just say it's basically
4 non-existent. And we have had to endure
5 this in the neighborhoods and the
6 communities.

7 Now, speaking directly to the
8 bill, City Council has already acted
9 responsibly before. You have eliminated
10 alcohol advertising off of the bus
11 shelters, which I believe will take
12 effect by the end of this year at some
13 point in time, while at the same time
14 some of our other agencies, like the
15 Southeastern Pennsylvania Transportation
16 Authority, has gone back to advertising
17 alcohol on the bus system, a system which
18 many of the school kids in our City must
19 take, have no choice but to take, and now
20 will be once again barraged. While you
21 have taken a very good step, they've gone
22 backwards in the process.

23 So, again, I have to applaud
24 you for being consistent in both removing
25 it off the public transportation system

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2 and now moving it further back from young
3 people. This will, to a great extent,
4 remove some of the advertising, alcohol
5 advertising, that's there.

6 I do have to raise a caution.
7 In the legislation, it is noted that you
8 want to remove 1,000 feet from the
9 distance of churches, neighborhoods. The
10 Supreme Court decision back at 44
11 Liquormart versus Rhode Island indicated
12 that what would be most acceptable would
13 be 500 feet, and, of course, that would
14 be consistent with the billboard
15 legislation that we have, I believe, in
16 the City at this point in time, and I
17 would hope that we would move to amend
18 that, unless you are deciding that you're
19 going to raise the ante and willing to
20 take the fight wherever it goes to 1,000
21 feet, which I would love it, but
22 understanding that that would be
23 something that may not be desirable at
24 this time, you may need to change that
25 particular piece.

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2 The alcohol industry has codes
3 of conduct for advertising practices,
4 except that they never practice them.
5 And if you go through the billboards, a
6 number of the ads, you will see that this
7 is an ad that appears or has appeared at
8 the rising quarters Quest Charter School.
9 And if you want to see it more closely,
10 go to the next one, and it says "can't
11 decide? Pick them all," as we have the
12 young women in something there deciding
13 on -- and this is the advertising in
14 front of the school.

15 You will also notice that we
16 have a Karasi ad at our playgrounds, and
17 if you really want to see what the Karasi
18 ad almost looks like, you may take a
19 look, and you got another young woman who
20 is, if she's wearing anything, barely
21 wearing anything, and this is around our
22 basketball courts and our recreation
23 center.

24 The next picture you have is of
25 the advertising that is currently, and

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2 others like it, that currently appear on
3 the bus stations, bus shelters, and you
4 can see that even in this picture, we've
5 got a mother and her young children.
6 And, of course, you can't turn these off.
7 They stay on forever.

8 And, lastly, I brought just
9 another one of those, where the industry
10 is now supposed to be creating
11 advertising that would be targeted or
12 invoke young people to participate more.
13 I guess you'll have to make up your own
14 mind about this ad and whether or not
15 this is something that a 35-year-old
16 would be interested in or more of a
17 teenager or a young person. I'll let you
18 decide those things on your own.

19 These are the kinds of
20 advertising that the industry continues
21 to practice, violating its own voluntary
22 practice codes, and at this point,
23 voluntary practice obviously doesn't work
24 and the industry has not complied. So I
25 see this as a big victory for our

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2 neighborhood and for our children if when
3 this bill is enacted and we vote
4 positively on it, and hopefully all the
5 Council will do that soon, that it will
6 eliminate one more step in the process of
7 ridding our communities of the excessive
8 amount of alcohol advertising.

9 Thank you.

10 COUNCILWOMAN MILLER: Thank
11 you. Thank you very much.

12 (Applause.)

13 COUNCILWOMAN MILLER:
14 Councilman Kenney.

15 COUNCILMAN KENNEY: Thank you,
16 and thank you for your testimony. Just a
17 couple comments on the picture. The
18 first picture of this licensed -- I
19 assume it's a licensed liquor
20 establishment somewhere in
21 Philadelphia -- is clearly in violation
22 of the state regulations concerning
23 liquor establishments, because there's a
24 certain percentage of window space, wall
25 space that --

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2 (Applause.)

3 COUNCILMAN KENNEY: And the
4 reason I raise that is because we're
5 going to have a series of hearings after
6 the first of the year trying to have a
7 conversation with the Liquor Control
8 Board as to why these licenses,
9 established ones, are renewed based on
10 the fact that they're probably not in
11 compliance with 19 out of 20 of the
12 regulations necessary to get a liquor
13 license renewed.

14 So we may need your assistance
15 in providing us with some additional
16 photography that we can display in a
17 large scale and have them at least
18 comment on what we need to do better to
19 report and complain so that not only do
20 we limit their ability to do take-out
21 beer, but we close them down. And I'll
22 hopefully rely on you, Reverend and
23 Bilal, for that kind of input.

24 REVEREND BROWN: We are
25 prepared to provide you with not only

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2 local pictures but the national picture
3 as well, and we have both those pieces.
4 But I want to speak to one of the pieces
5 you talked about the Liquor Control
6 Board, the state-wide Board.

7 We have a seat change where the
8 Liquor Control Board's previous mandate
9 was to protect the interest of the
10 public. They've taken on no persona,
11 which is to sell more alcohol.

12 So we're going to have to
13 really double our efforts in bringing the
14 kind of regulations that is needed, and,
15 in essence, the law that currently is on
16 the books simply needs to be rewritten
17 totally so that it becomes a law to
18 protect the community and not something
19 to be skirted around.

20 COUNCILMAN KENNEY: One of the
21 things that I find extremely upsetting
22 and really difficult to understand is
23 that in a state like Pennsylvania, which
24 is a control state, and there's not many
25 control states left, one of the good

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2 things about it -- some of the bad things
3 about it is the pricing, but one of the
4 good things about a control state is
5 you're supposed to have some control. So
6 when you go to states -- I've traveled to
7 Florida or down south or any other place
8 and I go into a supermarket and I see
9 beer and wine and alcohol, I'm shocked,
10 because you don't see that in
11 Pennsylvania. So that's not our
12 experience.

13 But one of the good things
14 about control, having an LCB, is having
15 some control that needs to be implemented
16 in these type of operations, because it's
17 really no sense in having a control state
18 paying higher prices for alcohol and beer
19 and then not having the benefits of the
20 control. So that's what we're looking
21 hopefully to have this dialogue with the
22 state.

23 The question that I have -- and
24 just if anybody can answer, I don't
25 know -- historically has outdoor

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2 advertising been banned for tobacco?

3 REVEREND BROWN: Yes.

4 COUNCILMAN KENNEY: I don't see
5 any tobacco ads any longer, and I'm
6 assuming there was some ban on tobacco
7 either nationally or -- I assume it's a
8 national ban.

9 REVEREND BROWN: Yes.

10 COUNCILMAN KENNEY: Do you have
11 any history on what happened?

12 REVEREND BROWN: Yes. I was
13 part of that process. Yes, tobacco
14 billboards have been banned nationwide.
15 It came in response to the settlement
16 agreement and the lawsuits that were put
17 out in the industry throughout the
18 system, and in that, we've got the
19 elimination of all tobacco billboards
20 nationwide. That's part of the tobacco
21 settlement agreement activities, and it
22 is monitored by our state's Attorney
23 General.

24 COUNCILMAN KENNEY: That was
25 also applied to, I assume, broadcast

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2 advertising also, because I don't see
3 any --

4 REVEREND BROWN: Well, that was
5 in 1968, but that's a different agreement
6 and it's not necessarily a ban, but it
7 tantamounts to one, because the industry
8 did not want to comply with the other
9 half of that story, which was that they
10 had to provide almost a one-to-one match
11 in responsibility statements, and they
12 did not want to do that.

13 COUNCILMAN KENNEY: So that was
14 a national effort based on a settlement
15 of a lawsuit?

16 MS. YANOFF: Yes.

17 COUNCILMAN KENNEY: The ban on
18 outdoor advertising?

19 REVEREND BROWN: On outdoor
20 advertising, yes.

21 COUNCILMAN KENNEY: Fine.

22 Thank you.

23 Thank you.

24 COUNCILMAN RAMOS: Any other
25 questions for this panel?

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2 Councilman Rizzo.

3 COUNCILMAN RIZZO: Thank you.

4 It's amazing. You sit here and
5 you talk about one thing and your mind
6 races to another and you sit back and you
7 think, we're talking about SEPTA. The
8 taxi cab industry in this City is now
9 moving in a direction where every cab
10 that you see has some type of
11 advertisement now. They've even expanded
12 it to four sides, the front, the back,
13 the sides.

14 The Parking Authority now
15 controls the taxi cab fleet here in the
16 City, and as a member of that
17 organization -- I'm on the Board of the
18 oversight of the taxis and limousine --
19 I'm going to bring this to the Parking
20 Authority, just make sure that they're
21 focused on this issue also. Maybe you
22 already know or have had some contact
23 with the taxi cab industry, but I assume
24 that there's more out there that use
25 vehicles to advertise, and I think that

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2 we really need to focus and put a list
3 together of all of the potential
4 exposure. Because, again, we talked
5 about fairness. I would like to try
6 eventually not to give anyone the edge on
7 the ability to do this. We knock out one
8 and then someone else surfaces.

9 So I think that we have to look
10 down the road and make sure that we
11 address every potential organization that
12 could use this for gain.

13 MS. YANOFF: Councilman, I just
14 wanted to say a couple things before I
15 left. The first is that we have to be
16 careful that the perfect doesn't become
17 the enemy of the good. You have before
18 you something that you have jurisdiction
19 over and you can enact. You also have to
20 act on SEPTA's budget every year and what
21 City Council, what the City approves in
22 appropriating.

23 The advertisements that SEPTA
24 put in the paper -- actually, Reverend
25 Brown and I talked about it the day

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2 before. We just found out that they were
3 going to get rid of the historic ban.
4 And while it's true that individual
5 billboards are a problem and that the
6 taxi cab industry is a problem, SEPTA
7 transports tens of thousands of children
8 every day, and they chose -- and that's a
9 public entity. It's not just managed.
10 That's a public entity, and they chose --
11 that gets our dollars all the time, and
12 they chose to disregard the health and
13 welfare of children and families by
14 enacting this, and I think you do have
15 some power in that, in addition to the
16 power you have right now before you in
17 terms of billboards.

18 COUNCILMAN RIZZO: Thank you.

19 MS. YANOFF: Thank you.

20 MR. QAAYUN: Councilman, I have
21 a quick question. In the bill, what is
22 the fine if a company refuses to remove
23 these billboards?

24 COUNCILMAN CLARKE: There are
25 going to be probably, at a minimum, three

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2 amendments. One amendment is going to
3 address the existing penalty. It will be
4 an increase, and we'll amend it at that
5 time.

6 MR. QAAYUN: Okay.

7 COUNCILMAN CLARKE: And I
8 assume one -- go ahead, Reverend Brown.
9 I was going to respond to some of your
10 issues, particularly the constitutional
11 issue.

12 REVEREND BROWN: I'll let you
13 address those and then I have a question.

14 COUNCILMAN CLARKE: First,
15 Reverend Brown, thank you for -- thank
16 all of you for your expert testimony. It
17 is much needed, and in the event that
18 there is some litigation surrounding this
19 ordinance, this will obviously be a part
20 of the record.

21 Understanding that a number of
22 municipalities throughout this country
23 have embarked on this path of regulating
24 advertisement, particularly as it relates
25 to both tobacco and alcohol,

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2 understanding that it is, to some degree,
3 limiting content, which does go against
4 the First Amendment, if you interpret it
5 that way, but in a number of cases,
6 particularly in the municipalities of
7 Baltimore, Oakland, San Diego, those
8 particular ordinances have passed
9 constitutional muster. There are several
10 provisions that we must approve, and I
11 think that based on this testimony and
12 the information and based on information
13 that we'll be provided subsequent to this
14 particular hearing, we think we'll be
15 well within our bounds as it relates to
16 our ability to pass constitutional
17 muster.

18 So we have our crack law team,
19 Law Department, sitting in the audience,
20 and they will address a couple of those
21 issues as we proceed with this particular
22 hearing.

23 REVEREND BROWN: I question
24 relative to the billboards that we
25 already have and some of the regulatory

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2 issues. We already have a law that
3 regulates billboards in general, which
4 there are penalties and so forth, but
5 what probably needs to be strengthened is
6 who is going to go out and actually do
7 the legwork that is required in order to
8 meet the process. And this may be an
9 opportunity to include that in this
10 legislation so that it in fact physically
11 gets done.

12 And may I also suggest that
13 there are some of us, like myself and
14 other non-profit groups in the City, who
15 would be more than willing to, with the
16 right funding coming through the process,
17 to be part of that process of monitoring
18 and providing the documentation, just as
19 we've done with tobacco compliance issues
20 around the state and a few things in that
21 nature.

22 COUNCILMAN CLARKE: I
23 understand. One of the issues with
24 respect to a number of these quality of
25 life initiatives and some regulations

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2 that are currently on the books is the
3 enforcement arm. During the Act 39
4 hearings, we found that there were a
5 number of violations existing on a number
6 of establishments throughout the City,
7 and it clearly showed the need to
8 increase our enforcement mechanisms
9 needed to be in place.

10 We actually have Mr. Verdi here
11 from the Department of L&I to talk about
12 our need to create an enforcement
13 mechanism that works.

14 I, frankly speaking, personally
15 think that given the NTI initiative,
16 because I do believe that some of these
17 quality of life issues are a part of the
18 neighborhood transformation, we need to
19 form a team on par with the demolition
20 team that we put together where we had an
21 aggressive strategy to embark on a
22 demolition process that cleared all these
23 neighborhoods of this blight. I think
24 that this is equally detriment to some of
25 these communities, because I believe a

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2 lot of this advertisement is in fact
3 blight.

4 (Applause.)

5 COUNCILMAN CLARKE: So we will
6 be talking to the Mayor and the
7 Administration and talking about creating
8 a more aggressive strategy to enforce
9 both these regulations that are currently
10 on the books and any new regulations that
11 will come down on the pike, and I believe
12 there will be a substantial amount,
13 because we are very serious about this.

14 Mr. Qaayun, I had one question
15 real briefly, and I kind of know the
16 answer because I've gone out on occasion
17 with some of you. When you and your very
18 brave men and women go out on some of
19 these dangerous corners, have you seen,
20 particularly in some of these
21 intersections, a substantial amount of
22 advertisements on some of these
23 establishments? Because I've seen it in
24 my travels throughout parts of my
25 district in the City of Philadelphia,

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2 that it seems that a certain type of
3 environment creates an atmosphere for
4 people who are involved in negative
5 activity.

6 Do you get a sense of that when
7 you guys go out and take over some of
8 these corners, that in this particular
9 corner you may have a particular type of
10 establishment that are plastered with all
11 of this type of advertisement?

12 MR. QAAYUN: Yeah. We see a
13 lot of these --

14 COUNCILMAN CLARKE: And I know
15 that's a very leading question, but we're
16 not in a courtroom, so I can get away
17 with it.

18 MR. QAAYUN: We see a lot of
19 these, I think they're called, eight
20 sheets on stores, particularly the corner
21 stores, on corner houses. Reverend Brown
22 had even shown you pictures of it. I
23 mean, we see a lot of them, and my
24 understanding is, 99 percent of them are
25 illegal anyhow. But most of them are ads

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2 that -- malt liquor and other kind of
3 alcohol kind of ads. The ads that he
4 showed you, Reverend Brown showed you,
5 are on a lot of these establishments.
6 And not only on houses, corner houses and
7 stuff, as you know, but we see them on a
8 lot of the stores.

9 So that means that the stores
10 is not only -- I think some of these
11 pictures that Reverend Brown showed
12 you -- the point that Councilman Kenney
13 raised about the number on the front of
14 the stores, then on the side of the
15 building they have illegal billboards.
16 So they're double. I mean, they not only
17 have all these advertisements on the
18 front and the bling-bling lights and all
19 that kind of stuff, but on the side of
20 the buildings, they have the billboards.

21 REVEREND BROWN: There are a
22 whole host of issues that we don't
23 address with the advertising,
24 particularly with the alcohol industry,
25 that they are already in violation of

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2 much of the City Code on how they
3 advertise in the first place. We simply
4 don't enforce it.

5 They put banners. They put up
6 banners on fences. They come into a
7 store and place the ads themselves, not
8 the storekeepers or the storeowners, and
9 put them on the door fronts and any place
10 they so desire to do so, and from what I
11 understand from some of the door owners,
12 it is expected that they be allowed to do
13 that and advertise their products, which
14 by City Code, as I understand it and got
15 an interpretation from a number of times,
16 that is already illegal in the first
17 place, not to mention the other issues
18 that have already been discussed, the
19 amount of advertising that you can have
20 blocking your door front.

21 But let me add to that piece,
22 because in a lot of other cities, the
23 blocking of the site line from the street
24 is a policing issue and a dangerous
25 situation, where our police offices are

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2 not able to do their jobs well because of
3 the blockage of advertising in those
4 particular situations, and that has
5 become a very critical issue in a number
6 of cities and it was one in Oakland when
7 we were helping Oakland do its piece on
8 that issue.

9 And so I think what I'm trying
10 to do is, this has ramifications beyond
11 this just little piece. It affects a lot
12 of pieces in the neighborhood, not to
13 mention the quality of life issues and
14 the signals it gives that this
15 neighborhood is a trash place, not a
16 place to be respected.

17 COUNCILMAN CLARKE: Right.

18 Thank you.

19 (Applause.)

20 COUNCILMAN RAMOS: Any other
21 questions for this panel?

22 (No response.)

23 COUNCILMAN RAMOS: Not seeing
24 any further questions, Panel Members,
25 thank you so much for your very

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2 informative and very well-presented
3 testimony on this very important bill.

4 Our next panel consists of Mary
5 Tracey, Bishop Morris, Bonita Cummings,
6 Vivian Crawford, Tracy Gordon and
7 Reverend William Hamilton.

8 Good morning, Panel. Thank you
9 for taking time from your busy schedule
10 to come and testify on this very
11 important bill. The Co-Chair of this
12 hearing today, Councilman Clarke, has
13 established ladies first, so we will
14 follow a long-held tradition and also at
15 the request of Councilman Clarke. So
16 Mary Tracey and Bonita and Vivian, you
17 guys decide who is going to go first.

18 MS. GORDON: I'll go. My
19 name --

20 MS. CRAWFORD: Most
21 respectfully, as the attorney, I would
22 like to ask you to forego and allow me to
23 go last, if I may. Vivian Crawford.

24 COUNCILMAN RAMOS: Okay. Thank
25 you.

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2 MS. GORDON: Hi. My name is
3 Tracy Gordon. I'm Director from the
4 Concerned Citizens for the Preservation
5 of Philadelphia and also the
6 African-American Heritage Coalition.

7 Recently our organization
8 staged a very successful protest against
9 the Hollywood billboard release of the
10 movie starring 50 Cent, Get Rich or Die
11 Trying, a movie with an image of a young
12 bare-chested black male holding a
13 microphone in one hand and a gun in the
14 other hand, with the statement "Get Rich
15 or Die Trying." Our protest resulted in
16 Clear Channel removing 21 of these
17 billboards, to our success, but we
18 question who in our City is responsible
19 for monitoring negative billboards that
20 saturate our communities. And I attached
21 a copied of the flyer for you all to see.

22 Who is on guard to protect our
23 children from dangers, negative,
24 unhealthy and violent subliminal images?
25 Philadelphia needs to become more

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2 socially responsible. We, the citizens
3 of Philadelphia, support Councilman
4 Clarke's Bill 050865 and the regulations
5 of businesses, trades and professions and
6 a prohibition of advertising of alcohol
7 products within a certain distance of
8 locations frequented by children,
9 including schools, playgrounds,
10 recreation centers, childcares and
11 libraries.

12 Many cities across the nation
13 are adopting strict rules governing
14 either the removal of billboards or the
15 reduction of billboards. You can refer
16 to a website www.scenic.org.

17 Studies have shown that
18 billboards endanger our health and safety
19 and encourage minors to abuse alcohol.
20 They are ambush-style of media. They
21 can't be turned off. Our children are
22 overexposed and ambushed with these ads.

23 Studies have shown that most
24 billboards are located in low-income,
25 minority neighborhoods and that most

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2 billboards in those neighborhoods
3 advertise alcohol. Not only are there an
4 overabundance of alcohol billboards in
5 low-income and minority neighborhoods
6 here in Philadelphia, but we have allowed
7 corner delis, stop-and-go's that was once
8 set up as small, quiet taverns to
9 completely cover their entire stores with
10 alcohol and tobacco ads inside and out,
11 while allowing them to continue to sell
12 from the same window, which is illegal,
13 candy, cookies, juice and other goodies
14 that attract our children to their stores
15 or, should I say, their alcohol and drug
16 paraphernalia dens.

17 Imagine a small child
18 frequenting a corner neighborhood store
19 on a daily basis that bombards them with
20 alcohol and tobacco ads as they walk in
21 the store. Then once they get in the
22 store to order their candy and soft
23 drink, the beer and malt liquors is in
24 the same freezer as the juices, and the
25 tobacco and blunts used for smoking

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2 marijuana is next to the chips, sunflower
3 seeds and other goodies.

4 Our youth are exposed to this
5 from birth up until the time they decide
6 it's okay to experiment in these habits,
7 because all their life it is made to seem
8 okay because of the overexposure. Our
9 City has to become more socially
10 responsible.

11 Recently an investigation,
12 story and study was done by Southwest
13 Globe Times November the 9th of this year
14 entitled "Billboard Blight - Putting a
15 Stop to Illegal Advertising in Southwest
16 Philadelphia," and they found that there
17 has been a proliferation of negative
18 billboards scattered throughout the
19 City's neighborhoods, most of the time
20 hocking negative goods like malt liquor
21 and cigarettes, lowering property values
22 and hampering economic growth in our
23 area. Many of these billboards are small
24 in size, 6 by 12 feet, called eight
25 sheets in the billboard industry and are

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2 normally located on the sides of houses,
3 buildings and empty lots, and they don't
4 even have permits from the City to be
5 there. I repeat, most of them do not
6 have permits to be there. Neighborhood
7 blight.

8 The article went on to find
9 that there is a website called SCRUBS,
10 and I just met the young lady from
11 SCRUBS, who can attest to this, Society
12 Created to Reduce Urban Blight, where you
13 can research and find that there were a
14 number of illegal billboards by zip code.
15 Out of 382 billboards listed in the
16 19142, 19143 and the 19153 Southwest zip
17 code, only 43 had legal permits from the
18 City to be there. That means the other
19 339 billboards located in the area were
20 illegal. So that answers some of your
21 questions about -- they're there illegal
22 anyway, so you can use that website and
23 eliminate probably 80 percent of them.

24 Most of these billboards were
25 owned by PNE Media, LLC from Northern New

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2 Jersey. They own half of these illegal
3 billboards in our area, 140 to be exact.

4 To our delight, the
5 Philadelphia Zoning Board of Adjustment
6 gave PNE 60 days to either remove the
7 illegal billboards or make them legal by
8 obtaining permits. We, the citizens of
9 Philadelphia, demand that the City go a
10 step further and support this legislation
11 that not only would prohibit alcohol
12 billboards, but it should go for tobacco,
13 violent ads and, most importantly, we
14 need to regulate how businesses in our
15 neighborhood use these stores or
16 6-by-12-feet spaces on the sides of walls
17 in our community to advertise our youth
18 and suggest that alcohol, sex, smoking is
19 appealing and encouraging, on-premise
20 site control. Not only do we need
21 billboard regulation, but also we need
22 on-premise site control. These
23 on-premise site create visual clutter and
24 contribute to the blight and the demise
25 of our community and economically

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2 contribute to our property value decline.

3 Creating sign regulations in
4 this City will also assist us to protect
5 our innocent youth from engaging in
6 unhealthy behavior that leads to lowering
7 the morale of our community, which not
8 only is spiritually costly, but early
9 health challenges will cost all of us in
10 the long run.

11 We support this bill and ask
12 that a provision be included to address
13 on-premise sign control. We also would
14 like a clean sweep of all illegal
15 billboards to be immediately removed as
16 part of the Neighborhood Transformation
17 Initiative. Thank you.

18 (Applause.)

19 COUNCILWOMAN MILLER: Thank
20 you.

21 Bonita, do you want to go next?

22 MS. CUMMINGS: Well, Reverend
23 Hamilton does have to leave, so I'll
24 forego and allow him to speak.

25 COUNCILWOMAN MILLER: Proceed,

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2 Reverend Hamilton.

3 REVEREND HAMILTON: Good
4 morning. Thank you for the opportunity
5 to testify today concerning Bill 050865.
6 Again, my name is Reverend Hamilton. I'm
7 the Senior Pastor of First Fellow Church
8 located at 30th and Cumberland Street in
9 the Strawberry Mansion area.

10 I see our young men and women
11 on the corners daily smoking and
12 drinking, and I know that billboards
13 advertisement has a direct influence on
14 what they do and what they think. Our
15 community is full of billboards with
16 information of liquor sales and tobacco.
17 However, it does not show the negative
18 effect the consumption of advertising has
19 on the people drinking and smoking these
20 items, the negative effect on the family
21 members.

22 I spend many hours of
23 counseling family members on alcohol
24 abuse, spousal abuse, young children
25 abuse and even wanting to commit suicide.

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2 In addition, there are no billboards
3 showing the health risks of such
4 behaviors.

5 We need billboards encouraging
6 our young people on how to stay in
7 school, how to become respectable adults,
8 and also we need billboards showing what
9 tobacco causes. We don't see the effect.
10 We don't see the effect of alcohol abuse,
11 the many funerals that we have to perform
12 of young people who drink.

13 Just this past week a
14 17-year-old was killed in an automobile
15 accident, and I come to find out because
16 of drinking.

17 We need billboards to encourage
18 our young people and adults to stay in
19 school, become educated, give back to
20 their community and to their
21 neighborhoods. The list can go on and
22 on, and we can stay here all day and show
23 you the different things these billboards
24 have the effect on our family. We don't
25 see the ripple effect. And I came by

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2 today just to let you know that I'm
3 supporting you in the bill that you have
4 here today.

5 Thank you.

6 COUNCILWOMAN MILLER: Thank
7 you. Thank you, Reverend Hamilton.

8 Bonita Cummings.

9 MS. CUMMINGS: Good morning,
10 Committee. My name is Bonita Cummings.
11 I'm the Director of Strawberry Mansion
12 Community Concern and an elected
13 Committee Person in the 28th Ward, 13th
14 Division.

15 I just wanted to say thank you,
16 particularly to Councilman Clarke for his
17 persistence in these nuisance businesses
18 within the Strawberry Mansion community
19 and in his district. That has allowed us
20 to look a little deeper at the violations
21 of the laws that are already in The
22 Philadelphia Code. So I just wanted to
23 say thank you for that.

24 Before I testify or read my
25 testimony, I just wanted to read from a

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2 book that I was reading called Drugs
3 Masquerading As Foods, and I just wanted
4 to read the ingredients of malt liquor so
5 that we can have an idea of what it is
6 that we do to our young people when they
7 see those advertisements, those
8 attractive advertisements, and when they
9 buy this liquor and they drink it.

10 It says, "Other deadly poisons
11 in malt liquor and beer include
12 petroleum, isobutanol," which is natural
13 gas, "sugar, alcohol, wood and starch
14 alcohol. These poisons deteriorate the
15 brain, sex organs, liver, pancreas and
16 lungs. They are the highest and deadly
17 malt liquor, which is consumed heaviest
18 by black men."

19 Advertising is a cumulative of
20 negative nuisances that impact the urban
21 cities. It is one heck of a concoction.
22 Bad businesses, bad business owners, add
23 crack cocaine, malt liquor sales and
24 negative subliminal advertising, put the
25 young children from toddlers up in the

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2 mix before they can even walk good and
3 you have generation after generation of
4 destroyed children and families in
5 neighborhoods. We can go back and forth
6 about who is right and who is wrong. The
7 statistics and facts of devastation from
8 negative advertisement speaks for itself.

9 Today we will not hear an
10 apology from the advertising agencies,
11 presidents and CEOs of advertising
12 companies, owners of advertising agencies
13 or advertising lobbyists or anyone
14 associated with the advertising industry.
15 What we will hear is the right to freedom
16 of speech. We won't hear any of the
17 offenders say, We have destroyed your
18 communities, your babies and
19 neighborhoods enough. We won't hear any
20 of the offenders say, We hear you,
21 community. We hear you, children. We
22 hear you, neighborhoods. We won't hear
23 anyone say, Today is the day that we, the
24 advertisers, become a community partner.
25 We won't hear the offenders say that,

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2 Today is the day that we look at the
3 problem as a whole body and not just the
4 head. We won't hear the offenders say
5 that, Today is the day that we embrace
6 Bill No. 050865 and work with the
7 legislative bodies and community
8 representatives on what's acceptable and
9 allowing the 1,000 feet of any school,
10 public playground, recreation center,
11 childcare center, library or church
12 stand.

13 They should lobby the courts to
14 say that they want to make a correction.
15 They want 1,000 feet to be the standard,
16 overriding any previous ruling.

17 Communities are crying out for
18 a balance. We must strike a balance
19 between good and evil. Nothing should be
20 all negative or evil or only produce
21 negative results.

22 As I stated in yesterday's
23 hearing, until we approach these nuisance
24 matters as a whole component and use the
25 verification of compliance form of

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2 existing and new laws, we will continue
3 to have these types of hearings on laws
4 that are already a part of The
5 Philadelphia Code.

6 Advertising and its
7 appropriateness can be a part of the
8 compliance form. This way, compliance
9 will have to be met annually before the
10 businesses are granted a renewal for the
11 City's business privilege license, and
12 for businesses that it applies, before
13 they could even send their renewal to the
14 state, they would have to be in
15 compliance and the form would have to
16 come directly from the City's Department
17 of Licenses and Inspections to the state,
18 which is how the City of Philadelphia's
19 daycare facilities are renewed.

20 We have spoken with the
21 Administration regarding this compliance
22 process and form, and we are waiting for
23 a return call from Connie Little
24 regarding setting up a meeting with L&I.
25 Maybe someone from this Committee could

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2 further follow up. And for your review,
3 the compliance forms used by the daycare
4 facilities and boarding homes are
5 attached to my testimony.

6 Thank you very much. And the
7 form looks like this. It already has
8 compliance aspects to certain types of
9 businesses in our community. We could
10 tweak it a little and get advertising,
11 all types. We could add community
12 businesses to it and put some other
13 things that are necessary, where if
14 before you even can do anything else, you
15 pass this form, we could eliminate some
16 of the nuisances that we presently have.

17 Thank you.

18 COUNCILWOMAN MILLER: Thank
19 you, Bonita.

20 I believe we have Mary Tracey
21 left. Please proceed. We have Vivian
22 Crawford.

23 MS. TRACEY: Councilwoman
24 Miller, I've asked that our Chair of
25 SCRUB also join us with a brief

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2 statement, if that's --

3 COUNCILWOMAN MILLER: That's
4 fine, perfectly fine. Thank you.

5 Please proceed. Identify
6 yourself and proceed.

7 MS. HILL: Good morning. My
8 name is Javita Hill, and I appear today
9 wearing several hats. I serve as the
10 Chair of the Society Created to Reduce
11 Urban Blight, which is better known as
12 SCRUB. I am also a member of the Logan
13 Square Neighborhood Association, and I am
14 a founding member of Friends of Logan
15 Square North of the Parkway, and I am a
16 Democratic Committee Person for the 8th
17 Ward, 24th Division.

18 I would first like to thank
19 Council for introducing Bill 050865 that
20 would prohibit the advertising of alcohol
21 products within 1,000 feet of schools,
22 playgrounds, recreation centers,
23 childcare centers, libraries. This shows
24 that you care about the health and safety
25 of our young people, and for this, you

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2 have my appreciation and that of our
3 entire City.

4 As we are all well aware, the
5 proliferation of these advertising
6 messages are detrimental to the health
7 and well-being of our young people, and
8 in many cases, alcoholic beverage
9 advertising is often offensive by its
10 racist and sexist nature.

11 Alcohol beverage advertising is
12 also classist, in that the proliferation
13 of these ads is highest in our
14 neighborhoods with the lowest
15 socioeconomics.

16 However, in most instances, our
17 children would be protected from these
18 messages if City Council would insist on
19 enforcing the regulations that are
20 already on the books regarding outdoor
21 advertising. Philadelphia has over 800
22 illegal billboards, and nearly half of
23 them are in the Fifth Councilmanic
24 District where I live and where my
25 business is located. And the sad but

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2 true nature of where these illegal
3 billboards exist follows a socioeconomic
4 pattern from zero billboards in Center
5 City and as you move further north and
6 the poorer you go, the more illegal
7 billboards you will find. And, yes, many
8 of these billboards are advertisements
9 for alcoholic beverages.

10 Our zoning code as it exists
11 now prohibits outdoor advertising within
12 660 feet of schools, playgrounds, parks,
13 childcare centers, recreation centers and
14 libraries, and 300 feet of residential
15 areas. So my question becomes, how will
16 Council enforce the 1,000 feet rule when
17 billboard owners are already thumbing
18 their noses at our zoning code?

19 As a former journalist and
20 currently a film and video producer and a
21 long-time civic and political activist, I
22 have always been a staunch advocate of
23 First Amendment rights, especially those
24 that protect speech, and to this extent,
25 I am loathed to single out one

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2 advertising message over another. For
3 instance, young people are exposed to
4 numerous fast-food messages when we are
5 in the midst of a childhood obesity
6 crisis.

7 So my final question would be
8 whether passage of this proposed bill
9 would mean open season for outdoor
10 advertising that isn't for alcoholic
11 beverages, and I would hope that this is
12 not the case.

13 If I could make a suggestion, I
14 would offer that Council consider
15 expanding the 660-foot rule for all
16 outdoor advertising to 1,000 feet, and
17 that any new legislation would include
18 tough penalties for violators. Without
19 stiff penalties, outdoor advertisers
20 would continue to violate the new laws
21 just like they are violating our existing
22 laws.

23 So I thank you for this
24 opportunity.

25 COUNCILWOMAN MILLER: Thank

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2 you. Thank you for your testimony.

3 Mary Tracey, are you going
4 next?

5 MS. TRACEY: Yes. My name is
6 Mary Tracey and I am the Executive
7 Director of SCRUB, the Society Created to
8 Reduce Urban Blight, and I appreciate the
9 invitation to speak today and testify on
10 behalf of this bill.

11 As most of you may know, SCRUB
12 started 15 years ago on the issue of
13 outdoor advertising in Philadelphia, and
14 one of the great drivers of that
15 legislation was the proliferation of
16 outdoor advertising in our most
17 impoverished neighborhoods, and the
18 messages on those signs largely focusing
19 on alcohol and tobacco. And there was a
20 great energy. And, in fact, when I first
21 met Reverend Brown and we were on the
22 same side, as many others were, health
23 organizations, business owners,
24 educators, community residents,
25 architects, many, many people got behind

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2 the laws to regulate outdoor advertising
3 in the City. And one of the great, I
4 guess, puzzles in this City is what
5 happened to the enforcement of that
6 legislation.

7 SCRUB that was formed just as a
8 coalition to help get that law passed is
9 still here today now as a non-profit
10 501(c) to help get that law enforced, and
11 I personally have dedicated 15 years of
12 my life to try to put an end to this
13 problem, and I think the speakers today
14 have so eloquently described the effects
15 of that law not being enforced. Because
16 not only does it continue to have the
17 culture in neighborhoods of glamorizing
18 alcohol, but it also sends a message that
19 laws are meaningless. And as our
20 lawmakers, I think that's very scary,
21 because you're trying to solve problems,
22 you're responding to your constituents'
23 concerns, and what I learned back in 1991
24 is that it doesn't stop there. It can't
25 stop there. The enforcement piece of it

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2 is the major piece of it.

3 And we have limited resources
4 here in the City of Philadelphia, and I
5 don't think we can continue to just point
6 the finger at Department of Licenses and
7 Inspections, because we continue to pass
8 laws for them to enforce without giving
9 them the resources they need to enforce
10 those laws.

11 (Applause.)

12 MS. TRACEY: And a lot of times
13 these laws to be enforced don't really
14 require money. I mean, we have
15 communities here, given the proper tools
16 and the education about what the laws
17 are, can be the conduits by which these
18 laws are actually enforced, and systems
19 can be set up that we work as a team and
20 we get things done. But there has to be
21 the will. The political will has to
22 equal what the community will is.

23 And I think Ms. Cummings
24 eloquently stated what the legal tools
25 that are now used by the outdoor

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2 advertising industry to thwart the
3 citizens' will and even the will of our
4 lawmakers.

5 I personally have been in court
6 over the last 15 years probably 40, 50
7 times. We have published 14 or 15
8 Commonwealth Court decisions regarding
9 outdoor advertising, yet our Zoning Board
10 continues to give variances for
11 billboards that violate our laws. I
12 mean, what is that about?

13 We have 850 billboards that PNE
14 Media has indicated are illegal, that
15 they never bothered to get a license for,
16 and instead of just going in and taking
17 them down, we spend enormous resources,
18 legal resources, of Zoning Board
19 resources, and it just becomes a vicious
20 circle. It's a circle that just starts
21 over. It never ends. And meantime,
22 they're making money. They are making
23 money by violating the law. And they're,
24 again, setting this culture that laws are
25 meaningless in the City of Philadelphia.

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2 So I would be very, very
3 interested in working with this Committee
4 and with any Councilmembers who would
5 like to not only address the problem with
6 a new law, but actually look at a way to
7 solve the problem through a City-wide
8 enforcement effort.

9 Thank you.

10 COUNCILWOMAN MILLER: Thank
11 you.

12 MS. TRACEY: One other thing.
13 I did want to just pass this up. I sort
14 of got carried away there. I have a GIS
15 study of the existing billboards, and
16 I'll pass this up, but I've passed this
17 up at a past hearing. It really shows
18 quite clearly where the problem is.
19 There's been much testimony here about
20 the proliferation in our low-income
21 areas, but this GIS map really shows
22 that. Because the lighter the color, the
23 more signs there are. Each of these dots
24 indicates three billboards located in
25 that zip code area. And so you can pass

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2 these around. You'll see that our areas
3 that are most impoverished have the
4 greatest proliferation of signs.

5 It also shows there which are
6 legal and which are illegal by the
7 testimony of the outdoor advertising
8 industry themselves back in 1990 before
9 passage of the law.

10 And I'll also pass up the PNE
11 Media billboards that we're now
12 litigating at the Zoning Board about.
13 You can see in district -- we just put
14 together how many are in each district.
15 And in District 1 -- I don't see
16 Councilman DiCicco here, but there are 24
17 in his district. In Council President
18 Anna Verna's, there are 63. In
19 Councilwoman Jannie Blackwell's, there
20 are 247. In Councilman Michael Nutter's,
21 there are 76. And in Councilman Darrell
22 Clarke's, there are 308. In Councilwoman
23 Joan Krajewski's, there are only seven.
24 In Councilman Richard Mariano's, there
25 are 57. In Councilwoman Donna Reed

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2 Miller's, there are 117. In Councilwoman
3 Marian Tasco's, ten. And in Councilman
4 Brian O'Neill's district, there is one.

5 So I think the proof is in the
6 pudding there, and it's something that
7 the community has spoken up before and
8 they're speaking up now, and let's make
9 it happen.

10 Thank you.

11 (Applause.)

12 COUNCILWOMAN MILLER: Thank
13 you.

14 Councilman Kenney.

15 COUNCILMAN KENNEY: Thank you,
16 Madam Chair.

17 I just have a question relative
18 to the issue of enforcement. Who in the
19 Administration or what contact in the
20 Administration have you been making with
21 the Mayor's ability to direct L&I to
22 start removing billboards? Because I
23 want to make sure the record is clear
24 that -- and I understand. I hear your
25 frustration, and I understand it, but,

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2 again, as Council and Councilman Clarke
3 and others try to address this problem
4 legislatively, we live in a city that has
5 a very strong mayoral form of government,
6 where the Mayor appoints the entire
7 Zoning Board without consideration from
8 us or without approval, and appoints
9 every Commissioner of every department in
10 the City, including License and
11 Inspections.

12 What contact have you had, what
13 interface with the Administration to get
14 them to enforce the law? Because as I
15 hear your frustration directed towards us
16 and the fact that these billboards exist
17 and are not being removed, I have the
18 ability to pick up the phone and call a
19 Commissioner, but not direct a
20 Commissioner.

21 So who in the Administration is
22 getting back to you on when they're going
23 to start taking the billboards down?

24 MS. TRACEY: Well, Councilman,
25 that is an excellent question, and I

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2 suppose I'm not working as closely with
3 the Mayor's office as I would like.

4 COUNCILMAN KENNEY: I think I'm
5 on that list. I think I'm on that same
6 list.

7 MS. TRACEY: And I hear you,
8 and we've even been frustrated when L&I
9 and the Law Department has been about to
10 actually seek removal and suddenly that
11 process is blocked. And we're not quite
12 sure where it comes from, but we always
13 hear it's from the highest level.

14 COUNCILMAN KENNEY: There is
15 nothing here --

16 MS. TRACEY: So I don't know
17 really who we should be working with, I
18 guess.

19 COUNCILMAN KENNEY:
20 Theoretically, there's nothing to stop
21 the Mayor from directing the City
22 Solicitor to go into court to get an
23 order for the removal of just say the
24 eight sheets, just those to start, and
25 then to go out and get a proposal and

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2 some bids for a company, not L&I, not the
3 L&I employees, because they're
4 over-taxed, to get a private company, the
5 lowest responsible bidder, with the court
6 order in hand to go out and start
7 removing the signs. I mean, I don't
8 understand why that's not the case. And
9 I also think that a lot of this anger,
10 frustration could be directed not only
11 here, which is your right to do, but on
12 the second floor where the real answer
13 could come.

14 So, again, we're going to
15 continue to try to do our best to address
16 this legislatively. And in legislation
17 all the time, in many areas, not only
18 this, but other Councilmembers and myself
19 have gotten things passed, not dealing
20 with billboards, but other issues, that
21 just simply don't get enforced or you
22 need to go to court to force the
23 Administration to enforce the laws that
24 unanimously were passed by this Council.

25 So I think an effort needs to

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2 be made to -- and, again, there's all
3 levels of advertising outdoors. I mean,
4 we have the large billboards that you see
5 on the bridge going over to Jersey. You
6 have billboards in areas that are in
7 shopping areas that are -- there's all
8 levels of intrusion into people's
9 neighborhoods and into people's life, but
10 when it comes to the concentration of
11 these clearly illegal signs in
12 neighborhoods that are 247, 196, 312 and
13 then you go to the Northeast and there's
14 one, I mean, there's no reason in the
15 world why a private company with the
16 direction of the Administration and the
17 Law Department's involvement shouldn't be
18 out there on ladders right now removing
19 them.

20 (Applause.)

21 MS. TRACEY: Well, maybe before
22 we leave today, we should all stop by the
23 Mayor's office.

24 COUNCILWOMAN MILLER: Thank
25 you.

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2 Ms. Crawford.

3 MS. CRAWFORD: Yes. Thank you
4 for the opportunity to speak. I always
5 like to reserve the right to go last
6 because I sort of want to act as a
7 clean-up person.

8 There are a couple of things
9 that I'd like to address with the
10 Committee this morning, and, that is, as
11 some of you know, I ran for Judge last
12 year, and I have a friend who has a
13 bulletin board on the top of his
14 building. He's a client, and he said to
15 me, Look, I want to put your sign up. It
16 faces I-95, and we'll put your sign up so
17 that -- and he had done this for my
18 husband before me, so this was not
19 anything that was unusual.

20 And it's interesting to me that
21 we hear all of this about L&I and who
22 should enforce the laws that are already
23 there. My friend got a visit from
24 somebody from L&I saying, Take the
25 billboard down. It faces I-95, but take

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2 it down. It's on your building, it's
3 your billboard.

4 Now, we took the sign down
5 because clearly as an attorney, I have an
6 obligation to obey the laws. But I just
7 thought it amazing to me that my
8 billboard, which faced I-95, had to come
9 down and then I see all of these illegal
10 billboards that nobody has time. I'm
11 just wondering how that works, but I just
12 thought I would throw that in.

13 Now, the next thing is, for
14 those of you that know me, I have a
15 history in the record business. In 1985,
16 as a result of my son wanting to play one
17 of Prince's DVDs -- I mean CDs. I date
18 myself. I listened to the lyrics, and my
19 son, who was a very precocious child, it
20 was a song called Darling Nicky, and I
21 will not -- I'll just let you know that
22 it was a song by Prince and it said that,
23 I met a little girl named Nicky and I
24 guess you could say she was a sex fiend.
25 I met her in a hotel lobby, and it said

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2 something she was doing with a magazine.
3 And that bothered me, and I became
4 involved with the record industry to try
5 to do some things about addressing the
6 kinds of messages that our kids hear.

7 Now, where I'm headed with this
8 is that I understand in looking at the
9 schedule that we're going to hear people
10 come in from the advertising industry
11 talking about First Amendment rights.

12 The record industry recognized
13 that there was a problem, that we had to
14 do something at least to allow parents to
15 know what their children were listening
16 to, and we came up with labeling. I am
17 here as an attorney. Of course, I
18 support the First Amendment. I would be
19 the last person in the world that would
20 want to see an abrogation of that, but
21 there's another way to look at this, and
22 it's called social responsibility.

23 The record industry decided
24 that someone had to step up to the plate
25 and at least do something, so let's label

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2 the music. They had a right to continue.
3 These artists had a right to continue
4 with the messages, but the fact is, at
5 least give the parents labeling.

6 Now, the thing that happens
7 with that is, labeling and what comes
8 into your house you can somewhat police,
9 but outdoor advertising you cannot.

10 I am here to say to all of
11 these First Amendment people that are
12 going to come here and spout out that
13 they have a right for advertising and
14 that we should be looking at this from a
15 federal standpoint and that we should not
16 be trying to abrogate their First
17 Amendment rights, we are here to say to
18 you, Have some social responsibility. We
19 are here to say, Just because you have a
20 right to do something doesn't mean that
21 you should do it.

22 So I'm not persuaded by people
23 that want to wave the Constitution at me
24 and say, I have a right to do this. You
25 don't live in the communities that are

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2 affected by this. You get in your car
3 and you drive to wherever you live where
4 you don't have these advertisements. So
5 I am saying to you, I don't care about
6 your First Amendment rights. I am not a
7 person that's trying to take them away
8 from you, but what I am saying to you is,
9 You have some human responsibility. And
10 I am asking that these advertisers tell
11 us where they live. Let us go put some
12 illegal signs in their neighborhoods and
13 see how they like it.

14 So this is not about what's
15 legal. This is about what is human, what
16 is decent and what is right. So come up
17 with your First Amendment arguments if
18 you want, but you need to recognize that
19 what goes on in our communities is
20 directly affected by your irresponsible
21 behavior. Albeit that you have a First
22 Amendment right to do it, you have a
23 human right to try to co-exist.

24 So to all of these guys that
25 are going to come up here with their

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2 wonderful arguments and their \$5,000
3 suits and their \$3,000 briefcases, guess
4 what? You are negatively impacting this
5 community, and you need to bear some
6 social responsibility for that and you
7 need to come in and offer -- as Bonita
8 said, they're not apologizing. They're
9 not going to come in and offer an apology
10 to what happens in these communities.
11 They are not going to say to these ladies
12 that have worked for 15 years to
13 straighten this problem out, Oh, we're
14 sorry. They're just going to say, We
15 have a right to do it.

16 So I want to make it clear, I
17 want these advertisers to understand we
18 don't like what you're doing and you need
19 to be a better person and come up with a
20 way to advertise your products that does
21 not negatively impact on a community.
22 This is devastation in our community.

23 I thank you very much.

24 (Applause.)

25 COUNCILWOMAN MILLER: Thank

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2 you.

3 MS. GORDON: I just want to add
4 and ask Councilman Kenney and the rest of
5 you all, I remember when the Mayor did
6 that initiative with the hundred thousand
7 car removal and then he did an initiative
8 with the demolition. And so what you're
9 saying to us, Councilman Kenney, we're
10 not actually directing the anger, it's
11 just that you all gave us this vehicle,
12 this opportunity to come here as a joint.
13 So we don't want to walk away from here
14 like we walked away from Act 39, in which
15 they still -- they don't have no respect
16 for us here in Philadelphia, the City of
17 Philadelphia. They have allowed us to be
18 disgraced as a modern society.

19 So what I'm saying, I want to
20 know from you all, because you hear our
21 testimony today, what can we do to get a
22 clean sweep, get some of the money out of
23 that NTI budget and that commercial
24 corridor budget and give somebody this
25 contract and we have immediate day of

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2 billboard legal and illegal removal, and
3 they have to go and reapply the right
4 way. Because we're going to keep coming
5 back and forth here every day, every
6 month, every year.

7 In 15 years, I didn't know --
8 and Reverend Jesse is part of our
9 coalition. He has these pictures. He
10 had those pictures 20 years ago. And
11 it's time to make a change. They're
12 coming here now, the speculators, the
13 developers that come in here and our
14 properties values is going up. I don't
15 know how in the world our property values
16 could go up when in the Fifth District
17 you got 308 negative billboards. How is
18 our properties values going up with all
19 this negativity and this filth and dirt?

20 Look at this. This is how all
21 the stop-and-go's stores look. This is
22 not just one. All of them look like
23 this.

24 You can ask a kid two years
25 old, What's a blunt, and they'll tell you

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2 what a blunt is before most of ya'll know
3 what a blunt is. They know what a blunt
4 is. They are not cigars. Everybody that
5 smokes cigars know a blunt is used to --
6 is drug paraphernalia used to sell
7 alcohol and tobacco.

8 And we're going to come here.
9 They kicked us in the face with Act 39.
10 They're going to attempt to kick us in
11 the face with the bill that you're
12 passing.

13 And I understand what you're
14 saying, Councilman Kenney, that we should
15 march, and we are going to march up on
16 the second floor and ask for a meeting
17 with the Mayor and do something about it,
18 but social responsibility is missing in
19 the City of Brotherly Love.

20 COUNCILMAN KENNEY: Before
21 Councilman Clarke comments, the NTI issue
22 has been more of a district issue than it
23 has been at-large, but don't get me
24 wrong, I think you have every right to
25 come in here and express your anger and

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2 concern and any other emotion that you
3 want to express. This is what our job
4 is. This is what we're here for. And I
5 want you to understand that everyone on
6 this panel and everyone in this room that
7 sits in here has empathy and compassion
8 for what you're talking about.

9 So, I mean, don't ever think
10 that we don't want to hear you, because
11 that's our job to hear you. It's just
12 that how does it get done in the end is
13 the question, and that's what I don't
14 know the answer to.

15 MS. GORDON: We know how to get
16 it done. We just don't have the
17 authority, the money and the resources.
18 We have the will. We have the knowledge.
19 We have the energy. We have the passion.
20 We have bearing our sons and daughters.
21 We got everything there. We just don't
22 have the authority. We don't have the
23 authority.

24 COUNCILMAN KENNEY: I
25 understand.

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2 MS. GORDON: Give us the
3 authority to do something or make -- just
4 like she said, there's some conspiracy
5 going on here, and I've heard this
6 before, where now that billboard didn't
7 go up -- a positive role model that was
8 running for judge, that billboard had to
9 mysteriously get taken down? Who
10 authorized that? And I'm not saying to
11 put her on the spot or the billboard
12 owner on the spot, but there's somebody
13 in this City, there's some hanky-panky
14 going on, where we got rules and
15 regulations in the book. I got like
16 books stacked this high with rules that
17 govern this City. This could be a
18 beautiful City for all of us, not just
19 some, not just in the district of, what's
20 his name, the one, District 10, Brian
21 O'Neill. I live in District 2. I want
22 to live beautiful, too. I'm a good human
23 citizen. I want my kids to grow up -- I
24 mean, don't mind me. I'm sure that in
25 District 10 the kids is smoking and

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2 drinking, too, because we can't control
3 the TVs and whatever like that, but I
4 want my grand kids to be able to walk to
5 a corner store like I used to do and go
6 get some candy and go get a juice without
7 having to push past drunks and drug
8 dealers and blunts and malt liquor. It's
9 just -- it's unbelievable.

10 And these store owners and
11 these people that are doing this do not
12 live in our neighborhood. If you go in
13 their neighborhoods in Bucks County and
14 Delaware County, you do not see this.
15 And they allowing this stuff to affect a
16 great City.

17 This is one of the first
18 original cities, and it's just like when
19 people -- I go outside the City, people
20 say Philadelphia and all they think of is
21 negative. They don't never think of
22 nothing positive of us, positive healthy
23 people. They always think of a negative
24 conversation.

25 Things got to change. It

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2 really do.

3 (Applause.)

4 COUNCILWOMAN MILLER:

5 Councilman Clarke.

6 COUNCILMAN CLARKE: Thank you,
7 Madam Chair, and thank you for your
8 wonderful testimony.

9 I just wanted to say one thing.
10 I've actually had some conversations with
11 the L&I Commissioner about the need to be
12 more aggressive with some of these
13 issues, and earlier in my testimony, I
14 indicated that I was going to have some
15 conversation with the Mayor. As a
16 District Councilperson, I'm clearly not
17 in charge of the second floor or in
18 charge of the City. I'm not even in
19 charge of my district. I just serve my
20 district, and some people would question
21 whether or not sometimes I'm in charge of
22 my staff.

23 But what I want to say today is
24 that I'm going to put myself on the limb.
25 I'm going to say here today that within

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2 30 days, we will have an announcement --
3 and when I say "we," I mean all of us,
4 because all of us in government have a
5 responsibility regardless of what side of
6 the aisle you sit on or what office you
7 hold. Within 30 days, we will have an
8 announcement talking about an aggressive
9 initiative to rid all districts,
10 particularly those districts that had a
11 high volume of illegal signs, and get it
12 done. All right?

13 I don't know what it's going to
14 cost, if it's going to cost some
15 additional dollars. As we move ahead to
16 the budget process early next year, then
17 that's the time to address that. If it
18 calls for some redeployment of personnel
19 to address that, then so be it.

20 But I have to believe given the
21 significance of this issue, because it is
22 in fact a way to transform a neighborhood
23 and probably a less costly way than it
24 costs us to demolish a building, because
25 we're spending around \$15,000, \$20,000

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2 per building, and we're simply talking
3 about removing a sign, that I --

4 MS. GORDON: What about these
5 the stop-and-go's? This is illegal
6 already.

7 COUNCILMAN CLARKE: Well, I
8 don't think that we should be singly
9 focused on signage. I think we should be
10 focused on all levels of quality of life
11 that are in violation of our existing
12 codes. If it calls for us setting up a
13 team that deals solely with violation of
14 quality of life initiatives, then so be
15 it.

16 I don't know what the specifics
17 of it will be, but I'm just going to
18 personally commit to ensure within 30
19 days, there is an announcement by whoever
20 needs to be available, I hope all 17
21 members of Council and the Mayor, and
22 stand there and say that we -- well,
23 actually, 16 members. We can stand there
24 and say, We have an initiative, we're
25 going to aggressively embark on cleaning

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2 this City up of all of this mess. All
3 right?

4 (Applause.)

5 MS. CRAWFORD: Thank you.

6 COUNCILWOMAN MILLER:
7 Councilman Kenney.

8 COUNCILMAN KENNEY: Thank you.
9 I wholeheartedly endorse everything that
10 Councilman Clarke has said, and I think
11 that knowing his relationship with the
12 Administration, I think he can probably
13 get the door open to get this discussion.

14 One of the things I'd like to
15 add onto that would be a wonderful
16 situation. And I know a lot of the
17 issues surrounding the enforcement deals
18 with the level of personnel that we have,
19 and bringing more people in the
20 government is expensive and L&I is
21 overrun with things that they have to
22 enforce. It would be wonderful to bid a
23 job like that out, and just think how
24 great it would be to be able to hire
25 people from the neighborhood to have

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2 employment --

3 (Applause.)

4 MS. TRACEY: I think they'd do
5 it for free.

6 COUNCILMAN KENNEY: To have the
7 opportunity to be employed, taking down
8 negative images in their own
9 neighborhood. I think the whole thing
10 would be a win-win for everybody.

11 MS. CRAWFORD: That would be
12 wonderful.

13 COUNCILMAN KENNEY: So I
14 endorse Councilman Clarke.

15 MS. HILL: May I add something
16 to that?

17 COUNCILMAN KENNEY: Yes.

18 MS. HILL: I think that would
19 be wonderful and I hope that that does
20 happen, but I would also hope that there
21 would be an additional fine for the
22 violators, because essentially the burden
23 is going to be shifted to the taxpayers.
24 That means we're going to pay to take
25 these down, when the violators should pay

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2 to take them down and not the taxpayers.

3 COUNCILMAN KENNEY: Point well
4 made.

5 COUNCILMAN CLARKE: We're
6 actually going to increase the penalties
7 with one of our amendments.

8 COUNCILWOMAN MILLER:
9 Councilman Rizzo.

10 COUNCILMAN RIZZO: Thank you.

11 That's a great point that you
12 made, and that's one of the things that I
13 wanted to say, that we need to hear yet
14 from the industry. I would hope that
15 they would be responsible like any
16 company that is doing something that is
17 deemed improper, if they can't make it
18 right, if they can't go through the
19 process to legitimize whatever they have,
20 then I can't imagine a company, a
21 significant company, just thumbing their
22 nose. And so I hope that we can, Mary --

23 MS. TRACEY: They have been for
24 years.

25 COUNCILMAN RIZZO: I know they

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2 have, but this is a new year. Mary, you
3 can comment on what the industry has done
4 to respond other than -- I'm sure they're
5 going to try to do everything they can
6 legally to keep that presence, but once
7 it's deemed that it's illegal -- and I
8 know L&I has done a lot of work. A
9 senior staff at L&I has done a year-long
10 job of cataloguing and identifying legal
11 versus illegal, but maybe you can fill us
12 in on what the industry itself -- I know
13 the representatives of the industry are
14 here that I would hope would have some
15 comments for the record today.

16 MS. CRAWFORD: May I just
17 address one thing, because I know that
18 the industry is present in this room and
19 representatives from the industry are
20 present in this room. I think what needs
21 to happen -- the African-American
22 Heritage Coalition banned together to get
23 the 50 Cent billboards taken down, as
24 Tracy just indicated, but I look at
25 things from a greater perspective or a

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2 larger perspective, because some of these
3 companies with these billboards have
4 other business interests in our
5 community. Now, it would be a shame, it
6 would be a shame for us to start asking
7 people to stop listening to radio
8 channels. It would be a shame for us to
9 stop asking people to advertise with
10 these various radio channels because they
11 own billboards, but we will go in that
12 direction if they don't do something,
13 because they need to be socially
14 responsible, and I just want to make that
15 clear. This is not an idle threat. This
16 is us saying, Be responsible to the
17 community of Philadelphia. This is the
18 country seat of the nation. This is
19 where everything started. And just like
20 everything good started here, we are
21 capable of trying to organize nationally
22 against these interests and their other
23 business interests if they do not come to
24 the table and act like they know. We did
25 it with Trailways in 1965 when we laid in

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2 front of buses and made them hire black
3 bus drivers. I was part of that with
4 Cecil Moore. So I know what you can do
5 if you just look at it and take a greater
6 perspective, and that's what we're
7 prepared to do.

8 COUNCILMAN RIZZO: I would hope
9 that they would respond appropriately,
10 and if they don't, that's a good second
11 step.

12 MS. CRAWFORD: Thank you.

13 MS. HILL: Again, I'd like to
14 underscore that I would like to shift the
15 economic burden to the violators and not
16 to the taxpayers.

17 MS. TRACEY: To answer your
18 question regarding --

19 COUNCILWOMAN MILLER: Maybe
20 there's some way we can do that. When
21 we're out here transforming neighborhoods
22 through NTI, we wouldn't get anything
23 done if we shifted the financial
24 responsibility to demolish a property to
25 the owners of the properties. We did

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2 what we had to do, and then hopefully
3 some of those owners will pay through
4 liens. However, in order for us to get
5 it done, we can't, in a sense, delay it
6 waiting to shift the ownership of that to
7 the violators.

8 I think the violators should be
9 fined. I think we should do whatever we
10 need to do to enforce the laws here. But
11 we worked hard to transform
12 neighborhoods. Lots of advertising is
13 contributing to the blight in our
14 neighborhoods. You have to remember, we
15 live in these neighborhoods also. So
16 we're very clear and we really understand
17 what's going on in a lot of the
18 neighborhoods, particularly those signs
19 on those store windows. It's just a
20 mess. Just a mess. As a customer, I
21 wouldn't even want to go in there,
22 because I want to be able to see inside
23 before you go inside. Okay?

24 But we need to move on. We
25 still have other people. I really thank

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2 you for testifying.

3 MS. CRAWFORD: Thank you.

4 MS. TRACEY: Thank you.

5 COUNCILWOMAN MILLER: We're
6 going to bring on L&I. After L&I, we
7 will have Chris Wally, Priscilla Bennett,
8 Tyrone Williams and Greg Spearman.

9 Thank you for coming,
10 Commissioner, and your staff.

11 COMMISSIONER SOLVIBILE: Good
12 afternoon. I apologize, but I was not
13 prepared -- actually, I'm prepared
14 always, but I didn't realize I'd be here
15 today and I dressed for the weather
16 versus where I should have been. So I
17 apologize for the way I'm dressed. But I
18 bring to you two gentlemen on my right
19 and left that between us we can give you,
20 I think, great testimony as to where the
21 Department is and where we're going.

22 My name is Bob Solvibile. I'm
23 Commissioner of Licensing and
24 Inspections.

25 DEPUTY COMMISSIONER VERDI:

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2 Good day, Councilwoman Miller, members of
3 the City Council. I'm Dominic Verdi,
4 Deputy Commissioner for the Department of
5 License and Inspections. Today I'm here
6 to provide testimony on Bill 050865,
7 which, if enacted, will prohibit the
8 advertising of alcoholic beverages within
9 1,000 feet of certain occupancies
10 frequented or occupied by children.

11 The Department of License and
12 Inspections is fully supportive of any
13 initiative that restricts certain
14 activity for the protection of children
15 in our City. With regard to the
16 specifics of this bill, we are prepared
17 to respond to any complaint that is
18 directed to us and enforce the provisions
19 of this bill should it be enacted into
20 law.

21 Current local laws do not
22 address content and, as such, there is no
23 requirement for permits or licenses
24 related to advertisement placed on a sign
25 structure. Bill 050865 will address this

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2 issue by prohibiting the advertisement of
3 alcoholic beverages within proximity to
4 the occupancies mentioned in the bill
5 that are predominantly frequented or
6 occupied by children.

7 This will give the Department
8 enforcement ability to cite violators and
9 to require the removal of content matter
10 that is in violation. If the responsible
11 party for the sign fails to comply, the
12 Department, with the assistance of the
13 City Solicitor's office, will proceed
14 with our enforcement remedies, which
15 shall include a recommendation to the
16 Judge for maximum fines permitted under
17 the law and to issue an order to the sign
18 owner to immediately remove the offending
19 sign.

20 We will be offering a friendly
21 amendment to Bill 050865 to link the
22 penalties and abatement provisions of
23 Section 9-602 governing "Outdoor
24 Advertising" to this new section which
25 will give the Department the ability to

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2 remove the offending content, subject to
3 an order of the Court, if the owner of
4 the sign fails to do so within the
5 allotted time period.

6 Thank you for the opportunity
7 to provide the Department's testimony on
8 Bill 050865. I would be happy to answer
9 any questions at this time.

10 COUNCILWOMAN MILLER: Thank
11 you.

12 Are there any questions of this
13 witness?

14 Can you tell me what makes a
15 sign illegal versus legal?

16 COMMISSIONER SOLVIBILE: There
17 are several different signs. There's
18 billboards and -- well, most eight
19 sheets -- I think in the City of
20 Philadelphia, there is only roughly
21 20-some eight sheets that are legal. The
22 rest of them are illegal. And of the
23 billboards, there's roughly a thousand
24 that are not zoned.

25 So the bottom line is,

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2 Councilwoman, that the billboard and/or
3 sign needs to be properly zoned and
4 licensed, and that's what would make it
5 illegal, the lack of zoning and the
6 permit.

7 The lack of a zoning permit,
8 there is roughly in the City of
9 Philadelphia, there is roughly -- and I'm
10 going to approximate -- 4,000 sign faces
11 in the City of Philadelphia. That's
12 billboards and eight sheets. Roughly
13 there's 985, I believe, eight sheets in
14 the City of Philadelphia. Approximately
15 20 of them are properly zoned that are
16 legal. The rest are not legal, and
17 violations have been written. And we are
18 in the middle of negotiating with the
19 owner of the company and the Law
20 Department and the company that owns the
21 eight sheets, negotiating the removal
22 process for that.

23 COUNCILMAN KENNEY: I'm sorry.
24 Point of information.

25 Could you tell the name of

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2 the -- who is the company? They're the
3 owner of all the illegal eight sheets?

4 COMMISSIONER SOLVIBILE: Yes.
5 Chesapeake Outdoor Enterprises and
6 also --

7 COUNCILMAN KENNEY: So there's
8 one company that owns all of the illegal
9 eight sheets?

10 DEPUTY COMMISSIONER VERDI:
11 Almost all of the eight sheets are owned
12 by that company.

13 COUNCILMAN KENNEY: We're not
14 talking about billboards on a pole.
15 We're talking about eight sheets on the
16 wall.

17 COMMISSIONER SOLVIBILE: An
18 eight sheet I would describe as a picture
19 on the wall fastened by screws.

20 COUNCILMAN KENNEY: It's
21 Chesapeake Outdoor Advertising?

22 COMMISSIONER SOLVIBILE: Yes.
23 It used to be PVI, the parent company.
24 There's all kinds of legalities as to who
25 owns the parent company, but that's been

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2 between the Law Department and the City
3 have been negotiating. PNE Media --
4 Chesapeake no longer owns the billboards
5 company. It's now called PNE Media, who
6 is the parent company, the owner of all
7 these billboards.

8 COUNCILMAN KENNEY: I'm sorry,
9 Madam Chair. I don't mean to put them
10 off track, but I think it's important
11 that you distinguish when you say
12 "billboard" that you mean either an eight
13 sheet or a traditional billboard.
14 Because there's traditional billboards
15 along 95 that may be legal or not legal,
16 but we're not really talking about those.
17 These are the ones that are kind of in
18 the neighborhood streets against the wall
19 in people's faces every day.

20 COMMISSIONER SOLVIBILE:
21 Correct. That would be -- when I testify
22 and when Otis or Dom and I testify, we'll
23 say eight sheets or billboards.

24 In the case of PNE Media, they
25 own the eight sheets in the City of

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2 Philadelphia, and there's roughly
3 900-and-some. Of the eight sheets in the
4 City of Philadelphia, 20 of them are
5 legal, roughly 20. I'm using approximate
6 numbers now.

7 COUNCILWOMAN MILLER: But they
8 don't own the wall that the eight sheets
9 attach to?

10 COMMISSIONER SOLVIBILE: No,
11 they do not own the wall. They own the
12 sign. From a meeting I attended, they
13 have some sort of an agreement with the
14 owners of the wall that it's on. They
15 pay them rent, and then they ream money
16 from the advertisement that's there.

17 COUNCILWOMAN MILLER: So who
18 gets the fine then? Would the owner of
19 the wall get the fine? I mean, if I'm
20 doing something illegal in my home, then
21 I get the fine, not the product.

22 COMMISSIONER SOLVIBILE: In
23 this case, we sent a violation notice
24 for -- the latest legal battle, I'll call
25 it, and I don't want to really -- in the

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2 sense that the latest violations that
3 were sent were sent to PNE Media to
4 remove the signs that they legally owned.
5 And we chose not to send the violation
6 notice to the individual owners of the
7 wall because we wanted Media -- not we
8 wanted; we presently want the PNE Media
9 Company to remove all the eight sheets in
10 all the neighborhoods.

11 There's back and forth between
12 the Law Department and their lawyers as
13 to the time frame when the signs will be
14 removed, and that's where it is right
15 now. There's been no agreement as to the
16 time frame. They have agreed that they
17 will remove the signs; just that on a
18 time frame, there's no agreement.

19 COUNCILWOMAN MILLER: How much
20 time do they get, though, I mean,
21 normally before you actually have to take
22 them into court to get them to remove?

23 COMMISSIONER SOLVIBILE:
24 Normally it's 30 days. We are
25 negotiating -- they filed an appeal. We

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2 sent, Councilwoman, for eight sheets, we
3 sent a violation notice to PNE Media.
4 They responded by filing an appeal to the
5 Zoning Board of Adjustment. And there
6 was a hearing scheduled for tomorrow in
7 front of the ZBA, but I believe a party
8 aggrieved by it has asked to have it
9 withdrawn because one of the Board
10 members cannot be present. That's what I
11 was told this morning, that the hearing
12 for tomorrow is cancelled.

13 But aside from the hearings,
14 the Law Department is negotiating with
15 the lawyers for PNE Media to have them
16 remove the signs in the neighborhoods.
17 The hold-up now is the amount of time
18 that they want to remove it before we
19 sign the agreement.

20 COUNCILWOMAN MILLER: Okay.
21 Councilman Rizzo has a point of
22 information.

23 COUNCILMAN RIZZO:
24 Commissioner, I normally agree with most
25 of what you do over there, but I just

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2 can't imagine that the owner of the
3 structure that the billboard is attached
4 to isn't a party in this conversation.
5 The person that probably has an illegal
6 billboard attached doesn't have a
7 business license or isn't paying any
8 taxes on the revenue that is received
9 from the illegal attachment to their
10 building. So I just can't imagine that
11 they aren't a party to this process.

12 COMMISSIONER SOLVIBILE: I
13 attended a meeting with the Law
14 Department and L&I, and a decision was
15 made that the easier -- the person
16 responsible who pays the owners to have
17 them there is in fact the eight sheet
18 owner, the company that owns the eight
19 sheets, and that we'll attack them to get
20 them to remove their signs, because
21 without them paying the rent, there would
22 be no, in fact, violation.

23 COUNCILMAN RIZZO: But if a
24 building owner was part of it, you'd have
25 additional pressure. I mean, the way you

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2 work normally is that the building owner
3 that has -- my God, we had signs on
4 buildings that stuck out two inches than
5 the Code allowed, and you cited the
6 building owner for the sign. It was
7 their sign, but my point being is, common
8 sense, I can't imagine the Law Department
9 excluding the building owner from this
10 process, because that's additional
11 pressure. If we're trying to accomplish
12 something, then get everybody involved,
13 let them know that they may be violating
14 the law, tax laws, by not reporting
15 probably the revenue if it's illegal.

16 I mean, let me tell you, if a
17 building owner got a letter from L&I,
18 from you, indicating that they have an
19 illegal sign and you know it, I think
20 that they would be motivated to be
21 cooperative to get that sign off of there
22 if it was indeed illegal.

23 COMMISSIONER SOLVIBILE: The
24 feeling in the room was we would be more
25 effective with dealing with -- I'm only

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2 going back to that meeting and trying to
3 in my memory --

4 COUNCILMAN RIZZO: Well, the
5 feeling in this room is that if you're
6 trying to get it done, you involve
7 everybody absolutely necessary to deliver
8 the message. And for a lawyer to say
9 just go after the owner of the sign and
10 not the person that's benefiting from the
11 sign, to me, doesn't make any sense.

12 (Applause.)

13 COUNCILWOMAN MILLER: That's
14 actually the point I was trying to make.
15 If I'm operating, and I'll just use
16 something mild and meek, a restaurant in
17 my home illegally, you're not going to go
18 after the people that produce the food.
19 You're going to come after Donna Miller.
20 So I don't understand why this is
21 different.

22 COMMISSIONER SOLVIBILE: I
23 can't argue, because I don't know that I
24 disagree. So I will go back and have a
25 discussion with the Law Department and,

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2 in fact, suggest that we also send, in
3 addition to the sign company that has
4 received the violation notices from us,
5 to notify the individual owners of the
6 fact that there's a violation.

7 COUNCILMAN RIZZO: Can I please
8 follow up on that?

9 COUNCILWOMAN MILLER: Okay.
10 And then we'll have --

11 COUNCILMAN RIZZO: Also, on the
12 cost, if we get to the point where we
13 start physically removing these signs, to
14 take the burden away from the taxpayer,
15 there is obviously a way to go back
16 after -- we're not talking about a
17 property owner that walks away. We're
18 talking about a billion-dollar, in many
19 cases, industry. If you had to take a
20 billboard down, how would you go back or
21 what tools do you have to lien that
22 company to make them responsible for the
23 costs associated with the removal?

24 COMMISSIONER SOLVIBILE: That's
25 part of the negotiation the Law

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2 Department is doing with the sign
3 company, is we -- that was part of the
4 negotiations that were going on as to the
5 cost of the removal being on the burden
6 of the sign company. It was the way we
7 were trying to make it go to let them in
8 fact remove their own signs from the
9 walls and treat it. That was the
10 preference that I personally had.

11 COUNCILMAN RIZZO: Well,
12 Commissioner, my gut feeling is when push
13 comes to shove, when a truck is about to
14 pull up from a private contractor to
15 remove the sign, that responsible
16 organizations will say, Hey, we don't
17 want you to do that, we'll take care of
18 it ourself. That's how I think it will
19 eventually roll out.

20 I just can't imagine -- maybe
21 the small mom-and-pop that have two or
22 three might say, Let the contractors deal
23 with it, but I can't imagine a major
24 corporation allowing a private contractor
25 to come in and do what they're supposed

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2 to do.

3 COMMISSIONER SOLVIBILE: I can
4 say that what I heard -- and the legal
5 part of it, I'm not going to say that I
6 fully grasped the meeting I was at, but I
7 did understand the lawyer representing
8 the owner of this company, PNE Media,
9 saying that the company in fact has no --
10 it's a bankrupt company basically.

11 COUNCILWOMAN MILLER: No what?

12 COUNCILMAN RIZZO: Bankrupt.

13 COMMISSIONER SOLVIBILE: It's a
14 bankrupt company. That part I understood
15 clearly, that there was no money to
16 remove it if we made them remove them all
17 today, and they were trying to -- well,
18 I'm only repeating what was said in the
19 meeting, Councilman.

20 COUNCILMAN KENNEY: Just pull
21 it off the wall.

22 COMMISSIONER SOLVIBILE: That
23 basically then would be on the taxpayer,
24 and that we're trying to negotiate with
25 them to have them remove it. That's

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2 basically where we're at.

3 COUNCILMAN RIZZO:

4 Commissioner, a lot of companies have
5 been bankrupt that still can operate.

6 COMMISSIONER SOLVIBILE: I
7 understand.

8 COUNCILWOMAN MILLER: Thank
9 you.

10 Councilman Juan Ramos.

11 COUNCILMAN RAMOS: Thank you,
12 Madam Chair.

13 Councilman Clarke invited me
14 this past summer to walk the district
15 that he represents, which I live in the
16 district, and I was really surprised to a
17 certain extent and not surprised because
18 I see so many of them throughout our
19 district that I live in, and I could
20 probably say safely -- and I know that
21 Ms. Cummings is here -- that since we
22 took that walk through this summer,
23 there's probably been more advertising
24 that has gone up outside of some of these
25 stores, on top, on the sides and so

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2 forth.

3 Councilman Clarke announced
4 about a half an hour ago that he was
5 going to do everything, and I'm quite
6 sure this whole panel is going to be
7 supporting him and the Council, that to
8 do something within 30 days. What can
9 you do to make this happen within 30
10 days? You're negotiating. You saw
11 Councilman Kenney do what I was thinking
12 in my mind, just take those signs off and
13 get rid of them and let --

14 COMMISSIONER SOLVIBILE: Please
15 don't do it that way.

16 COUNCILMAN RAMOS: So what can
17 you do to get us to that 30 days removal
18 of these signs?

19 COMMISSIONER SOLVIBILE: Well,
20 I will personally -- Council, in the
21 budget season, passed an ordinance -- I'm
22 not sure of the ordinance. Otis could
23 probably share with you the number --
24 that created a sign unit in the
25 Department of Licensing and Inspections,

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2 and we're going to -- we're in the midst
3 of staffing it with eight individuals. I
4 believe there's three individuals in the
5 unit now that have been laying --
6 Councilman Rizzo alluded to that, that
7 we're creating a -- we've created a
8 database for eight sheets. We know where
9 all the eight sheets are to
10 differentiate.

11 We're not sure that we know
12 where all of the billboards are in the
13 City. Part of when I testified in
14 Council for the sign, there was a study
15 that PennDOT was doing with an
16 engineering firm that would measure where
17 the signs are, the address, the location
18 of the signs, and they worked with our
19 zoning people in the Concourse to
20 determine which signs were legal and
21 which signs were not legal.

22 Also, they measured -- these
23 are billboard signs now. They measured
24 the size of the billboard, because that
25 has a say in what -- Zoning may have

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2 approved a billboard, say, eight by ten,
3 and what's up there now is a 20-by-30
4 size sign face.

5 So we're waiting for the
6 results of that survey to come in to us.
7 We have not received it yet. The other
8 day I have asked for a letter to be
9 prepared to the person in charge of
10 PennDOT asking when we would receive the
11 results of the survey. As yet, we have
12 not.

13 As far as eight sheets goes, I
14 will bring back the suggestion to talk to
15 the Law Department as to notifying the
16 individual owners of the buildings the
17 eight sheets are on and ordering them to,
18 in addition to PNE Media removing the
19 signs, also ordering them as individuals
20 to remove the sign.

21 The support we would give is
22 that sign unit would then concentrate on
23 getting the exact address of the --
24 making sure we have the right address
25 that the eight sheet is on and then

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2 issuing the violation notice to the
3 individual.

4 COUNCILWOMAN MILLER:
5 Councilman Kenney.

6 COUNCILMAN KENNEY: I'm sorry,
7 Madam Chair. I just want to make one
8 suggestion on trying to speed this up,
9 because as a result of the hearing today,
10 our first panel of witnesses was the
11 Health Commissioner, representatives from
12 DHS, who I consider to be expert
13 testimony in their field. They clearly
14 said that the existence of these signs in
15 these neighborhoods is a direct threat to
16 the health and safety of the children who
17 live in that neighborhood. It was clear.
18 And I think that the Health Commissioner
19 was very clear in her testimony that
20 study after study has shown that this
21 information in front of kids' faces is
22 detrimental to their health and safety as
23 it relates to their potential drug and
24 alcohol abuse, to other types of
25 problems, unprotected sex, you name the

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2 list -- and it's in her testimony. The
3 entire list of things she said were the
4 detriment to the health and safety of the
5 kids who view this in the neighborhoods.

6 COMMISSIONER SOLVIBILE: I
7 heard the testimony, Councilman.

8 COUNCILMAN KENNEY: Doesn't
9 that maybe trump, from a legal
10 standpoint, the ongoing negotiations with
11 the bankrupt company that doesn't have
12 the resources to take down the stuff
13 anyway and we're talking about
14 negotiating with them a time frame that
15 so far is now undefined? Couldn't we get
16 a Court order through the Law Department
17 to have the Judge say, yes, this is a
18 detriment to health and safety, take them
19 down now, as opposed to trying to massage
20 this thing with a bankrupt company that's
21 probably not even located in the City and
22 talking about negotiating a time frame to
23 take them down?

24 I mean, if any other detriment
25 to health and safety were in play here,

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2 we would respond immediately and not be
3 kind of tiptoeing around this in a legal
4 fashion.

5 COMMISSIONER SOLVIBILE: I make
6 this commitment, that if the Law
7 Department gives us the approval to do
8 what you want, we will do it. And I will
9 in fact when I leave here call the Law
10 Department, Andrew Ross who is Divisional
11 Chief that I deal with, and ask if we
12 can, in light of this testimony, move it
13 up.

14 COUNCILMAN KENNEY: We have a
15 very competent Health Commissioner who is
16 educated and certified and licensed and
17 whatever else needs to be done. I take
18 her word and the word of Mr. Covone and
19 everybody else who testified that this is
20 a direct detriment to health and safety,
21 and that trumps any type of situation
22 where we'd have to negotiate in a court
23 setting.

24 So I'd proceed that way and
25 have a judge tell you as you're taking

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2 them down to stop doing it because it's
3 not a detriment to health and safety.

4 COMMISSIONER SOLVIBILE: I
5 don't disagree, Councilman. We need to
6 go through the Law Department, as you're
7 aware.

8 COUNCILMAN GOODE: Just a quick
9 follow-up to that.

10 Or couldn't we also just
11 condemn them?

12 COMMISSIONER SOLVIBILE: I'm
13 sorry, Councilman?

14 COUNCILMAN GOODE: Couldn't we
15 actually just condemn the properties? We
16 condemn full buildings. We also can
17 condemn partial properties, can't we?

18 COMMISSIONER SOLVIBILE: We
19 could state the sign in light of the
20 Health Department -- and I'd have to ask
21 the Law Department because it's beyond
22 L&I's normal violation, that if it's a
23 health and safety -- health and welfare
24 of the surrounding community, that
25 catchall that's used in state law,

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2 because of the hazard risk to children's
3 young impressionable minds.

4 COUNCILMAN GOODE: One of the
5 things we thought about doing ten years
6 ago when we were working on the Italian
7 Market project and not knowing whether we
8 were going to have agreement from the
9 business owners was the thought of just
10 condemning the facades there, taking over
11 the facades and essentially placing a
12 lien on those facades and retaining
13 public ownership of them. So can't we
14 just similarly condemn these properties?

15 COMMISSIONER SOLVIBILE: We
16 could order a violation -- the violation
17 that we sent to the PNE Media Company
18 stated that if they did not remove them,
19 the City may remove the signs and bill
20 them for all costs incurred. We could do
21 the same with the individual property,
22 yes.

23 COUNCILMAN GOODE: Thank you.

24 COMMISSIONER SOLVIBILE:
25 Assuming, Councilman -- let me further

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2 answer. Assuming that the Law
3 Department, in light of negotiations and
4 the testimony today, would be in
5 agreement with that, which I believe they
6 would be, but I still can't speak for
7 them.

8 COUNCILMAN GOODE: Thank you.

9 COUNCILMAN RAMOS: Councilman
10 Clarke.

11 COUNCILMAN CLARKE:
12 Commissioner, we can do whatever it is we
13 want to do essentially as it relates to
14 signs. Two years ago -- because I'm a
15 Ward Leader in my other life also -- on
16 Election Day, right, I'm stopping by one
17 of my polling places on 33rd Street, and
18 that morning a political candidate put
19 political signs along the corridor on
20 33rd Street in the park, which is in
21 violation of the law. All right? You
22 can't have posters or signage in the
23 park.

24 COMMISSIONER SOLVIBILE: I
25 believe as of last year it is, yes,

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2 Councilman.

3 COUNCILMAN CLARKE: No. This
4 is before.

5 COMMISSIONER SOLVIBILE: I'm
6 not sure about that. I think there was
7 an ordinance passed last year.

8 COUNCILMAN CLARKE: Well, that
9 might make my point even more so.

10 And a certain supporter of the
11 other candidate made a phone call, and
12 before lunchtime, all the signs were
13 gone. Right? It was no process, no
14 lawyers, no agreement. That was in
15 violation of that law, no signage in
16 Fairmount Park, and those signs were gone
17 in three hours, because that's what we
18 wanted to do.

19 So I'm saying -- and I'm
20 equally as frustrated as Councilman
21 Kenney. I hear he is. And I understand
22 that you have certain things that you
23 have to do as a Commissioner to the
24 letter of the law, but if you take the
25 approach, Look, we're doing this and let

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2 somebody take us to court, then shouldn't
3 we take that approach, as opposed to
4 essentially getting all our I's dotted
5 and all our T's crossed and we'll never
6 get there? And, you know, understanding
7 that if we reach a settlement, it could
8 potentially be challenged by some
9 advertiser. I mean, why don't we take
10 the approach of, Let's just go do what we
11 have to do, and take us to court.

12 COMMISSIONER SOLVIBILE: I
13 listened to the Health Commissioner's
14 testimony this morning, and as you know
15 in dealing with just about everybody at
16 the panel, buildings that are collapsing
17 is an imminent peril to the health,
18 safety and welfare and --

19 COUNCILMAN CLARKE: And you
20 curbside them.

21 COMMISSIONER SOLVIBILE: And we
22 curbside them.

23 COUNCILMAN CLARKE: The same
24 day.

25 COMMISSIONER SOLVIBILE: I

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2 found now that being here and thinking
3 about if a Health Commissioner who is a
4 highly, highly qualified person says that
5 it's impressionable, and all the people
6 in that original panel say that, then I
7 bring that to the Law Department, and I
8 think that if we can, then, as I told you
9 in the past and people in the panel,
10 unleash the dogs of war. We'll get a
11 contractor to remove the signs, properly
12 remove the signs, not pull them off,
13 because that will create another problem.
14 There's certain preparation to the wall
15 after that's required that you can't just
16 remove them.

17 COUNCILMAN RIZZO: Point of
18 information, Mr. Chairman.

19 COUNCILMAN RAMOS: Councilman
20 Rizzo.

21 COUNCILMAN RIZZO:
22 Commissioner, time flies. You talked
23 about -- and, again, the frustration, and
24 I'm starting to even get a little
25 frustrated with the process. You

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2 referred to the sign unit and you
3 referred to the fact that it was during a
4 conversation during the last budget
5 process. That's going to be a year ago
6 this February, this late January,
7 February. I would hope that that would
8 have been a done deal by now. It is
9 almost a year. I just want to remind you
10 of that.

11 COMMISSIONER SOLVIBILE: The
12 sign unit exists and it was in operation
13 actually when we were starting to
14 testify. We're just waiting to -- in the
15 budget process, we were allotted, I
16 believe, eight people. Don't quote me.
17 I mean, I could be off by one or two.
18 And we brought three on board back then,
19 and we're waiting for the testing period
20 and civil service and the way that all
21 comes together to allow us to hire them.

22 COUNCILMAN RIZZ0: It's going
23 to be a year.

24 COMMISSIONER SOLVIBILE:
25 Because we weren't authorized until July

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2 1, not February.

3 COMMISSIONER RIZZO: Again, no
4 criticism to you --

5 COMMISSIONER SOLVIBILE: After
6 the budget passes.

7 COUNCILMAN RIZZO: -- my point
8 is that a long time has gone by. And I
9 think we're getting somewhere here today,
10 but whatever you need to do, would you
11 please do it, because I think you need to
12 get it done.

13 COMMISSIONER SOLVIBILE: I can
14 say this: If the Managing Director at
15 the time, Mr. Goldsmith, and the present,
16 Mr. Ramos, are -- I've met with them
17 several times about the sign unit, and
18 they're fully in support and want us to
19 be as aggressive. The one lady that said
20 the inspector went out and said, You
21 can't have this billboard, that was in
22 fact from the sign unit. And we are now
23 concentrating in various areas to remove
24 the signs that are easy, easier done.

25 The individual stapled to

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2 trees, the outside of the business "early
3 bird special" signs, things like that,
4 we're going and explaining to people,
5 Hey, you can't have that because it's not
6 legal and telling them voluntarily remove
7 it, and we've been having success with
8 that.

9 So we will write the
10 violations. We will be as aggressive as
11 needed to remove the graffiti of signs in
12 Philadelphia that are the illegal signs
13 in Philadelphia, eight sheets and
14 billboards and stapled to trees. As an
15 example, somebody mentioned political
16 signs. Prior to every election, all the
17 candidates that as soon as they file with
18 the City Commissioners that they're a
19 candidate for office, a letter is
20 prepared by Commissioner Verdi's staff to
21 send to each individual candidate telling
22 them, You can't have the signs on trees
23 and things like that, and then we write
24 violations, and if they don't, we remove
25 them.

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2 So we're starting to be
3 aggressive, and it's just a matter of
4 catching up.

5 COUNCILMAN RIZZO: Just to end
6 my comment, nobody knows better than I do
7 how busy your organization is, and I know
8 we keep piling it on top, but since these
9 positions are authorized as, would you
10 say, July, that --

11 COMMISSIONER SOLVIBILE: As of
12 July, and we're waiting for personnel to
13 get us the people that we can interview.

14 COUNCILMAN RIZZO: Well, let us
15 know if we can help at all, please.

16 COMMISSIONER SOLVIBILE: We're
17 almost there.

18 COUNCILMAN RIZZO: Thank you,
19 Mr. Chairman.

20 COUNCILMAN RAMOS: Thank you,
21 Councilman Rizzo.

22 Any other questions for this
23 panel?

24 (No response.)

25 COUNCILMAN RAMOS: Not seeing

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2 any, thank you, Mr. Solvibile, and your
3 associates for testimony.

4 MR. HAIGLER: Mr. Chair.

5 COUNCILMAN RAMOS: Otis.

6 MR. HAIGLER: My name is Otis
7 Haigler, Jr., Director of Legislative
8 Affairs for the Department of Licenses
9 and Inspections.

10 As was alluded to in the
11 testimony of Deputy Commissioner Verdi,
12 there was a friendly amendment that was
13 being offered by the Department to
14 address issues that were brought up
15 earlier about penalties.

16 Under the provisions of the new
17 ordinance, if it were to be enacted,
18 there were no penalty provisions placed
19 in the ordinance. We looked at that and
20 we found that there should be under
21 Section 9-602 of The Philadelphia Code
22 relating to Outdoor Advertising, which
23 was recently amended and enacted back in
24 June of this year. The penalty
25 provisions were increased to \$2,000, and

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2 we feel that this is serious enough that
3 the penalty should be similar, that would
4 more or less, if enacted, it would give
5 more teeth to the enforcement of this
6 particular ordinance.

7 So we're offering an amendment
8 to link this section of the Code to
9 Section 9-602, and the amendment will be
10 a new Subsection (b) under 628 to
11 indicate that the violations of this
12 section, the penalties for violation of
13 this section will be similar to as was in
14 9-602, and the abatement provisions also
15 would be transferred to this section of
16 the Code to allow for the abatement of
17 sign issues.

18 COUNCILMAN RAMOS: Thank you,
19 Mr. Haigler. I didn't mean to overlook
20 you, but I sure appreciate your comments
21 on the amendment.

22 Do any members of this
23 Committee have a question for Mr. Haigler
24 or any of the two witnesses?

25 (No response.)

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2 COUNCILMAN RAMOS: Thank you so
3 much for your testimony this afternoon.

4 COMMISSIONER SOLVIBILE: Thank
5 you for having us.

6 COUNCILMAN RAMOS: The next
7 panel will be made of Mr. George
8 Kauker -- Commissioner Solvibile, it is
9 requested that you or a representative of
10 L&I stick around for the rest of the
11 proceedings or for this panel.

12 COUNCILMAN CLARKE: Just in
13 case any questions need to be raised.

14 COMMISSIONER SOLVIBILE:
15 Mr. Haigler.

16 COUNCILMAN RAMOS: Thank you.

17 Also, Leslie Gerstein, Mark
18 Rahdert.

19 Please proceed with your
20 testimony.

21 MR. KAUKER: Good morning.
22 Good morning, members of City Council and
23 the Committee -- or good afternoon. I am
24 George Kauker, President of the
25 Philadelphia division of Clear Channel

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2 Outdoor Advertising.

3 Clear Channel is the largest
4 billboard company in the City of
5 Philadelphia. I appreciate this
6 opportunity to appear before the Joint
7 Committees today to discuss Clear
8 Channel's practices with respect to the
9 placement of alcoholic beverages and
10 messages on its billboards and to present
11 Clear Channel's views regarding the
12 impact that the provisions of Bill No.
13 050865 would have on the dissemination of
14 these messages in the outdoor medium in
15 the City of Philadelphia.

16 At present, the outdoor
17 advertising industry operates within two
18 sets of restrictions regarding the
19 dissemination of alcoholic beverage
20 advertising. The first restriction is
21 imposed by state statute. As you may be
22 aware, Title 47, Chapter 1, Section 4 of
23 the Pennsylvania Statutes contains a
24 specific provision governing the
25 placement of outdoor advertising of

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2 alcoholic beverage products within the
3 Commonwealth of Pennsylvania. Subsection
4 4-498(3) of that statute makes it
5 unlawful for any person to place a print
6 advertisement of alcoholic beverages
7 within 300 feet of any church, school or
8 public playground.

9 While the state statute
10 established a baseline restriction, all
11 Clear Channel advertising for alcoholic
12 beverages in Philadelphia complies with
13 the far more restrictive industry
14 standard that excludes all alcoholic
15 beverage advertising within a radius of
16 500 feet of all schools, places of
17 worship and public playgrounds.

18 I want to emphasize that the
19 500-foot standard is not just a voluntary
20 restriction that can be selectively
21 disregarded at whim. That is because
22 every alcoholic beverage company
23 incorporates this restriction as a
24 mandatory term in its outdoor advertising
25 contracts.

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2 Those contract provisions
3 implement specific prohibitions
4 established by the Beer Institute and the
5 Distilled Spirits Council. As a result,
6 the failure of a billboard company to
7 comply with the 500-foot exclusionary
8 zone would constitute a material breach
9 of contract and subject a non-compliant
10 outdoor advertising company to damages
11 and other contractual penalties.

12 Alcohol beverage advertisers
13 audit Clear Channel to ensure that the
14 500 feet restriction is being complied
15 with. I can tell this Committee without
16 reservation that Clear Channel complies
17 scrupulously with the 500-foot
18 exclusionary zone requirement.

19 Frankly, speaking about the
20 exclusionary zone in terms of an abstract
21 500-foot spacing measurement does not
22 clearly convey the meaningful impact of
23 this regulation, so I will explain the
24 restriction in practical terms.

25 First, to be clear, the

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2 500-foot restriction is applied radially.
3 Therefore, in reality, the 500-foot
4 spacing restriction results in a circular
5 exclusionary zone of at least nine acres
6 extending out from the perimeter of every
7 church, school and public playground
8 within the City of Philadelphia. In
9 Clear Channel's view, the current
10 nine-acre exclusionary zone strikes a
11 balance that substantially reduces the
12 exposure of underage minors to alcoholic
13 beverage messages, while preserving the
14 equally important communication of
15 information about these lawful products
16 to adult consumers.

17 The 1,000-foot spacing
18 restriction proposed in Bill No. 050865
19 would have a very different impact on
20 outdoor advertising of alcoholic
21 beverages in the City of Philadelphia.
22 In practical terms, the imposition of a
23 1,000-foot spacing requirement would
24 establish a 36-square-acre exclusionary
25 zone around the multitude of schools,

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2 public playgrounds, recreation centers,
3 childcare centers and libraries that are
4 located throughout the City. I can state
5 unequivocally that a 36-acre exclusionary
6 zone would constitute a de facto ban on
7 the dissemination of all alcoholic
8 beverage messages in the outdoor
9 advertising medium within the City of
10 Philadelphia. In fact, the impact of a
11 1,000-foot spacing requirement would be
12 so profound that even if the exclusionary
13 zone was only drawn around a more narrow
14 category of schools and playgrounds, 90
15 to 95 percent of Clear Channel's
16 billboard locations would still fall
17 within that prohibited area.

18 Indeed, my conclusions are
19 consistent with the detailed studies of
20 other urban environments that were the
21 focus of the United States Supreme Court
22 decision in *Lorillard versus Reilly*, a
23 case in which the court invalidated a
24 directly analogous 1,000-foot outdoor
25 advertising restriction on tobacco

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2 products.

3 Bill No. 050865 is based on the
4 sponsor's understandable concern about
5 underage drinking. However, the
6 1,000-foot spacing remedy proposed in
7 Bill No. 050865 would effectively ban the
8 dissemination of all messages regarding
9 alcoholic beverages in the outdoor medium
10 in Philadelphia. For these reasons,
11 Clear Channel urges that the Joint
12 Committees issue an unfavorable report on
13 Bill No. 050865 with the recommendation
14 that it not be enacted into law.

15 COUNCILMAN RAMOS: Please
16 proceed.

17 MR. RAHDERT: Members of
18 Council, thank you for inviting us to be
19 here today. My name is Mark Rahdert.
20 I'm a Professor of Law at Temple
21 University School of Law. I am here on
22 behalf of Free Speech LLC, which is an
23 LLC that was organized by three major
24 outdoor advertising firms, Clear Channel,
25 Steen and Viacom.

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2 I've prepared a summary of my
3 testimony, which I've previously handed
4 in so that you can all have a copy of it,
5 and my focus is entirely on the proposed
6 ordinance, Bill No. 050865. And the
7 question that I was asked to examine was
8 the question of whether this bill, as
9 drafted, would be constitutional, and it
10 is my opinion that it would not, and I'm
11 here to basically explain that position.

12 The Supreme Court has
13 recognized for over 30 years that
14 commercial speech is protected under the
15 First Amendment to the United States
16 Constitution, and for a very long time,
17 they have followed a test known as the
18 Central Hudson test after the case that
19 established it to determine the
20 constitutionality of restrictions on
21 commercial speech. That test has four
22 parts, all of which must be satisfied.

23 The first is that the speech
24 itself must be a non-misleading speech
25 about a lawful activity. The second is

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2 that the government must be pursuing a
3 substantial interest. The third is that
4 the regulation must directly advance that
5 substantial interest, and the last is
6 that the regulation should be not more
7 extensive than necessary to achieve that
8 interest.

9 There's no question that
10 advertising about alcoholic beverages to
11 adults is a lawful activity and that it
12 is not misleading. There's also probably
13 no question that the state, the
14 government, has a substantial interest in
15 trying to protect potential underage
16 drinkers from exposure to those kinds of
17 advertisements that would encourage them
18 to drink. But there are questions about
19 the remaining part of the test.

20 That test was applied in
21 Lorillard Tobacco Company versus Reilly
22 to a similar sort of 1,000-foot outdoor
23 advertising restriction on tobacco
24 products, and in the Lorillard case,
25 which was decided in 2001, the Supreme

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2 Court struck down that advertising. It
3 did so on the grounds that the ordinance
4 failed the Central Hudson test, and the
5 courts focused specifically on the fourth
6 part of that test, the part that requires
7 that the law be not more extensive than
8 is necessary.

9 The court emphasized in that
10 case that this 1,000-foot restriction on
11 outdoor advertising had what it
12 characterized as a uniformly broad sweep
13 that had a substantial reach, that
14 covered a substantial area, particularly
15 in metropolitan communities. That
16 amounted to effectively a complete ban on
17 outdoor alcoholic -- I'm sorry; in that
18 case, tobacco product advertising.

19 It was applicable to all forms
20 and messages, and there was no
21 consideration of non-speech alternatives
22 that wouldn't restrict speech but would
23 advance the government's interest in
24 another way.

25 The Court in that case

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2 concluded that for those reasons, the
3 fourth step of the Central Hudson test
4 was not satisfied and that the law did
5 not sweep no more broadly than was
6 necessary to achieve its objectives.

7 That case is on all fours with
8 proposed Ordinance 050865. They are
9 virtually identical in terms one covering
10 tobacco products, the other covering
11 alcoholic beverage advertising, but in
12 other respects, virtually identical. And
13 it's clear, I think, because of that
14 close similarity that this ordinance, as
15 drafted right now, would be
16 unconstitutional.

17 Since Lorillard was decided by
18 the Supreme Court, there have been a
19 couple of other cases in the federal
20 courts dealing with similar sorts of
21 geographical restrictions specifically on
22 alcoholic beverage advertising, and in
23 every case, the courts have struck down
24 the ordinance or law that purported to
25 restrict the advertising.

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2 There was reference earlier
3 this morning to situations in, I believe,
4 Baltimore and San Diego. I should point
5 out that those cases preceded the Court's
6 decision in Lorillard. If those matters
7 were to come up again, those restrictions
8 would also, in my opinion, be struck down
9 for the same reasons. So that's not
10 precedent on which it would be safe to
11 rely.

12 So just to basically sum up, it
13 seems to me that the problem with this
14 ordinance as it's currently drafted is,
15 at a minimum, that it has a uniformly
16 broad sweep and extensive geographical
17 reach that amounts to an effective ban on
18 alcoholic beverage advertising.

19 There's an absence of what the
20 Court in Lorillard referred to as a
21 careful calculation of the speech
22 interest involved. There's an
23 application to all forms of advertising
24 regardless of its potential appeal to
25 different audiences, and there's a lack

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2 of consideration of non-speech
3 restrictive alternatives.

4 All of that adds up to
5 demonstrate the lack of a narrow
6 tailoring that would violate the fourth
7 prong of the Central Hudson test.

8 COUNCILMAN RAMOS: Thank you
9 for your testimony.

10 Ma'am, can you please proceed?
11 Please state your name.

12 MS. GERSTEIN: My name is
13 Leslie Gerstein and I'm General Counsel
14 to Steen Outdoor Advertising. I'm just
15 here to state that we are in support of
16 the positions of both Clear Channel and
17 the legal argument raised or analysis put
18 forth by Professor Rahdert.

19 The only other question I have
20 for the Committee is whether or not the
21 City is willing to abide by the same
22 standards that they're imposing on
23 outdoor advertisers, such as are they
24 willing to take down the beer and alcohol
25 signs from the stadiums from where

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2 children are in massive quantities at
3 Phillies games and Eagles games? Are
4 they willing to do that in other public
5 forum where there is advertising and not
6 just focus on the outdoor advertising
7 community? And I think that that is an
8 issue that needs to be addressed by the
9 Council, as well as by the City.

10 COUNCILMAN RAMOS: Thank you,
11 Ms. Gerstein, for your testimony.

12 At this time, I recognize
13 Councilman Goode for questioning.

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

16 My first question is for Clear
17 Channel. Mr. Kauker, in your testimony,
18 you reference several times state law.
19 When was that state law enacted?

20 MR. KAUKER: I don't know, sir.

21 COUNCILMAN GOODE: You don't
22 know when the state law was enacted?

23 MS. GERSTEIN: 1951, I believe.

24 MR. KAUKER: 1951.

25 COUNCILMAN GOODE: And how long

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2 has Clear Channel been in the outdoor
3 advertising business?

4 MR. KAUKER: Well, our company
5 and its predecessors have existed for
6 over 100 years.

7 COUNCILMAN GOODE: Are you
8 familiar with the period of time in which
9 this state law was enacted and whether
10 your company or whether your predecessors
11 supported or opposed it?

12 MR. KAUKER: No, sir. I was
13 not born in 1951.

14 COUNCILMAN GOODE: Well, you
15 seem to come here talking about a state
16 statute. I'm assuming that you
17 researched it, the history around it and
18 your company's full position on it. Did
19 you not?

20 MR. KAUKER: No, I didn't.
21 It's an existing statute and that's the
22 part that I researched.

23 COUNCILMAN GOODE: You used it
24 as part of an argument for what you
25 wanted to say anyway?

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2 MR. KAUKER: That's correct.

3 COUNCILMAN GOODE: Okay. Thank
4 you.

5 To Mr. Rahdert, in your view,
6 are you familiar with the state statute
7 and whether it is constitutional?

8 MR. RAHDERT: The question is
9 whether the state statute is
10 constitutional?

11 COUNCILMAN GOODE: Yes.

12 MR. RAHDERT: I don't
13 believe -- I'm not aware of any legal
14 test for that state statute. Its
15 restriction has a similar problem in
16 being a geographical restriction of
17 considerable extent. So it would have to
18 be examined under the Lorillard standards
19 in the same way.

20 COUNCILMAN GOODE: But you did
21 not examine the state statute in terms of
22 its constitutionality?

23 MR. RAHDERT: No. My focus was
24 on the bill that is before you. I did
25 not consider constitutionality of the

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2 statute.

3 COUNCILMAN GOODE: Thank you.

4 Do any of the three of you live
5 in Philadelphia?

6 MS. GERSTEIN: Yes.

7 COUNCILMAN GOODE: In what
8 Councilmanic District?

9 MS. GERSTEIN: I don't know. I
10 live in Mt. Airy.

11 COUNCILMAN GOODE: Oh, that's
12 hilarious.

13 Which Councilmanic District do
14 you live in within Philadelphia?

15 MR. RAHDERT: I don't live in
16 Philadelphia.

17 MR. KAUKER: I don't live in
18 Philadelphia.

19 MS. GERSTEIN: Could I just
20 state one thing regarding the state
21 statute? I did do some research into the
22 state statute regarding the 300 feet
23 provision. There has been one section of
24 that statute that has been declared
25 unconstitutional, and that provision has

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2 to do with limiting advertisements or
3 paying for advertisements at college
4 newspapers, and college and higher
5 education not being allowed to be paid
6 for the advertisement. The rest of the
7 statute has not been challenged.

8 COUNCILMAN RAMOS: Questions
9 from this Committee?

10 Councilman Rizzo.

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

13 Counselor, just so you are
14 aware, and I'm sure you are, that both of
15 the stadiums are not City facilities any
16 longer, but just to make you feel
17 comfortable, we do own the Philadelphia
18 International Airport, and you may be
19 aware that there's restrictions for
20 advertising of alcohol and tobacco at the
21 airport. You're aware of that?

22 MS. GERSTEIN: No, I was not.
23 Thank you.

24 COUNCILMAN RIZZO: Professor,
25 the question that I had, the point that

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2 you made earlier -- I think you may have
3 addressed that issue, so I'm going to
4 hold going back over that. I think I'm
5 satisfied with the answer, because you
6 addressed it with Councilman Goode. I'm
7 satisfied with the response that you
8 made. That will satisfy my need. Thank
9 you.

10 Thank you, Mr. Chairman.

11 COUNCILMAN RAMOS: Thank you,
12 Councilman Rizzo.

13 Any other questions from this
14 panel?

15 Councilman Clarke.

16 COUNCILMAN CLARKE: Absolutely.
17 Thank you. Thank you, Acting Chair.

18 Good afternoon.

19 Let me go back to some
20 language. Now, you may have referenced
21 the language. You talked about the legal
22 standard, commercial speeches protected
23 by the First Amendment, federal courts
24 have concluded that advertising be
25 regulated if the ordinance satisfies all

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2 of these three criteria.

3 MR. RAHDERT: Four criteria.

4 COUNCILMAN CLARKE: We have
5 three, but I'll probably accept your
6 four. The first one --

7 MR. RAHDERT: The first one is
8 about the speech itself. That might be
9 why that focused on the three that have
10 to do with the government regulations.

11 COUNCILMAN CLARKE: If you
12 adopt that, then the point is moot. We
13 can't regulate any content, which I
14 disagree with.

15 The asserted government
16 interest addressed by the law or
17 regulation is substantial, I think that
18 we've proven that based on the
19 government's witnesses today, not to
20 mention the witnesses from the community
21 and the advocacy groups.

22 Two, the law or regulation
23 directly advances the asserted government
24 interest, I think we've proven that based
25 on the government's witnesses today,

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2 because they clearly indicated that it is
3 their charge to protect youth,
4 particularly as it relates around
5 substance abuse and the problems
6 associated with alcohol.

7 Three, the law or regulation
8 employs a means that is narrowly tailored
9 to achieve the desired objection. Now, I
10 think that points to the issue with
11 respect to the broad scope of this
12 particular bill.

13 Currently in the City of
14 Philadelphia, we have a billboard
15 regulation that is 660 feet for any
16 billboards around the aforementioned
17 types of locations; i.e., schools,
18 recreation centers. Would you agree that
19 if this bill were amended -- and I know
20 you're not going to agree, but I'm going
21 to ask you the question.

22 Would you agree that if this
23 bill were amended to incorporate the
24 660-foot current provision, that it would
25 fit within the narrowly tailored area

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2 that would support our need to have such
3 a regulation?

4 MR. RAHDERT: Well, I think it
5 would come closer, and one of the
6 concerns that the Court had about a
7 thousand foot restriction is the extent
8 of the ban in metropolitan areas. But it
9 would ultimately be a fact question about
10 how much of the advertising space for
11 this kind of billboard advertising would
12 be left after that ban were enforced and
13 whether that would be sufficient to meet
14 the Court's standards for narrow
15 tailoring.

16 Some of the justices in the
17 Lorillard case, however, also raised
18 other issues. For example, as Mr. Kauker
19 said, I think, this provision would apply
20 radially. It's my understanding that it
21 would apply in every single direction.
22 So what if, for example, it would remove
23 a billboard that was positioned so that
24 people could see it on Interstate 95, one
25 of the elevated sections of 95 where

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2 there happened to be a school or daycare
3 center or something somewhere within a
4 thousand feet below it. It wouldn't
5 necessarily be seen by the children going
6 to that and yet it would still be
7 restricted by the ordinance. So there --

8 COUNCILMAN CLARKE: I'm dealing
9 with the current provision that prohibits
10 billboards within the 660 feet, a
11 provision that is law. My question to
12 you --

13 MR. RAHDERT: Well, it could
14 still be constitutionally challenged by
15 someone even though it's currently law.
16 I thought you were asking me to reflect
17 on what its constitutionality would be if
18 it were so challenged. I think there are
19 additional issues, is what I'm trying to
20 say.

21 COUNCILMAN CLARKE: You spoke
22 of the broad nature of the bill. What
23 I'm saying is that we currently have a
24 provision that prohibits certain signage
25 within 660 feet, certain billboards, and

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2 I'm saying that that's currently law. So
3 if this particular bill, that it adopted
4 a provision for all signage and
5 billboards in this narrowly defined
6 660-foot perimeter, that I think that
7 that could pass constitutional muster.
8 We've already established a 660-foot
9 perimeter based on prior testimony as it
10 related to the need to have such
11 prohibitions on billboards.

12 MR. RAHDERT: Well, let me
13 respond two ways. One is, I still think
14 660 feet still presents a potential issue
15 under Lorillard.

16 COUNCILMAN CLARKE: Lorillard?

17 MR. RAHDERT: Under the
18 Lorillard decision.

19 There is, however, another
20 issue and, that is, if I'm understanding
21 you correctly, you have a provision that
22 applies to all billboards, no matter what
23 their content. Part of the problem here
24 is that you're singling out a particular
25 kind of content, a particular message,

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2 and you're saying that message in
3 particular cannot be presented even
4 though other messages can.

5 In some respects under the
6 First Amendment, it is safer to have a
7 rule that, for whatever reasons,
8 aesthetic reasons or city planning
9 reasons, says we just don't want
10 billboards of a certain size in certain
11 locations. And that sort of standard,
12 again, depending upon its ultimate impact
13 on speech in the community, can sometimes
14 more easily meet constitutional
15 requirements.

16 COUNCILMAN CLARKE: So is it
17 your understanding that there are no
18 current prohibitions on any advertisement
19 of either tobacco or alcohol anywhere in
20 the nation?

21 MR. RAHDERT: Oh, absolutely
22 not. That's not my position at all.
23 There are --

24 COUNCILMAN CLARKE: Well,
25 that's what you just said. You said we

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2 should not be able to prohibit certain
3 specific types of content.

4 MR. RAHDERT: I was trying to
5 draw a distinction between a rule that
6 says no billboards in a particular
7 neighborhood. Many communities have
8 that.

9 COUNCILMAN CLARKE: But you
10 said we were looking at content on that
11 billboard.

12 MR. RAHDERT: Well, this
13 particular ordinance is about alcoholic
14 beverage advertising. That's about
15 specific content.

16 COUNCILMAN CLARKE: Correct.
17 And what I'm saying is that throughout
18 this country, there is legislation that
19 has passed constitutional muster that
20 talks about specific content. Would you
21 agree?

22 MR. RAHDERT: I am not aware
23 since the Lorillard decision of any case
24 that has upheld a restriction on
25 alcoholic beverage advertising, a

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2 geographical restriction on alcohol
3 advertising --

4 COUNCILMAN CLARKE: Any
5 content?

6 MR. RAHDERT: -- that applies
7 to outdoor advertising.

8 COUNCILMAN CLARKE: Any
9 content, no specific content?

10 MR. RAHDERT: It's about
11 alcoholic beverage advertising.

12 COUNCILMAN CLARKE: That's not
13 what I asked you.

14 MR. RAHDERT: Do you mean any
15 other message?

16 COUNCILMAN CLARKE: No. You
17 said that we should not be able to
18 specifically outline a particular type of
19 content. I'm asking you, any content
20 whatsoever? You can't say, Well, in one
21 hand, you can't do alcohol, but in the
22 other hand, you can specifically detail a
23 particular type of use other than
24 alcohol.

25 MR. RAHDERT: Any message

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2 that --

3 COUNCILMAN CLARKE: Based on
4 what you're saying.

5 MR. RAHDERT: Any message that
6 you would try to outlaw in a particular
7 area would raise the same constitutional
8 question. It would be subject to the
9 Central Hudson test, and you would have
10 to show that there was a substantial
11 interest in regulating that content --

12 COUNCILMAN CLARKE: And we've
13 shown that.

14 MR. RAHDERT: -- that it was
15 directly advanced by the restriction and
16 that it did not sweep more broadly than
17 necessary.

18 COUNCILMAN CLARKE: And we
19 think we've passed all of them.

20 MR. RAHDERT: Well, my position
21 is that this ordinance does not meet that
22 final test, the fourth test, and I think
23 that's clear under the Lorillard
24 decision.

25 COUNCILMAN CLARKE: Okay.

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2 That's fine. We can agree to disagree.

3 COUNCILMAN RIZZO: Point of
4 information.

5 COUNCILMAN CLARKE: Okay. And
6 I wanted to ask Clear Channel.

7 COUNCILMAN RIZZO: I'm confused
8 for a second. Isn't television still
9 banned? And I know I just saw an alcohol
10 commercial for hard liquor on television.
11 Why wouldn't your position apply to the
12 ban for alcoholic advertising on
13 television?

14 MR. RAHDERT: Well, first of
15 all, you have to be very careful to
16 distinguish between voluntary and
17 required, and maybe Mr. Kauker can speak
18 more to this than I can, but it's my
19 understanding that the alcoholic beverage
20 industry has adopted many voluntary
21 restrictions on advertising in a variety
22 of different media. Those would not be a
23 matter of legal analysis, because they
24 had been voluntarily adopted.

25 COUNCILMAN RIZZO: So what

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2 we're seeing now, I mentioned to one of
3 my colleagues I saw an ad for liquor or
4 whatever on television, that those
5 organizations, those companies have
6 decided to go away, like SEPTA has, from
7 their voluntary agreement not to
8 advertise on television?

9 MR. RAHDERT: I don't know the
10 nature of the agreement. That would
11 be...

12 MR. KAUKER: I'm not aware -- I
13 understand that it's a voluntary ban, but
14 I don't know.

15 COUNCILMAN RAMOS: Councilman
16 Clarke, you had a follow-up question.
17 Then we'll move to Councilman Goode.

18 COUNCILMAN CLARKE: I'll defer
19 to Councilman Goode.

20 COUNCILMAN RAMOS: Councilman
21 Goode, you're being deferred to.

22 COUNCILMAN GOODE: Just a quick
23 point of information.

24 What is Free Speech LLC and
25 what's the association with Temple

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2 University?

3 MR. RAHDERT: It has no
4 association with Temple University. They
5 asked me to assist them. I'm being
6 compensated for that and I'm providing
7 assistance.

8 COUNCILMAN GOODE: So what is
9 your association with Free Speech LLC?

10 MR. RAHDERT: My association is
11 that I was asked to consult for them,
12 which I'm doing.

13 COUNCILMAN GOODE: So they paid
14 you to give an opinion?

15 MR. RAHDERT: That's correct.
16 Pardon me?

17 COUNCILMAN GOODE: They paid
18 you to give an opinion?

19 MR. RAHDERT: That's correct.

20 COUNCILMAN GOODE: But is this
21 your testimony that says "memorandum"?

22 MR. RAHDERT: Pardon me?

23 COUNCILMAN GOODE: Is this
24 meant to be testimony?

25 MR. RAHDERT: That's a summary

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2 of my testimony and it identifies my
3 position at Temple University.

4 COUNCILMAN GOODE: But is it
5 formal testimony that you submitted for
6 the record?

7 MR. RAHDERT: Yes. It is the
8 testimony I submitted.

9 COUNCILMAN GOODE: But the
10 testimony is from Mark Rahdert, Professor
11 of Law, Temple University Beasley School
12 of Law, but you were paid by Free Speech
13 to offer an opinion?

14 MR. RAHDERT: That's correct.

15 COUNCILMAN GOODE: Is that not
16 a conflict?

17 MR. RAHDERT: I don't see it as
18 a conflict, no.

19 COUNCILMAN GOODE: You don't
20 think we would see it as a conflict?

21 (Applause.)

22 MR. RAHDERT: I'm fully
23 disclosing that I've been compensated.

24 COUNCILMAN GOODE: You were not
25 fully disclosing. You are now fully

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2 disclosing that you're being compensated.

3 MR. RAHDERT: I thought I said
4 that at the beginning of my presentation.

5 COUNCILMAN GOODE: What you did
6 in your written testimony was present it
7 as a Temple University Professor, someone
8 who is associated with a state funding
9 institution here commenting on state law,
10 testifying as someone from an association
11 with a state institution located within a
12 Council District that has the highest
13 proliferation of this type of
14 advertising. Do you think your employer
15 will see it as a conflict of interest?

16 MR. RAHDERT: I don't believe
17 so, no.

18 COUNCILMAN GOODE: I think we
19 may pursue that, though.

20 (Applause.)

21 COUNCILMAN CLARKE: Thank you,
22 Mr. Chair.

23 From Clear Channel, I just want
24 to get some clarity on your earlier
25 reference. You said that Clear Channel

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2 is adhering to a 500-foot provision.

3 What provision is that?

4 MR. KAUKER: It is an industry
5 standard that's on OAAA, Outdoor
6 Advertising Association of America,
7 standard. It's also the standard of the
8 beer industry and the Distilled Spirits
9 Council.

10 COUNCILMAN CLARKE: This is a
11 policy of the industry?

12 MR. KAUKER: Correct.

13 COUNCILMAN CLARKE: Not
14 prohibits any law.

15 MR. KAUKER: It's not a law.
16 It's not a statute.

17 COUNCILMAN CLARKE: I just want
18 to be clear, because some people -- there
19 was a certain law provision as it related
20 to advertisement in the City of
21 Philadelphia, 660, and when you say 500,
22 I just wanted to get some clarity that
23 it's understood that you're not adhering
24 to any City provision, any City statute
25 at all, that's just an internal policy

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2 decision for you.

3 MR. KAUKER: It's an industry
4 standard, correct.

5 COUNCILMAN CLARKE: All right.
6 Thank you.

7 COUNCILMAN RAMOS: Thank you,
8 Councilman Clarke.

9 Councilman Rizzo.

10 COUNCILMAN RIZZO: I'm fine.
11 Thank you.

12 COUNCILMAN RAMOS: Any other
13 questions for this panel?

14 (No response.)

15 COUNCILMAN RAMOS: Thank you so
16 much for your testimony this afternoon.

17 Our next panel will be composed
18 of Mr. Chris Wally, Priscilla Bennett,
19 Tyrone Williams and Greg -- forgive me if
20 I'm mispronouncing your last name, Greg
21 Spearman. Please come forward.

22 If there's anyone else that is
23 here to testify, join the panel that has
24 come to the witness table, please.

25 Please proceed with your

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2 testimony. Please state your name.

3 MR. WILLIAMS: Good afternoon.

4 My name is Tyrone Williams. I'm the
5 community liaison of the Strawberry
6 Mansion Neighborhood Action Center.

7 COUNCILMAN RAMOS: Can you
8 speak closer to the microphone, please.
9 Thank you.

10 MR. WILLIAMS: I said good
11 afternoon. My name is Tyrone Williams.
12 I'm the community liaison of the
13 Strawberry Mansion Action Center.

14 I represent well over 230,000
15 residents of the Strawberry Mansion area.
16 We have a boundary area that starts from
17 Sedgley Avenue at 25th over to Lehigh,
18 over to 34th and Lehigh, down to 33rd and
19 Oxford. So I represent many of the
20 residents who live around the
21 stop-and-go's and sees these
22 advertisements.

23 I was listening to the
24 testimony, and I must commend Tracy and
25 Bonita and many of those who came

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2 forward. I must commend them on their
3 testimony, their research and their hard
4 work.

5 I need to say that the
6 Strawberry Mansion Neighborhood Action
7 Center hears many complaints daily on the
8 stop-and-go's and the quality of life in
9 the Strawberry Mansion area. I must also
10 say that I'm troubled that the numbers
11 that I heard in the Councilmanic
12 Districts with the advertisement of malt
13 liquor and the sex and the exploitation
14 that is going on in our communities.

15 I also work with many of the
16 block captains in the Strawberry Mansion
17 area who look for our office to offer
18 some leadership. I'm going to go on
19 record to say that we will offer that
20 leadership and we will work with the
21 block captains to keep them informed not
22 only of Act 39 but of this bill, 050865.

23 I heard standards being put out
24 there by Clear Channel and the Professor,
25 and I'm here to talk about the standard

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2 of living in the Strawberry Mansion
3 community, the right that the residents
4 have to have a good standard of living,
5 because they have the right, and it seems
6 to me like that's being not recognized,
7 that's being pushed aside for whatever
8 means, whether it's financial gain or
9 exploitation of a community.

10 I will go back to my office and
11 speak with the people I need to speak
12 with so that I can inform the residents
13 and the block captains to be prepared to
14 get behind those who are in support of
15 this bill and other bills like it that
16 can enhance the quality of life in our
17 communities. The residents in Strawberry
18 Mansion and the City of Philadelphia
19 deserve it.

20 Thank you.

21 (Applause.)

22 COUNCILMAN RAMOS: Thank you,
23 Mr. Williams.

24 Please proceed, sir.

25 MR. JOHNSON: My name is

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2 Vernard Johnson. I'm with the Southeast
3 Pennsylvania Network for the Public's
4 Health, Education and Welfare, and we're
5 located at 1930 South 25th Street,
6 Philadelphia. And I apologize for
7 getting my name on the list late, but I
8 thought it was done yesterday. But I
9 offer my apologies.

10 We're here to support Tracy
11 Gordon in her effort to have these
12 billboards removed. I was here 15 years
13 ago. I thought it was done when Reverend
14 Brown was a part of this billboard
15 initiative, and I see that it hasn't been
16 done.

17 I'd like to make a couple of
18 recommendations. One is, maybe we could
19 somehow sticker those billboards that are
20 illegal so that folks in the community
21 know that these billboards are illegal,
22 or maybe we should just take some paint
23 and throw on them.

24 I'm not being facetious here.
25 For the last 25 years, we've been coming

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2 here, and it seems like all we get is
3 excuses. Not necessarily from you all,
4 but just excuses of why the conditions in
5 our neighborhood remain the same. And if
6 they don't change, maybe what we should
7 do is, and I said to Attorney Crawford,
8 just get a brown paper bag, going back to
9 my legal service days, and march down to
10 the federal courthouse and sue everybody
11 that's involved in this.

12 We're talking about our
13 children, and every day our children see
14 those signs. Every day. They see the
15 liquor. They see the beer. They see
16 people stumbling out of these
17 establishments. They see their parents
18 sometimes addicted to drugs and alcohol.

19 I was in South Philadelphia
20 High School the other day, and you can
21 see the tobacco from the cigars in the
22 stairwell and you can smell the reefer
23 like it was a hooch in Vietnam, and it's
24 sickening and it needs to stop. And if
25 we all need to go upstairs or downstairs,

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2 wherever the Mayor is, to say, Let's get
3 together on this piece today, maybe
4 that's what we need to do, because
5 tomorrow the kids are going to see those
6 same old nasty billboards.

7 Maybe we should create a
8 nuisance task force, somewhat maybe a
9 bilateral task force, Councilman, and
10 maybe one of you and someone like Tracy
11 from the community side co-chairs that
12 task force. Maybe we look at not just
13 the billboards, but all the other
14 nuisances that go on in our community
15 that are brought in by people from the
16 outside.

17 How dare Temple University
18 allow somebody to come here and testify
19 like that? We'd like to have a copy of
20 the testimony, because as soon as we
21 leave here, we're going to go to Temple
22 with it. We're going to go straight to
23 Temple University with it and see if they
24 object to a professor from the Law School
25 on Broad Street testifying on behalf of

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2 the alcohol industry that's corrupting
3 our community.

4 If you look at this map and
5 then go get that billboard that
6 candidate, now District Attorney, Abraham
7 walked around with to show all the crime
8 in the City when she was running for DA
9 and then look at this map, it seems to me
10 to be -- I mean, if the Health
11 Commissioner has been here and the
12 Commissioner from DHS has been here and
13 said this is no good, then maybe we
14 should get you all to sign on to the suit
15 on the brown paper bag and we should all
16 go down federal court and do -- let me
17 tell you something, this didn't start
18 with the guy who is downstairs now. This
19 started with your Governor. I mean, he
20 was the one who didn't want to enforce
21 this stuff, and he's up there now. And
22 we got these stop-and-go's going crazy in
23 our community. You guys getting ready to
24 hold hearings with his Control Board.
25 Maybe we should think about sweeping him

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2 out. It's time for this crap to stop.

3 I haven't been here in a long
4 time. A lot of you have never seen me
5 here before. I've seen Council change.
6 I don't even know some of the guards in
7 the back. That's how long ago I've been
8 here. This was a terrible lesson of
9 civics. Tracy asked me to bring some of
10 my students here to testify. I'm glad I
11 didn't.

12 You know, when that bill -- and
13 I'll finish with this. When that
14 billboard thing 15 years ago passed, I
15 was just asking my wife, it couldn't be
16 around schools, the billboard. I saw
17 those billboard companies with the
18 billboard on the back of a trailer and
19 they ride around the communities. They
20 were sitting -- the school was at 24th
21 and Christian. They'd be sitting at 17th
22 and Christian with the billboard.

23 These jokers need to pay a
24 price. We need to penalize them. We
25 need to take some money out of their

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2 pocket. As a community, maybe we need to
3 go around and take them down.

4 We don't have enough resources.
5 Don't lock us up when we start taking
6 them down. This is ridiculous.

7 I'll close with this, maybe a
8 month or two ahead of time: Fund the
9 Health Department to its fullest levels
10 so that it can do the education it needs,
11 not through some program, but it can do
12 the ongoing education it needs to educate
13 our folks and to treat our folks who are
14 addicted, because if there's not a
15 demand, there won't be this kind of crap
16 going on.

17 So we need to take a serious
18 effort in this town to educate people and
19 to treat people so we can reduce the
20 need. It's crazy. I'm going to ask
21 Councilwoman Blackwell, who has got a lot
22 of these signs in her district, and she's
23 my Councilperson, if she'll join us in
24 some type of aggressive legal action
25 against these folks.

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2 That's all I have to say.

3 (Applause.)

4 COUNCILWOMAN MILLER: Thank you
5 for your testimony.

6 Are there any questions of this
7 witness from any Committee members?

8 (No response.)

9 COUNCILWOMAN MILLER: Thank
10 you.

11 Who is next?

12 MR. SPEARMAN: My name is Greg
13 Spearman. I'm actually with the 18th
14 District Community Town Watch and other
15 groups. You can keep on naming them.

16 The last panel that was sitting
17 up here, they did leave, didn't they?
18 Because I really would like to know if
19 they got any of the eight sheets in their
20 neighborhoods. We already know they
21 don't live in Philadelphia. We would
22 like to know the dynamics of their
23 neighborhood and how it reflects with
24 this here map, and I think that's
25 something that should be asked. It's

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2 something that I think is very important,
3 because the last time I came down here to
4 testify about this here proliferation of
5 this type of advertisement in our
6 communities, L&I took and deferred their
7 judgments and their duties to the legal
8 process, but as you seen as the billboard
9 industry came in, they came in with their
10 legal representatives, and I don't see
11 why we don't have our legal staff in
12 here, why we don't have the legal
13 department here telling us why.

14 COUNCILMAN RIZZ0: They're
15 here.

16 MR. SPEARMAN: Well, how did
17 this guy just get to ramble on and we
18 didn't have any cross-examination from
19 our legal department?

20 Thank you, Councilman Clarke,
21 for doing an eloquent job, and such as
22 you, Councilman Goode. Thank you both.

23 (Applause.)

24 MR. SPEARMAN: But where's our
25 legal staff at?

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2 I think it's very insulting. I
3 was kind of offended, Councilman Kenney,
4 when you deferred the responsibility to
5 the second floor, and especially an
6 At-Large member. You're At-Large, sir,
7 and I think it's your responsibility --

8 COUNCILMAN KENNEY: I'm sorry.
9 Just let me --

10 MR. SPEARMAN: I'm still
11 talking.

12 COUNCILMAN KENNEY: Well, you
13 came directly at me, so I just want to
14 correct the record, if you can just give
15 me a second.

16 I never deferred to the second
17 floor. I explained, and I think pretty
18 clearly explained, that no matter what we
19 introduce here and what we pass here,
20 unless the enforcement is ordered by the
21 second floor, they won't come down.
22 That's all I said.

23 (Applause.)

24 COUNCILMAN KENNEY: It's not --

25 MR. SPEARMAN: I think most

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2 people here are astute enough to know the
3 makeup of this legislative government.

4 That's why we're here.

5 COUNCILMAN KENNEY: Why are you
6 fighting with us?

7 MR. SPEARMAN: I'm not fighting
8 with you, sir. I'm just telling you how
9 I feel. This is my personal opinion.

10 COUNCILMAN KENNEY: Well,
11 you're directing a criticism at me when
12 I've been nothing but supportive of this
13 issue and you and everybody else in this
14 room since I've been here, and I don't
15 think it's fair. That's all I'm saying.
16 That's my opinion.

17 MR. SPEARMAN: Okay.

18 COUNCILMAN KENNEY: So if you
19 want to attack me for whatever reason and
20 praise Councilman Goode and Councilman
21 Clarke, that's fine, but --

22 MR. SPEARMAN: Sir, if you took
23 it as an attack, then you misunderstood
24 what I'm saying.

25 COUNCILMAN KENNEY: I don't

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2 think I deserve to be criticized for
3 something I've been trying to work with
4 and help you and everybody else in this
5 room for 14 years in here.

6 (Applause.)

7 COUNCILMAN KENNEY: And if you
8 feel that that's warranted, then fine.
9 You have a problem with me, I understand.

10 MR. SPEARMAN: The point that
11 I'm making and what I'm saying today and
12 I think --

13 COUNCILMAN KENNEY: And I'm
14 sick today, too.

15 MR. SPEARMAN: And I'm sorry
16 for that. I'm not a doctor or else I
17 would help.

18 COUNCILMAN KENNEY: So am I.
19 It's a terrible feeling, I know.

20 MR. SPEARMAN: The point that
21 I'm making in saying that -- and if you
22 take it as a personal attack, I'm sorry
23 for that, because it's not. Because we
24 all share responsibility in this, each
25 and every one of the Councilpeople up

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2 there, as well as us, and that's why
3 we're here living up to our
4 responsibility. We're all going to have
5 to take and gourd. I mean, it's not a
6 situation where we have to go down, such
7 as Vernard said. When you said that, he
8 said "along with all the Councilpeople."
9 We all have a responsibility in this.

10 Councilman DiCicco said the
11 last time we was here talking about these
12 here eight sheets, he referred to your
13 father, Mayor Frank Rizzo, at the time.
14 He said -- I don't remember the exact
15 wording. He said what he would do is
16 take them down and then go to court
17 later.

18 MR. JOHNSON: Take them down.

19 MR. SPEARMAN: We're here
20 trying to figure out what the legal
21 process is. We know they got all these
22 illegal signs. I ask you, you find a way
23 for me to take them down at my cost in
24 the Third Councilmanic District. Take me
25 up on it. I'll pay for the training if I

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2 need training. You just take me up on it
3 and I'll take down what I can on these
4 eight sheet signs, because it's
5 ridiculous. It's actually insulting to
6 us.

7 Dr. Godley gave us all the
8 reasons why, barring none, all the
9 reasons why we should be out there taking
10 these signs down, and I think it's
11 criminal for all of us in this here -- in
12 the capacity of these elected positions
13 that we have, because I'm an elected
14 official, too, 60th Ward, 11th Division,
15 to take and ignore these things that's
16 happening.

17 I live in the 18th Police
18 District. We have a community workshop
19 once a month. Ninety nine percent easy
20 of the community workshop is black people
21 in the workshop, but it tends when we
22 look -- at 42nd Street, you can't sell no
23 drugs. On 52nd Street, you can sell
24 drugs all day.

25 I think the problems that we

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2 have aren't exclusive to West Philly,
3 North Philly. I think when it comes back
4 down to it, as I said yesterday at the
5 hearing, it comes down to will, and do we
6 have the will to do the right thing.

7 Thank you.

8 COUNCILWOMAN MILLER: Thank
9 you.

10 (Applause.)

11 COUNCILWOMAN MILLER: Thank
12 you, Mr. Spearman.

13 Do any Committee members have
14 any questions of this witness?

15 (No response.)

16 COUNCILWOMAN MILLER: Okay.

17 MR. JOHNSON: Could we get a
18 copy of the testimony of the Professor
19 from Temple? We tried at the table, but
20 there wasn't any left.

21 COUNCILWOMAN MILLER: Okay. A
22 copy of the testimony of the Professor?

23 MR. JOHNSON: The law professor
24 from Temple University, could we have a
25 copy of his testimony?

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2 MS. GORDON: Thank you, all.

3 COUNCILWOMAN MILLER: I want to
4 thank everyone for coming in to testify.

5 Are there any other persons to
6 testify on this bill?

7 (No response.)

8 COUNCILWOMAN MILLER: I'd just
9 like to personally say that I think we
10 had very good testimony today. Thank you
11 for your commitment to this issue, and
12 your passion shows, your commitment shows
13 in your testimony. Thank you.

14 This concludes the testimony on
15 Bill No. 050865 and we will now move into
16 our public meeting.

17 Councilman Clarke.

18 COUNCILMAN CLARKE: Thank you,
19 Madam Chair.

20 Madam Chair, I was prepared to
21 offer two amendments, one increasing the
22 penalty to \$700, subsequently to \$2,000
23 over a period of years. I was also
24 prepared to introduce an amendment
25 pairing back from a thousand feet to 660

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2 feet, but because of the testimony of the
3 individuals both representing Clear
4 Channel and the lawyer representing Clear
5 Channel, I think I would prefer to leave
6 it at a thousand feet at this time,
7 because it is clear to me that they will
8 fight this particular provision
9 regardless as to what amount of feet we
10 put it in, so we might as well leave it
11 at a thousand. So I'm going to offer the
12 amendment to increase the penalty. So at
13 this time, I'd like to offer an amendment
14 to Bill No. 050865.

15 (Duly seconded.)

16 COUNCILWOMAN MILLER: All in
17 favor?

18 (Aye.)

19 COUNCILWOMAN MILLER: Opposed?

20 (No response.)

21 COUNCILWOMAN MILLER: The ayes
22 have it.

23 Councilman Clarke, can I have a
24 motion on Bill No. 050865 as amended.

25 COUNCILMAN CLARKE: Yes, Madam

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2 Chair.

3 Madam Chair, I move that Bill
4 050865 as amended be reported out of
5 Committee with a favorable
6 recommendation, a request for rules
7 suspension as to allow reading at the
8 next session of Council.

9 (Duly seconded.)

10 COUNCILWOMAN MILLER: It has
11 been moved and seconded that Bill No.
12 050865 as amended -- I move that Bill No.
13 050865 as amended be reported out of this
14 Committee with a favorable
15 recommendation. And I guess we're going
16 to also call for rules suspension?

17 COUNCILMAN CLARKE: Yes.

18 COUNCILWOMAN MILLER: So as to
19 permit first reading of the bill at our
20 next Council session.

21 (Duly seconded.)

22 COUNCILWOMAN MILLER: Will
23 someone please make that motion. I can't
24 make the motion.

25 COUNCILMAN CLARKE: Madam

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2 Chair, I move that Bill 050865 be
3 reported out of Committee with a
4 favorable recommendation as amended, a
5 request for rules suspension as to allow
6 reading at the next session of Council.

7 (Duly seconded.)

8 COUNCILWOMAN MILLER: All in
9 favor?

10 (Aye.)

11 COUNCILWOMAN MILLER: Opposed?

12 (No response.)

13 COUNCILWOMAN MILLER: Then this
14 Committee is concluded and this bill has
15 been reported out favorably.

16 (Joint Committees on Public
17 Safety and Public Health and Human
18 Services adjourned at 1:50 p.m.)

19 - - -

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CERTIFICATE

3

I HEREBY CERTIFY that the

4

proceedings, evidence and objections are

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contained fully and accurately in the

6

stenographic notes taken by me upon the

7

foregoing matter on December 6, 2005, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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