

6/6/2023

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND INSPECTIONS

Remote location using Microsoft® Teams
Tuesday, June 6, 2023
10:00 a.m.

PRESENT:

COUNCILMAN MICHAEL DRISCOLL, CHAIR
COUNCILMAN MARK SQUILLA, VICE-CHAIR
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILMAN CURTIS JONES, JR.

ALSO PRESENT:

COUNCILMAN ANTHONY PHILLIPS

BILL: 230271

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1 - - -

2 COUNCILMAN DRISCOLL: Good
3 morning. Before we begin the public
4 hearing, I will make the following
5 announcement: Due to the continuing
6 threat to public health from COVID-
7 19, City Council Committees are
8 currently meeting remotely. We are
9 using Microsoft Teams to make these
10 remote hearings possible.

11 Instructions for how the
12 public may view and offer public
13 testimony at public hearings of
14 Council Committees are included in
15 the public hearing notices that are
16 published in the Daily News, Inquirer
17 and Legal Intelligencer prior to the
18 hearings and can also be found on
19 PHLCouncil.com. I now note that the
20 hour has come.

21 Mr. Golden, will you please
22 the call to roll to take attendance.
23 Members who are present in attendance
24 will please indicate that you are
25 present when your name is called.

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1 Also, please say a few brief words
2 when responding so that your image
3 will be displayed on screen when you
4 speak.

5 THE CLERK: Councilmember
6 Johnson.

7 (No response.)

8 THE CLERK: Councilmember
9 Gilmore Richardson.

10 COUNCILWOMAN GILMORE

11 RICHARDSON: Good morning, Mr. Chair.
12 Good morning, colleagues. I am
13 present.

14 THE CLERK: Councilmember
15 Jones.

16 (No response.)

17 THE CLERK: Councilmember
18 Jones.

19 (No response.)

20 THE CLERK: Councilmember
21 Vaughn.

22 (No response.)

23 THE CLERK: Vice-Chair
24 Squilla.

25 COUNCILMAN SQUILLA: Good

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1 morning, Mr. Chair and colleagues.

2 Present.

3 THE CLERK: Chair Driscoll.

4 COUNCILMAN DRISCOLL: Present.

5 THE CLERK: Thank you.

6 COUNCILMAN DRISCOLL: Thank

7 you. A quorum of the Committee is

8 present and this hearing is now

9 called to order. This is the public

10 hearing of the Committee on Licenses

11 and Inspections regarding Bill No.

12 230271.

13 Mr. Golden, will you please

14 read the title of the resolution.

15 THE CLERK: Absolutely.

16 Before that, I see Councilmember

17 Curtis Jones might be back in the

18 meeting. I just want to get him

19 marked down as here if he is.

20 COUNCILMAN PHILLIPS: I'm also

21 present too.

22 THE CLERK: And thank you,

23 Councilmember Phillips.

24 THE CLERK: Councilmember

25 Jones.

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1 (No response.)

2 COUNCILMAN DRISCOLL: I note
3 that Councilmember Jones is muted.

4 THE CLERK: All right. I'll
5 move on until we get a response there
6 and I will read the title of the
7 bill.

8 The bill is entitled Bill No.
9 230271, amending Section 9-105 of The
10 Philadelphia Code, entitled
11 "Penalties," and amending Chapter
12 9-4400 of The Philadelphia Code,
13 entitled "Responsible Business
14 Operations," to further define
15 nuisance businesses, provide for
16 additional enforcement and penalties,
17 and make certain technical changes,
18 all under certain terms and
19 conditions.

20 COUNCILMAN DRISCOLL: Thank
21 you. Before we begin to hear
22 testimony from the witnesses we have
23 for today, everyone who has been
24 invited to the meeting to testify
25 should be aware that this public

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1 hearing is being recorded. Because
2 the hearing is public, participants
3 and viewers have no reasonable
4 expectation of privacy. By
5 continuing to be in the meeting, you
6 are consenting to being recorded.

7 Additionally, prior to
8 recognizing Members for the questions
9 or comments they have for witnesses,
10 I will note for the record at this
11 time that we will use the chat
12 feature available in Microsoft Teams
13 to allow Members to signify that they
14 wish to be recognized. In order to
15 comply with the Sunshine Act, the
16 chat feature must only be used for
17 this purpose.

18 Mr. Golden, will you please
19 call the first panel we have to
20 testify this morning on Resolution
21 No. 230112.

22 COUNCILMAN PHILLIPS:
23 Chairman.

24 COUNCILMAN DRISCOLL: Yes.

25 COUNCILMAN PHILLIPS: Before

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1 testimony, can I provide some brief
2 remarks?

3 COUNCILMAN DRISCOLL:
4 Councilmember Phillips, you're on.

5 COUNCILMAN PHILLIPS: thank
6 you. Good morning. Good morning,
7 Philadelphia. Good morning,
8 colleagues. Good morning, Chairman
9 Driscoll. I'm glad to be having this
10 hearing on my bill, which will revamp
11 how the City enforces nuisance
12 business regulations.

13 We wrote this bill in
14 coordination with the Department of
15 Licenses and Inspections, the Police
16 Department, the Health Department and
17 the Department of Commerce who all
18 support it. Among several things, it
19 builds off the existing regulatory
20 structure by holding business owners
21 accountable for nuisance behavior
22 regardless --

23 COUNCILMAN JONES: Chairman?

24 COUNCILMAN PHILLIPS: Yes.

25 COUNCILMAN JONES: Chairman

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1 Phillips.

2 COUNCILMAN PHILLIPS: Yes.

3 Hello?

4 COUNCILMAN DRISCOLL: Leader

5 Jones?

6 (No response.)

7 COUNCILMAN PHILLIPS: Okay.

8 I'll keep going. Holding business
9 owners accountable for nuisance
10 behavior regardless of whether the
11 conduct took place during operating
12 hours because much of it occurs after
13 hours, creating a more reasonable
14 threshold for being labeled a
15 nuisance business, allowing both the
16 Police Department and L&I to issue
17 intent to cease operation notices and
18 increasing the current \$300 fine for
19 nuisance businesses to \$2,000.

20 Now, as we know nuisance
21 businesses adversely affect the
22 quality of life in the City. And in
23 the 9th District in particular, we
24 have seen this incredibly impact our
25 neighborhoods. So this is an

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1 important issue for our communities
2 not just in the 9th District, but
3 around the City of Philadelphia. And
4 I'm looking forward to hearing the
5 testimony on this bill. Thank you.

6 COUNCILMAN DRISCOLL: Thank
7 you, Councilmember Phillips.

8 THE CLERK: Mr. Chair, would
9 you like me to read the title of the
10 first panel now?

11 COUNCILMAN DRISCOLL: I would.

12 THE CLERK: The first panel
13 comes from the Administration with
14 Fran Healy, Police Staff Inspector
15 and Special Advisor to the Police
16 Commissioner giving testimony and
17 Sarah Adamo, Legislative Affairs
18 Manager and Zoning Administrator for
19 the Department of Licenses and
20 Inspections, and Karen Fegely, Deputy
21 Commerce Director here to field any
22 questions that members of the
23 Committee might have.

24 COUNCILMAN DRISCOLL: Good
25 morning. Are you connected and ready

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1 to proceed?

2 INSPECTOR HEALY: I am, sir.

3 Yes. This is from the Police

4 Department.

5 COUNCILMAN DRISCOLL: Please

6 state your name for the record and

7 proceed with your testimony.

8 INSPECTOR HEALY: Thank you.

9 Good morning, Chairman Driscoll and

10 other members of the Committee on

11 Licenses and Inspections. My name is

12 Francis Healy, and I'm the Special

13 Advisor to the Police Commissioner.

14 First, on behalf of Commissioner

15 Outlaw, thank you for allowing the

16 department the opportunity to present

17 testimony regarding Bill No. 230271,

18 which is amending City Code 9-4400

19 for responsible business operations.

20 First, I'd like to thank

21 Councilperson Bass on the record for

22 originally introducing 9-4400 to the

23 City Code. This ordinance has

24 allowed the department to take an

25 active role in abating many nuisance

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1 establishments throughout the City,
2 and we remain very grateful for this
3 helpful tool.

4 The bill being offered here
5 today or the amendments of the bill
6 being offered here today are meant to
7 expand the scope of this good work
8 and provide the police with more
9 authority to actively engage in a
10 nuisance abatement process. My
11 District Captains are on the front
12 line when dealing with nuisance
13 locations, so this bill will provide
14 my captains with the authority to
15 engage nuisance establishments much
16 sooner and more effectively. For
17 these reasons, the Police Department
18 fully supports this bill.

19 As you know in the last
20 several years, PPD, L&I, the Health
21 Department and our state agencies
22 under the leadership of the Law
23 Department have come together to
24 address nuisance activities in a
25 systematic and unified manner

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1 throughout the City. This
2 collaboration has created synergy and
3 we have seen the benefits with
4 respect to short-dumping and civil
5 prosecution by the Law Department.

6 And Vice-Chair Squilla has
7 recently became aware. This
8 collaboration allowed us to work with
9 L&I for the PPD to enforce certain
10 9-109 offenses regarding auto repair
11 shops using public streets and
12 sidewalks. The message just went out
13 to my commanders last week to begin
14 enforcement on that.

15 So it's this collaboration
16 that allowed all relevant City
17 agencies to come together as a team
18 to work with Councilman Phillips and
19 his staff to develop this bill. So
20 in closing, I would like again to
21 thank Councilperson Phillips and his
22 staff working with the Police
23 Department and the Department of
24 Licenses and Inspections and the Law
25 Department in further defining

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1 9-4400.

2 This bill in its current form
3 will reduce the number of nuisance
4 locations throughout the City and
5 will definitely increase the quality
6 of life for those affected. This
7 concludes my testimony. I'm happy to
8 answer any questions, sir.

9 COUNCILMAN DRISCOLL: Thank
10 you for your testimony.

11 Are there any questions or
12 comments from members of the
13 Committee for Mr. Healy?

14 COUNCILMAN JONES:
15 Mr. Chairman. Mr. Chairman.

16 COUNCILMAN DRISCOLL: Leader
17 Jones.

18 COUNCILMAN JONES: I had
19 several technical difficulties. I'd
20 like to be recorded as being present.

21 COUNCILMAN DRISCOLL: Duly
22 noted.

23 COUNCILMAN JONES: Thank you.

24 COUNCILMAN DRISCOLL: Hearing
25 no questions from Members for this

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1 panel, please call the second panel
2 we have to testify this morning on
3 Bill No. 230271.

4 THE CLERK: Thank you,
5 Mr. Chairman.

6 Various businesses for the
7 second panel including Ryan Spak,
8 Project Manager for Small Business
9 Services for the University City
10 District; Will Carter, VP of Local
11 Government Affairs for the
12 Philadelphia Chamber of Commerce --
13 or the Chamber of Commerce for
14 Greater Philadelphia; and Regina
15 Hairston, President and CEO of the
16 African American Chamber of Commerce.

17 COUNCILMAN DRISCOLL: Good
18 morning. Are you connected and ready
19 to proceed?

20 MR. SPAK: I am.

21 COUNCILMAN DRISCOLL: Please
22 state your name for the record and
23 proceed with your testimony.

24 MR. SPAK: Sure. My name is
25 Ryan Spak. I'm the Project Manager

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1 for Small Business Services in the
2 University City District, and I wear
3 a very -- I'm in a very unique
4 position. And that position is that
5 I'm also a property owner and real
6 estate developer outside of the
7 University City District.

8 And so, this law has many,
9 many, many benefits for both the
10 small businesses that rent space in
11 my buildings as well as the small
12 businesses that I serve through
13 University City District. We have
14 come to find on more than one
15 occasion over the course of the last
16 several years that the business
17 owners where they have allowed for
18 nuisance activities to take place, we
19 have found that those business owners
20 have not been engaged the way that
21 they need to be because the prior law
22 did not give the departments the
23 power necessary to change their
24 actions. It was good in theory, but
25 its application did not function

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1 properly.

2 And the best example that I
3 can give is that the intersection of
4 52nd and Larchwood where one of our
5 buildings has seen four shootings
6 over the course of the last three
7 years, we've had two homicides. I
8 must commend the Commerce Department
9 for assisting us in rebuilding the
10 storefronts of those buildings
11 through their Storefront Improvement
12 Program.

13 But what is interesting is the
14 conversations that we've had with the
15 police district, with the local
16 officers, with the detectives, is
17 that all of this activity stems from
18 one business. And the prior law that
19 is in effect has not given that
20 police district as well as L&I the
21 tools necessary.

22 And in reading the proposed
23 legislation, I can tell you all that
24 I am incredibly supportive of this as
25 I see there being more tools for the

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1 police district and L&I to assist us
2 in making our business corridors a
3 stronger place.

4 COUNCILMAN DRISCOLL: Thank
5 you for your testimony, Mr. Spak.

6 I do want to recognize Leader
7 Jones I think has a question or
8 comment.

9 COUNCILMAN JONES: Thank you,
10 Mr. Chairman.

11 I just want to thank the
12 author of this bill for this kind of
13 indepth consideration of what we face
14 as District Councilpeople in our
15 respective commercial corridors. And
16 there are many of these types of
17 locations that attract a different
18 type of element, a different type of
19 quality-of-life concern, everything
20 from liquor-by-the-drink to loosie
21 cigarettes to drug paraphernalia, and
22 even now with the relaxation of
23 certain marijuana laws, edibles that
24 our kids get a hold of. So this type
25 of scrutiny about nuisance businesses

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1 will be universally accepted.

2 So again, Member Phillips,
3 thank you so very much for keeping
4 this at the focus of this Council.
5 Thank you, Mr. Chairman.

6 COUNCILMAN DRISCOLL: Thank
7 you, Leader.

8 Are there any other questions
9 or comments from the Members?

10 (No response.)

11 COUNCILMAN DRISCOLL: Hearing
12 none, no further questions for
13 members of this panel, Mr. Golden,
14 will you please call the third panel
15 which we have to testify this morning
16 on Bill No. 230271.

17 THE CLERK: Mr. Chair, I
18 believe we have Will Carter and
19 Regina Hairston to go for this panel
20 still.

21 So, Will, if you would like to
22 go if you're connected and ready.

23 MR. CARTER: Well, let me say
24 I was raised right so I will allow
25 Regina to go first. I'm not even

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1 going to allow. She should go first.

2 COUNCILMAN DRISCOLL: Thank
3 you, Mr. Carter, for that.

4 (No response.)

5 MR. CARTER: However, if she's
6 not on, I can go.

7 COUNCILMAN DRISCOLL:
8 Mr. Carter, state your name for the
9 record and proceed.

10 MR. CARTER: Okay. William
11 Carter, Vice-President of Local
12 Government Affairs for the Chamber of
13 Commerce. Good afternoon, Chairman
14 Driscoll and members of the Committee
15 on Licenses and Inspections. Once
16 again, William Carter, Vice-President
17 of Local Government Affairs for the
18 Chamber of Commerce for Greater of
19 Philadelphia. I just want to thank
20 you for this opportunity to testify
21 today.

22 We really greatly appreciate
23 Councilman Phillips and really all
24 members of Council for being good
25 stewards of the quality of life in

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1 our City. We know that the best
2 legislation comes from public-private
3 partnerships and we appreciate
4 Councilman Phillips working with us
5 and all stakeholders in crafting the
6 bill that works for the business
7 community and the community at-large.
8 And obviously, that's what we want to
9 have and appreciate going forward.

10 I will say the overwhelming
11 majority of businesses we represent
12 are not the nuisance businesses.
13 They are hard-working people who work
14 24/7 and create jobs in the City and
15 we want to continue to support them.
16 However, we know that there are some
17 bad apples out here. The bad apples
18 give a bad name to the business
19 community at-large, so we're always
20 willing to work with you guys in the
21 public sector in trying to weed out
22 those bad actors and create an
23 economic environment here in the City
24 that everybody can enjoy and grow and
25 also create jobs.

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1 So thank you, Councilman
2 Phillips, for working with us on the
3 original bill and offering something
4 that's more targeted to the
5 businesses that are acting up. We
6 remain steadfast in working with you
7 and the rest of Council in trying to
8 create an environment that's going to
9 rid our City of these types of
10 businesses and grow our economy. And
11 so, certainly appreciate you and once
12 again all of Council in this regard.
13 And I will wait for any questions.

14 COUNCILMAN DRISCOLL: I'd like
15 to recognize Councilwoman Richardson
16 for a question.

17 COUNCILWOMAN GILMORE

18 RICHARDSON: Thank you so much,
19 Mr. Chair.

20 And first, I wanted to thank
21 Councilmember Phillips for this
22 legislation and for all the work that
23 he has done to really uplift not only
24 the 9th Councilmanic District but the
25 entire City of Philadelphia since

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1 he's been in Council.

2 You all know that I've also
3 worked on legislation around
4 enforcement for nuisance businesses
5 and in particular, working to update
6 the definition of drug paraphernalia
7 so that we will be able to enforce
8 against certain businesses that are
9 selling certain things, what I've
10 expressed approval of the City of
11 Philadelphia.

12 What I wanted to do though is
13 ask the Administration several
14 questions relative to the enforcement
15 plan not only for this legislation
16 but overall as it relates to nuisance
17 businesses. I think that and I know
18 that we have a gem in our Nuisance
19 Business Task Force and Kristin Bray
20 and the work of the Law Department,
21 but there are many steps that need to
22 take place before nuisance businesses
23 get that far down the road. And I
24 know that because we have done
25 enforcement tours with L&I, with

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1 Health, with Commerce, with a ton of
2 City departments to try to address
3 some of these nuisance businesses in
4 our communities.

5 And so, I wanted to know if
6 the Administration can give us sort
7 of an overview of their overall
8 enforcement plan for nuisance
9 businesses and then if they could
10 also submit something in writing to
11 detail the exact process? I am
12 particularly interested in when a
13 citizen first makes the call, whether
14 they call 311 or if it's reported via
15 a Council office and what steps will
16 take place.

17 So L&I is contacted. Then how
18 does the coordination take place and
19 how do we deal with businesses that
20 after three strikes still are in
21 violation of our laws? So I wanted
22 to start there. Can the
23 Administration detail for us today on
24 this hearing the enforcement plan for
25 these businesses?

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1 INSPECTOR HEALY:

2 Councilwoman, I'm happy to step in
3 and I'm sure my partners can step in.
4 Kristin Bray I think is on the call
5 as well. She coordinates as part of
6 the Nuisance Committee that we have.
7 So if I say anything incorrectly, I'm
8 sure she'll jump in and correct me.

9 The plan right now, this
10 ordinance is really targeted at the
11 business level. So the complaint
12 would come in as they normally would.
13 What happens now is the process once
14 we get those complaints is being
15 shifted as a result of this
16 ordinance. So what happens is the
17 complaints will come in as they do,
18 311, are directed to the Captains
19 which a lot of them come into. So
20 the Captains are identifying and
21 targeting -- I hate to use that word,
22 but they're identifying the locations
23 that are problematic based upon the
24 complaints they receive.

25 This ordinance is very

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1 strategic or (inaudible) I should say
2 in the way that it needs to be
3 applied. So it's not something that
4 the average police officer in the
5 District will be writing tickets on.
6 This is something that's coordinated
7 out of the Captain's office. And I'm
8 happy to share what I've already
9 written before. I have a Police
10 Commissioner Memorandum on this
11 ordinance and it's entitled, A
12 Nuisance for Commanders. That's the
13 actual title of the enforcement plan
14 that we have. It will be updated as
15 a result of this ordinance but -- or
16 the amendments. But the process is
17 the complaints come into the Captain.
18 The Captain identifies those
19 locations. And then basically you
20 have to understand just because
21 nuisances happen at a location
22 doesn't mean that the owner is aware
23 of it or is responsible for it. So
24 there's a step-by-step process.
25 There's a three-step process as you

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1 indicated.

2 The first thing is once we
3 identify nuisance behavior happening
4 out there, we send a first
5 notification letter to the owners of
6 the location indicating, listen, you
7 have nuisance behavior occurring at
8 or on your location. You need to
9 reach out to the Captain. We're
10 happy to reach with you, talk with
11 you and how to develop an abatement
12 plan. If we get no response and we
13 hit it again and go out and get
14 another citation, now it used to be
15 the time period for citations used to
16 be more tight. It's more now three
17 violations as a result of this
18 amendment in a year. So it makes it
19 much easier to do this process and
20 explain it.

21 So the first letter goes out.
22 They don't respond. We go back out
23 again. We cite the individuals for
24 doing the behavior out on the
25 location. A second time we notify

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1 the owner. The third time is when
2 they become, per se, a nuisance
3 location. It has to be that third
4 instance. That's what declares them
5 as a nuisance.

6 At that point in time with
7 this new ordinance what we will be
8 doing is notice of violation will be
9 sent by the Police Department, which
10 is the change from what was done
11 before. This actually speeds up the
12 process for L&I to get involved in
13 the overall I guess like I said there
14 has to be cease operations or any
15 actions. So the Police Department
16 will be directly involved in issuing
17 those notices.

18 Now, the important thing there
19 you need to know is the Police
20 Department has centralized a lot of
21 the nuisance stuff under Joel Dales
22 and into we have Bob Ritchie, who's
23 an Inspector assigned to our Nuisance
24 Unit. The notices of violation are
25 basically initiation of process, so

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1 they have to be done very
2 specifically.

3 And like I said, what we're
4 doing with the Law Department with
5 short-dumping we're going to
6 replicate in this process and have an
7 individual person, investigator,
8 developing the nexus between those
9 locations so we can build the case,
10 so when we hand it off to L&I it will
11 be an above for all intents and
12 purposes --

13 COUNCILWOMAN GILMORE

14 RICHARDSON: Okay.

15 INSPECTOR HEALY: -- you know,
16 that's the process --

17 COUNCILWOMAN GILMORE

18 RICHARDSON: I understand. Got it.
19 So I guess my question is, and if you
20 can help me understand the
21 difference, I guess my question is
22 you're saying that this will be done,
23 this enforcement will be done with
24 the PPD through I guess a special
25 process through the Captain's office

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1 or I guess officers that the Captain
2 knows, is familiar with this law.
3 But what is the difference between
4 this process and when a businesses is
5 reported let's say for drug
6 paraphernalia and it goes through
7 L&I? At what point do you all get
8 involved?

9 INSPECTOR HEALY: I'll let
10 Kristin touch on -- we're all
11 involved, we are regularly -- so when
12 those issues happen or pop up, we're
13 all talking with each other. We have
14 the walk-about and we go and hit the
15 stores and all that for the
16 inspections --

17 COUNCILWOMAN GILMORE

18 RICHARDSON: Right.

19 INSPECTOR HEALY: -- we're all
20 working together as a team so we know
21 that's an L&I issue. L&I issues are
22 much applicable for this ordinance as
23 well. And one of the most important
24 things, there's a lot of important
25 things in there, but I believe

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1 Kristin put in here what makes it a
2 nuisance is repeated or continued
3 violations of City ordinances.

4 So we identify a handful of
5 offenses, but we can't capture all of
6 them quite frankly. Tomorrow
7 there'll be another thing that pops
8 up that we didn't identify, so that
9 catch-all will catch that
10 paraphernalia. So if a store is
11 cited multiple times by L&I, we can
12 then take the same action we're doing
13 here to do the enforcement process
14 under the 9-4400.

15 And like I said, the Police
16 Department, L&I, they're on the same
17 page working together and making sure
18 that we're not working in silos.
19 That's the most important thing.

20 COUNCILWOMAN GILMORE

21 RICHARDSON: Right, right. Okay.
22 All right. Thank you.

23 INSPECTOR HEALY: Okay. I'm
24 happy to answer any questions. If
25 you want to give me a call later, I'm

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1 happy to talk to you.

2 COUNCILWOMAN GILMORE

3 RICHARDSON: Sure. It's just I guess
4 for me I do have concern around a
5 number of the businesses that we've
6 been tracking even under the current
7 process and they have not been
8 addressed. Several of them have
9 reopened. And we've been keeping, my
10 office, like a Google sheet with L&I
11 for at least all the cases that we
12 receive so that we know what the
13 action has been.

14 And I drove past maybe two or
15 three of the stores in the last week.
16 I was out late in the 22nd last week
17 and I saw one of the stores we shut
18 down that actually had no
19 certification, no licensing, had
20 nothing and they were reopened. And
21 so, we do report the locations. But
22 I just want to make sure that there's
23 an interface with L&I.

24 I don't know if anybody from
25 L&I is here that can talk

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1 specifically to drug paraphernalia
2 and their work around the Nuisance
3 Business Task Force work. Really
4 this is for L&I.

5 INSPECTOR HEALY: Sure. Just
6 so you know, any list you have please
7 share with me and I'm happy to
8 incorporate it to make sure we're all
9 not working in silos. I'm happy to
10 take that information and forward it
11 to Inspector Ritchie.

12 COUNCILWOMAN GILMORE

13 RICHARDSON: Okay. And I'll have my
14 team send you the entire list.

15 INSPECTOR HEALY: Okay. Thank
16 you.

17 COUNCILWOMAN GILMORE

18 RICHARDSON: Is there anyone here
19 from L&I, Mr. Chair?

20 COUNCILMAN DRISCOLL: Yes.
21 Sarah I believe is on the call.

22 MS. ADAMO: Good morning. I'm
23 actually here today with Renee
24 Reinhardt and she would actually
25 probably be the best person to

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1 address the drug paraphernalia
2 enforcement.

3 MS. REINHARDT: This is Renee
4 Reinhardt. I'm the Code Enforcement
5 Manager for the Department of
6 Licenses and Inspections, and I can
7 speak on our process for doing drug
8 paraphernalia inspections. When we
9 get a complaint, the inspector will
10 go out to do an inspection at the
11 location and will either find if they
12 are selling drug paraphernalia or
13 they're not.

14 If they are selling drug
15 paraphernalia and they don't have the
16 approval for it, an immediate cease
17 operations is issued for the sale of
18 the drug paraphernalia only. If the
19 store is otherwise legal, meaning
20 they have zoning approval for retail
21 sales with consumer goods or food
22 beverages or groceries, the store is
23 permitted to continue to operate as
24 they are legally zoned.

25 Now, the drug paraphernalia

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1 cease means that they are to
2 immediately stop selling the drug
3 paraphernalia and remove it from the
4 store. And we will do a follow-up
5 inspection in 35 days to determine
6 whether or not they're in compliance
7 at that point with the removal of the
8 drug paraphernalia and discontinuing
9 the sales. If upon our return they
10 still have drug paraphernalia present
11 and they are still selling it, then
12 we will issue a 10-day intent to
13 cease for the entire business. They
14 still have that initial 10 days to
15 remove the drug paraphernalia and
16 stop selling it in order to avoid the
17 cease operations of their business.

18 COUNCILWOMAN GILMORE

19 RICHARDSON: Sure. Yes, but I think
20 my real question is timeline, how
21 long does it take for each part in
22 the process? So as part of the
23 written response that I'm requesting,
24 if I can also request the actual
25 timeline. So first inspection,

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1 second inspection, third inspection,
2 coordination with the Strike Force or
3 whatever type of coordination needs
4 to take place for the --

5 MS. REINHARDT: I'm sorry. I
6 forgot to mention that our initial
7 inspection we do coordinate with the
8 police for assistance from the
9 Narcotics Strike Force. I forget to
10 mention that. I apologize. So they
11 are present at the initial drug
12 paraphernalia inspection.

13 INSPECTOR HEALY: Can I jump
14 in very quickly and just add, the
15 purpose of our centralizing with the
16 inspector in the Nuisance Abatement
17 Unit or Nuisance Unit is for exactly
18 what you just mentioned, a
19 coordination of efforts and that way
20 they're using the Narcotics Strike
21 Force and using the ROC chiefs if we
22 need to use them for different
23 inspections.

24 So it's that coordination at
25 that higher level out of the Special

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1 Operations Bureau is why that unit
2 was created. It's in its infancy
3 right now, but we are in fact
4 developing SOPs and flowcharts to
5 ensure that all this stuff is better
6 coordinated to the best we can do
7 between our agencies. But that was
8 the purpose of creating that unit,
9 and also assigning an investigative
10 person to that unit which is critical
11 to actually tying -- I guess we do a
12 lot of paperwork, a lot of things
13 happen out front but how do we prove
14 that what happened out front is
15 actually connected to the
16 establishment.

17 It may sound silly for us. We
18 all know on its face. But when Law
19 has to go in and argue these cases,
20 they really need to establish that
21 nexus. It's kind of like a problem
22 law statement in a criminal case.
23 It's very identical. So what we're
24 going to do is make sure that process
25 is in place. So as I mentioned

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1 before, the jobs that we have
2 packaged up and hand off to L&I and
3 Law are completely thorough and
4 there's no holes in the
5 investigations and everything is
6 buttoned up tight, that will help us
7 making sure that these cases don't
8 walk when they go to court. So
9 that's incredibly important. So
10 we've dedicated the resources to that
11 within the Police Department.

12 COUNCILWOMAN GILMORE

13 RICHARDSON: Okay. Understood. And
14 I have just two additional questions:
15 One would be specifically for the L&I
16 part of the process. What is the
17 timeline for each step in the
18 process? And then finally, based on
19 everything we heard today and knowing
20 where we are in the process and
21 knowing the requests that I know I
22 submitted and many of my colleagues
23 have, if you all can speak to if you
24 believe you currently have adequate
25 staffing to address the numerous

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1 nuisance businesses that we know
2 exist and those that we don't? And
3 that would be for each department,
4 for PPD, for L&I, for Health, for
5 every department that has an
6 interface with the nuisance business
7 process.

8 INSPECTOR HEALY: I'll speak
9 on behalf of the Police Department.
10 Adding additional people is probably
11 not feasible. We accept all those
12 complaints with the existing
13 resources that we have. I think
14 we're trying to create a synergy by
15 creating a specialized unit.

16 I think what's going to happen
17 is we're going to be packaging more
18 jobs that the Law Department is going
19 to have to defend. So in essence I
20 do believe the Law Department is
21 going to need more attorneys to
22 handle these cases to make sure
23 they're done efficiently and
24 effectively. But I think we at the
25 Police Department, like I said I hate

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1 to say we never want anything more,
2 but I think we can manage with the
3 existing resources because these
4 complaints are existing coming into
5 the Captain's office. We just have
6 to do a better job of organizing,
7 coordinating and sharing the
8 information and collaborating, which
9 is what we're in the process of
10 doing.

11 So I don't necessarily think
12 we need more people, per se. Because
13 if we hire police officers, they
14 would need to be out on the street.
15 The administrative folks we have in
16 the districts I think can handle this
17 with the coordination of the
18 specialized unit that we created. I
19 think we should be good, but we will
20 be packaging more stuff for L&I and
21 for the Law Department to process so
22 they may, in fact, I think obviously
23 would need more people on that end to
24 be able to prepare to handle the
25 stuff that we send them.

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1 COUNCILWOMAN GILMORE

2 RICHARDSON: Okay. Well, that would
3 be great because I will just be
4 honest with you because I was going
5 out with all of the units and I think
6 initially we didn't have -- I think
7 we had a police officer for each one
8 and I'll say we really needed it when
9 we went to the 22nd. But when we
10 hear the complaints most often that
11 is difficult to coordinate because
12 they have to now have a police
13 officer with them at the point of
14 initial inspection, so for us we kept
15 hearing based on I guess lack of
16 movement on the sheet that we've been
17 keeping is that it's because they
18 have to wait on an officer to go out.
19 So that's why I'm trying to get this
20 clear now because it's really not
21 what we're being told. I'm just
22 being honest. We're not being
23 told --

24 INSPECTOR HEALY: And I'll
25 explain where that came from. Prior

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1 to having a centralized unit under
2 Inspector Ritchie, we would have to
3 go to the ROC North or ROC South and
4 figure out exactly where you guys
5 wanted to be and then try to
6 coordinate getting officers there.
7 That was a little bit of a logistical
8 loggerhead. So what we did is
9 Inspector Ritchie now coordinates
10 directly with his chiefs to make sure
11 officers are available and he also
12 has officers in his office that can
13 be used for that function as well.
14 So that should never be an issue
15 moving forward.

16 COUNCILWOMAN GILMORE

17 RICHARDSON: Okay. That'll be great.
18 I just wanted to --

19 INSPECTOR HEALY: Like I said,
20 I'm happy to provide his contact
21 information. You're always welcome
22 to contact me, but he's the
23 operational person in the field that
24 will be handling the requests.

25 COUNCILWOMAN GILMORE

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1 RICHARDSON: Okay. All right.

2 That'll be great. Thank you.

3 COUNCILMAN DRISCOLL: Chair
4 recognizes Leader Jones.

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

7 And I'll never forget being on
8 54th Street going in some of our
9 nuisance businesses there with Member
10 Richardson. And it was almost like
11 Eliot Ness. She was going through
12 and making sure that things were in
13 order. And so, thank you for your
14 constant diligence, Member
15 Richardson, and I appreciate it.

16 So I'm glad there is a unified
17 way that we go in to inspect stores,
18 that that there is L&I, there is the
19 Health Department. And that when we
20 approach it, everyone's looking for
21 their piece of the puzzle, whether
22 it's the Health Department and HVACs
23 that are clogged with grease or
24 whatever the nuisance business has
25 going on, that we can address it, not

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1 have to come back one at a time to
2 address it. That's number one. I
3 appreciate it. And that is a good
4 approach.

5 What I'm finding is that when
6 a lot of the stores, not all, the
7 Chamber of Commerce was clear that
8 there are some bad actors and they
9 make it bad for everyone, that when
10 you go into a store and they're
11 selling loosies or when you go into
12 the store, one in my District on
13 Market Street is selling liquor-by-
14 the-drink at 7:00 a.m. or now with
15 the drug paraphernalia stores,
16 there's a thing called peace treats.
17 Are you familiar with that?

18 (No response.)

19 COUNCILMAN JONES: Anyone?

20 INSPECTOR HEALY: Sir, is that
21 directed to me?

22 COUNCILMAN JONES: Yes.

23 INSPECTOR HEALY: Can you
24 repeat that? Am I familiar with what
25 exactly?

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1 COUNCILMAN JONES: There is an
2 edible, a cannabis edible called
3 peace treats that are illegally I
4 believe being sold out of some of the
5 paraphernalia stores. You have to
6 know a code word to do that. Have
7 you come across any of that?

8 INSPECTOR HEALY: Not that one
9 specifically, but the notion of the
10 transition from the CBD products with
11 the hemp trying to mask that as some
12 other stuff, I'm aware of those types
13 of things and Narcotics will
14 investigate those as well. So if you
15 have any of those complaints, please
16 give me any of the locations and I'll
17 forward to Chief Inspector Flacco.
18 But I understand, yes, people are
19 using, trying to -- I said hemp is
20 legal, but if you cross certain
21 boundaries, hemp is certainly now not
22 legal. So there's so many boundaries
23 and that's where the Narcotics folks
24 are much better suited in identifying
25 that than myself. But, yes, I am

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1 aware. And if you have any
2 locations, please share them with me.

3 COUNCILMAN JONES: We will.

4 At one of my locations young people
5 were identified in school and the
6 teacher was alert enough to notice
7 all of the heads down, they were very
8 lethargic and weren't engaged in the
9 lessons of the day. Come to find out
10 they were taken, all of them, to the
11 nurse and once you start questioning
12 one, they started telling what was
13 the problem, and it was peace treats
14 being sold out of a neighborhood
15 store that one of them got and shared
16 with the other students. These are
17 8th graders.

18 So not only is that product
19 illegally sold, but to sell it to a
20 minor is in addition egregious. And
21 so, as we start to find that carrying
22 on, whether it's liquor-by-the-drink,
23 whether it's loosie cigarettes,
24 whether it's drug paraphenalia and
25 now these kinds of edibles, it is

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1 becoming an increasing problem in
2 parts of our District. Not to
3 mention the illegal or nonmonitored
4 gambling machines because they're
5 creating an environment where you
6 have little casinos in neighborhoods
7 and we have to get on top of that.

8 I say all of this to say and
9 for the author of the bill, is it
10 time that we increase fines where we
11 can? Because in many cases, store
12 owners believe the juice is worth the
13 squeeze, that they're making so much
14 money that by the time we fine them,
15 by the time we process them, by the
16 time we return for compliance,
17 they've made enough to pay our fines.
18 So I'm thinking that we need to
19 really layer on some of these things
20 so that it becomes a deterrent for
21 that kind of continued bad actor
22 operation.

23 Thank you, Mr. Chairman.

24 COUNCILMAN DRISCOLL: The
25 Chair recognizes Councilmember

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1 Squilla.

2 COUNCILMAN SQUILLA: (Muted).

3 COUNCILMAN JONES: I think
4 you're on mute.

5 COUNCILMAN DRISCOLL:
6 Councilmember Squilla.

7 (No response.)

8 COUNCILMAN DRISCOLL: We'll
9 move to Council --

10 COUNCILMAN SQUILLA: There you
11 go. I'm sorry. For some reason it
12 kept asking me for my password to get
13 back in.

14 Maybe, Fran Healy, we have
15 other issues. I think the concern is
16 how do we coordinate the efforts
17 between L&I and the Police Department
18 for other enforcement measures we've
19 had a hard time, whether it's having
20 three CVNs, how we designate a
21 property, a nuisance property, does
22 that then allow us to remove a
23 license.

24 And we're having this issue
25 with -- not this bill in particular,

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1 but sort of a short-term rental
2 version of it where the police have
3 been there numerous times, have had
4 issues, have had shootings and then
5 there's still an issue of how L&I can
6 coordinate with the police to then
7 remove the business license. Is that
8 something that would be worked out in
9 this model also?

10 INSPECTOR HEALY: Yes,
11 absolutely. What we did in this
12 model is we distinguished the
13 definition between I want to say a
14 critical nuisance business and a
15 chronic nuisance business. Okay.
16 And what happened is a chronic
17 nuisance business is those locations
18 where the owner has to be notified
19 once, twice and then a third offense
20 and then he becomes a per se
21 nuisance.

22 If there's an establishment,
23 and this is what we've seen over
24 years, is that violence happens at
25 these locations. However, 9-4400 the

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1 previous version did not have
2 anything to do with violence. We all
3 understand that violence emanates
4 from nuisance behaviors a lot of
5 times. But there's really nothing we
6 can do. The violence was associated
7 in and around the bar, but it wasn't
8 part of 9-4400. We have changed that
9 with this amendment thanks to
10 Councilman Phillips.

11 What happens now is if there's
12 a serious offense and they're defined
13 as homicide, murder, aggravated
14 assault, rape or sexual assault, that
15 is automatically -- like I said, the
16 business may not be directly
17 responsible, but the fact that that
18 happened on or in their premises,
19 they are, per se, a serious or
20 critical nuisance business. At that
21 point, I'm immediately notifying them
22 with an intent to cease and they're
23 being fined.

24 Now, the goal here is really
25 to get people to come into the Police

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1 Department and come up with an
2 abatement plan. And we're no longer
3 going to sit back and let this
4 violence happen and not have any
5 action. This gives the Police
6 Department an aggressive tool to
7 actually step in when those violence
8 acts happen and we can tie it to the
9 establishment.

10 I just want to be clear, if
11 there's a shooting in a parking lot
12 and there's 16 businesses there, we
13 have to investigate and tie that
14 incident back to the bar or to the
15 location and that's the purpose of
16 assigning a detective to this new
17 unit we created, because we just
18 can't throw paper at L&I and expect
19 them to put it all together. We need
20 to make the investigation, make it
21 tight. And like I said, those now
22 violent incidents are now, per se,
23 critical nuisance businesses that
24 we'll now be able to take immediate
25 action on that we otherwise could not

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1 have. That's a huge win in this
2 ordinance.

3 COUNCILMAN SQUILLA: So now,
4 it's more or less a two-prong
5 approach, right?

6 INSPECTOR HEALY: Yes.

7 COUNCILMAN SQUILLA: It would
8 be either a chronic nuisance
9 business, which is a serious major
10 event that happened there, rape,
11 murder or shooting, whatever. And
12 then you have just a nuisance
13 business property that could use the
14 three CVN model?

15 INSPECTOR HEALY: Yeah. I
16 just think you have it backwards.
17 The chronic nuisance would be the
18 ones with the three strikes and
19 you're out. The critical nuisance
20 would be the ones that are having and
21 involving violence. But you're
22 correct, it's a two-prong approach so
23 that we can now attack those other
24 locations much sooner and more
25 efficiently.

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1 COUNCILMAN SQUILLA: But L&I
2 and the police have to coordinate.
3 We have to make sure those CVNs are
4 issued, correct? Are the District
5 Captains aware of this and other
6 folks aware of it or is it just going
7 to be through Inspector Ritchie and
8 through the Nuisance Business Task
9 Force?

10 INSPECTOR HEALY: No,
11 Inspector Ritchie will be
12 coordinating with the District
13 Captains to ensure that he gets the
14 paper when he needs for the chronic
15 nuisance stuff. That's where the
16 District Captains really go out there
17 and build a case. When it's a
18 serious incidence, I believe
19 Inspector Ritchie's unit, that's the
20 goal, will be able to process those
21 notices of violation on behalf of the
22 districts. So I don't expect the
23 districts to be drafting notices of
24 violation all over the place. That
25 needs to be very consistent, uniform.

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1 And the Law Department will be
2 involved to make sure that it's
3 actually worded correctly and filed
4 correctly. So, yeah, that will be
5 done out of the one unit and it will
6 be done within days or a day or so as
7 necessary once these incidents
8 happen. So we'll be able to take
9 immediate action that we otherwise
10 can't today, so that's a huge win.

11 But Inspector Ritchie will be
12 coordinating the entire process to
13 make sure the Captains are trained,
14 instructed on how to use the tools we
15 already have -- I already have a
16 directive out there -- but he's
17 hammering it home. And like I said,
18 we're waiting to change the directive
19 based upon the approval of this
20 amendment here today to make it even
21 tighter.

22 COUNCILMAN SQUILLA: All
23 right. Thank you so much. I
24 appreciate it.

25 INSPECTOR HEALY: You're

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1 welcome.

2 COUNCILMAN DRISCOLL: The
3 Leader recognizes Councilmember
4 Phillips.

5 COUNCILMAN PHILLIPS: Thank
6 you, Chairman Driscoll.

7 I wanted to raise an inquiry
8 around the 35-day follow up that
9 Renee mentioned earlier once a
10 business has been identified as a
11 nuisance business. There's a 35-day
12 follow-up to see if they're back in
13 compliance. I wanted to get a sense
14 of whether or not we can be more
15 flexible with having a very strong
16 type of deadline, timeline in which
17 that would happen. Because one of
18 the things I was concerned about is
19 sometimes often times a nuisance
20 business if they know that you're
21 coming back out in 35 days, they may
22 get their act together within those
23 35 days. And then on the 36th day
24 back to normal or back to what they
25 were doing.

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1 And I think that for me I was
2 hoping that we can have something
3 more random as opposed to the 35th
4 day they know what's coming. I'd
5 rather for it to be more random to
6 see if they actually took the
7 violation more into serious
8 consideration, because otherwise this
9 can be something that people just do
10 because it's like their parents
11 caught them and then they got to come
12 back 35 days later because they know
13 to get out of trouble, they got to do
14 the right thing. And so, just want
15 them to do it where they feel like
16 they're actually doing it because
17 they want to do it the right way. So
18 would anyone from L&I care to comment
19 on that enforcement part?

20 MS. REINHARDT: This is Renee
21 Reinhardt again. So the 35 days is
22 due process. We have to give them an
23 opportunity to comply. We have to
24 give them an opportunity to be able
25 to appeal the violation. But I do

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1 want to clarify that just because we
2 receive a complaint that the business
3 is selling drug paraphernalia, that
4 doesn't qualify them as a nuisance
5 business, and that might not be
6 understood.

7 So the complaint itself is
8 just like any other complaint that we
9 get for things that might be going on
10 at a property. We go and we do an
11 inspection to determine whether or
12 not the complaint is valid. But that
13 doesn't necessarily categorize them
14 as a nuisance business. That's a
15 separate process.

16 COUNCILMAN PHILLIPS: Okay.

17 INSPECTOR HEALY: Yeah --

18 COUNCILMAN PHILLIPS: Go
19 ahead.

20 INSPECTOR HEALY: Can I just
21 jump in real quick and just add
22 something?

23 COUNCILMAN PHILLIPS: Yes.

24 INSPECTOR HEALY: In addition
25 to the unscheduled, as part of

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1 Inspector Ritchie's responsibility is
2 setting up a unified, for lack of a
3 better word, a walkthrough in certain
4 areas where there's problems, so we
5 are doing random inspections with
6 L&I, Health and the Police there to
7 support, back them up, so we do them
8 regularly. I think we're doing -- I
9 have to double check. I believe
10 they're being done once a month or
11 once every other month, so there is
12 that element of kind of surprise that
13 people need to be on their toes. And
14 I forget the second part that I was
15 going to mention that we were just
16 talking.

17 COUNCILMAN PHILLIPS: Okay.
18 Oh, go ahead. I'm sorry.

19 INSPECTOR HEALY: I lost my
20 train of thought. I'm getting old.

21 COUNCILMAN PHILLIPS: So let
22 me -- I'll go forth and ask the next
23 question while you try to regain what
24 you were about to say, but that was
25 good input. I want to get a better

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1 understanding of have we -- are we
2 equipped to do nighttime nuisance
3 business reviews at random, also
4 weekend business reviews at random as
5 well? And if not, what can we do in
6 this budget cycle to help with doing
7 more random evening, late evening,
8 I'm talking about 10:00, 11:00,
9 12 o'clock at night as well as
10 weekend work?

11 INSPECTOR HEALY: I will say
12 they do coordinate and they do go out
13 afterhours. I don't know how far out
14 they go, but I do know we do go
15 afterhours because it makes no sense
16 to do an inspection 9:00 a.m. in the
17 morning when everybody's sleep, so we
18 understand that. So they do
19 coordinate on the weekend as well
20 because that is the heightened time,
21 so we try to coordinate at the high
22 activity time without incurring
23 additional overtime for other units.
24 For the police department, it's
25 somewhat easy. We're a 24/7

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1 operation. But all of our partners,
2 L&I, Health have been very receptive
3 in rescheduling their folks for these
4 walkarounds when we have them. But I
5 don't know how late they go to, but I
6 can double check and follow up on
7 that for you.

8 COUNCILMAN PHILLIPS: Yeah,
9 that will be really helpful. Because
10 often times what I hear from
11 residents is that we come out at
12 particularly the times that they want
13 to act appropriately, and the weekend
14 times that you mentioned are the most
15 busy in terms of activity that should
16 not be present in the neighborhood.
17 During the day some do a great job
18 with hiding what's really going on in
19 their business. So I just wanted to
20 make note of that for the record.

21 MS. REINHARDT: I can answer
22 that question, if I can.

23 COUNCILMAN PHILLIPS: Please
24 do. Thank you.

25 MS. REINHARDT: L&I does have

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1 a dedicated team that goes out on
2 weekends. The Nuisance Property Unit
3 do nighttime inspections on weekends,
4 Friday nights, Saturday nights.
5 There's no limit to the hours the
6 inspectors work on the weekend, so we
7 do have nighttime inspections that we
8 do randomly.

9 COUNCILMAN PHILLIPS: Got you.

10 MS. REINHARDT: And the police
11 are available to assist.

12 COUNCILMAN PHILLIPS: Yes. So
13 if our offices have received any
14 serious complaints about particular
15 businesses, we can identify them and
16 send them your way and our office can
17 put it on the schedule to look at?

18 MS. REINHARDT: Absolutely.

19 COUNCILMAN PHILLIPS: All
20 right. Thank you for that.
21 Appreciate that.

22 COUNCILMAN DRISCOLL: Hearing
23 no further questions from Members for
24 this panel, Mr. Golden, will you
25 please call the third panel we have

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1 to testify this morning on Bill No.
2 230271.

3 THE CLERK: Thank you,
4 Mr. Chair.

5 Our final panel comes from
6 Community Development Corporation.
7 We will have Andy Toy, Policy
8 Director for Philadelphia Association
9 of Community Development Corporation
10 testifying next.

11 COUNCILMAN DRISCOLL: Good
12 morning. Are you connected and ready
13 to proceed?

14 (No response.)

15 COUNCILMAN DRISCOLL: I am
16 aware that Mr. Toy had another
17 engagement after the 11 o'clock hour.

18 MR. TOY: Hello? Hello?

19 COUNCILMAN DRISCOLL: Please
20 state your name for the record and
21 proceed with your testimony.

22 MR. TOY: Oh, hi. This is
23 Andy Toy from Philadelphia
24 Association of Community Development
25 Corporation, so PACDC. Thank you for

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1 your patience. I'm in Harrisburg
2 trying to get onto the Wi-Fi. It
3 didn't work so I'm doing this by
4 phone.

5 COUNCILMAN DRISCOLL: Well,
6 thank you. Thanks for participating.

7 MR. TOY: Yeah. So I should
8 just go ahead?

9 COUNCILMAN DRISCOLL: Yes,
10 please.

11 MR. TOY: Okay. Sorry. Good
12 morning, Chairman Driscoll, Vice-
13 Chair Squilla and City Council,
14 Licenses and Inspections Committee
15 members. My name is Andy Toy and I'm
16 the Policy Director for the
17 Philadelphia Association of Community
18 Development Corporation or PACDC.
19 Thank you for the opportunity to
20 testify before the L&I Committee in
21 support of Bill No. 230271 that will
22 enable the City to better regulate or
23 shut down businesses that have made
24 negative impacts on communities.

25 We at PACDC have been working

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1 with our CDC members, the City and
2 many others for years to keep our
3 neighborhood commercial corridors
4 (inaudible) including a regular
5 corridor working group that meets to
6 address corridor issues, identify
7 best practices and find resources to
8 support the ongoing work.

9 Out of this effort, PACDC
10 initiated the Problem-solving
11 Learning Lab a couple years ago,
12 focusing on nuisance businesses on
13 corridors that were having a negative
14 impact including increasing crime,
15 scaring away customers and generally
16 lowering the quality of life in the
17 community.

18 Unfortunately, our proposal
19 for more direct connections to
20 commercial corridor managers most
21 familiar with nuisance businesses on
22 their corridors to the City's
23 nuisance business review process was
24 rebuffed. We did present the City
25 with lists of problem sites and

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1 businesses and believe that while
2 these additional tools and
3 clarifications that are proposed are
4 positive, there's still a need for
5 more proactive enforcement and
6 collaboration.

7 Either way our hope is that
8 sharpening and broadening the tools,
9 in this case better defining nuisance
10 businesses and align better
11 enforcement and penalties will make
12 it easier to address these issues
13 that are causing harm to our
14 communities across the City. We do
15 need well-written laws and effective
16 enforcement.

17 We have one main concern about
18 the language of the bill related to
19 Chapter 9-4401(3)(J), the definition
20 of nuisance behavior, that is "use of
21 sidewalk for sale or rental of
22 goods." In many cases, in many
23 instances, those owning stores will
24 put items out to sell and attract
25 customers. The best example is a

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1 fruit and produce store that put some
2 of its fresh produce on a part of the
3 sidewalk in front of the store to
4 sell. This is very different than
5 repairing or selling cars on the
6 sidewalk. So we hope there might be
7 some clarification in the language
8 for store owners who are only using
9 the sidewalk under the building to
10 sell what they're selling within
11 their property.

12 Again, we appreciate the
13 opportunity to testify and applaud
14 Councilman Phillips and City Council
15 for addressing this serious issue.
16 Thank you. Andy Toy.

17 (No response.)

18 MR. TOY: Hello?

19 COUNCILMAN JONES: Thank you
20 for your testimony.

21 MR. TOY: Yep. Thank you.
22 Appreciate the time.

23 COUNCILMAN DRISCOLL: Are
24 there any questions or comments from
25 the Members for Mr. Toy?

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1 (No response.)

2 COUNCILMAN DRISCOLL: Hearing
3 no further questions from Members for
4 this panel and there being no other
5 panels to testify, we will take a
6 brief break to connect members of the
7 public that wish to testify on the
8 resolution before the Committee
9 today.

10 MR. TOY: Thank you.

11 COUNCILMAN DRISCOLL:
12 Mr. Golden, will you please call the
13 first public commenter we have to
14 testify this morning on the bill
15 before the Committee today.

16 THE CLERK: Thank you,
17 Mr. Chair. There have been no
18 members of the public signed up to
19 testify, so we are ready to proceed.

20 COUNCILMAN DRISCOLL: So there
21 being no further questions from
22 members of the Committee and no other
23 witnesses to testify, I will ask if
24 there is anyone else present in this
25 hearing whose name we have failed to

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1 call and that wishes to offer
2 testimony on the resolution being
3 considered today?

4 (No response.)

5 COUNCILMAN DRISCOLL: Hearing
6 none, I want to thank the panels and
7 the witnesses for their participation
8 today. We value your opinions. I
9 now invite all panels and witnesses
10 to please disconnect from the hearing
11 before we conclude the business
12 before the Committee today. We will
13 now pause the proceedings briefly as
14 multiple participants leave the
15 hearing.

16 This concludes the public
17 hearing of the Committee. We will
18 now go into a public meeting to
19 consider the action to be taken on
20 the bills before this Committee
21 today. We will now convene the
22 public meeting.

23 Mr. Golden, will you please
24 call the roll to take attendance.
25 Members that are in attendance, will

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1 you please indicate that you are
2 present when your name is called.
3 Also, please say a few brief words
4 when responding so that your image
5 will be displayed on screen when you
6 speak.

7 THE CLERK: Councilmember
8 Johnson.

9 (No response.)

10 THE CLERK: Councilmember
11 Gilmore Richardson.

12 COUNCILWOMAN GILMORE

13 RICHARDSON: Good morning, Mr. Chair.
14 Good morning, colleagues. I am
15 present.

16 THE CLERK: Councilmember
17 Jones.

18 (No response.)

19 THE CLERK: Councilmember
20 Jones.

21 (No response.)

22 THE CLERK: Councilmember
23 Vaughn.

24 COUNCILMAN JONES:
25 Mr. Chairman, I am present.

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1 THE CLERK: Noted. Thank you.

2 Vice-Chair Squilla.

3 COUNCILMAN SQUILLA: Good

4 morning, Mr. Chair. Present.

5 THE CLERK: And, Chair

6 Driscoll.

7 COUNCILMAN DRISCOLL: Present.

8 The Chair recognizes Councilmember

9 Squilla for a motion on the amendment

10 to Bill No. 230271.

11 COUNCILMAN SQUILLA: Thank

12 you, Mr. Chairman.

13 I offer an amendment to Bill

14 No. 230271. A copy of the amendment

15 has been circulated to all members of

16 the Committee and I move that the

17 amendment to Bill No. 230271 be

18 approved.

19 COUNCILMAN JONES: Second.

20 COUNCILMAN DRISCOLL:

21 Councilmember Jones seconds the

22 motion. It has been moved and

23 properly seconded that the amendment

24 to Bill No. 230271 be approved.

25 All those in favor of the

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1 motion will signify by saying aye.

2 (Aye.)

3 COUNCILMAN DRISCOLL: Those
4 opposed?

5 (No response.)

6 COUNCILMAN DRISCOLL: The ayes
7 have it and the motion carries. And
8 the amendment to Bill No. 230271 has
9 been approved.

10 The Chair recognizes
11 Councilmember Squilla for a motion on
12 Bill No. 230271 as amended.

13 COUNCILMAN SQUILLA: Thank
14 you, Mr. Chair.

15 I move that Bill No. 230271 as
16 amended be reported from this
17 Committee with a favorable
18 recommendation and further move that
19 the rules of Council be suspended as
20 to permit the first reading of this
21 bill at our next session of Council.

22 COUNCILMAN JONES: Second.

23 COUNCILMAN DRISCOLL: The
24 Chair notes for the record that
25 Councilmember Jones seconds the

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1 motion. It has been moved and
2 properly seconded that Bill No.
3 230271 as amended be reported from
4 this Committee with a favorable
5 recommendation and further move that
6 the rules of Council be suspended to
7 permit first reading of this bill at
8 the next session of Council.

9 All those in favor of the
10 motion will signify by saying aye.

11 (Aye.)

12 COUNCILMAN DRISCOLL: Opposed?

13 (No response.)

14 COUNCILMAN DRISCOLL: The ayes
15 have it and the motion carries.

16 This concludes the business
17 before the Committee of Licenses and
18 Inspections today. Thank you all
19 very much for your attendance. And
20 congratulations, Councilmember
21 Phillips.

22 COUNCILMAN PHILLIPS: Thank
23 you, Councilmember Driscoll. Thank
24 you, Chairman.

25 COUNCILMAN SQUILLA: Thank

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1 you, Mr. Chair. Thank you,
2 Councilmember Phillips. Great job.

3 COUNCILMAN PHILLIPS: Thank
4 you team. God bless.

5 COUNCILMAN DRISCOLL: Have a
6 nice day.

7 COUNCILWOMAN GILMORE

8 RICHARDSON: Thank you, Mr. Chair.

9 (Committee on Licenses and
10 Inspections concluded at 11:03 a.m.)

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I, hereby certify that the
proceedings and evidence noted are
contained fully and accurately in the
stenographic notes taken by me in the
foregoing matter, and this is a correct
transcript of the same.

TANEHA CARROLL
Court Reporter - Notary Public

(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means,
unless under the direct control and/or
supervision of the certifying reporter.)

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