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

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 1, 1998
Noon

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BILL 980640 - Prohibiting Sidewalk Sales in 5700
Block Baltimore. . .
RES. 980675 - Authorizing Council to Examine Issue
of Abandoned Houses. . .
BILL 980552 - Prohibiting Sidewalk Sales in 2700
block of North American Street. . .
BILL 980646 - Relating to "Cease Operations
Orders". . .
BILL 980760 - Re Issuance of Accelerated Review of
Plans. . .
BILL 980795 - Re Technical Codes Governing
Construction, Occupancy, Use, Maintenance of
structures in the City.. . .

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(Full text of each bill and resolution within body
of transcript.)

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PRESENT: COUNCILMAN JAMES F. KENNEY, Chair
COUNCILWOMAN JANNIE BLACKWELL
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN FRANK RIZZO

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1 12/1/98 L&I Committee

2 I N D E X

3		Page
4	BILL 980640	
5	John P. Campbell.	3
	Legislative Regulatory Affairs Manager	
	Department of Licenses and Inspections	
6	Pat Evans, Director	5
7	Soccer Community Development Corporation	
8	RES. 980675	
9	John Kromer, Director, OHCD	10
10	Judith Robinson, Private Citizen.	12
11	Ruben Johnson, Staff Architect.	18
12	Community Development Corp. Of Frankford Ministry	
13	BILL 980552	
14	John P. Campbell.	23
	Legislative Regulatory Affairs Manager	
	Department of Licenses and Inspections	
15	BILL 980646	
16	John P. Campbell.	26
17	Legislative Regulatory Affairs Manager	
	Department of Licenses and Inspections	
18	BILL 980760	
19	John P. Campbell.	44
20	Legislative Regulatory Affairs Manager	
	Department of Licenses and Inspections	
21	Richard Feldgus	45
22	Administrative Services Director	
	Department of Licenses and Inspections	
23	BILL 980795	
24	John P. Campbell.	72
	Legislative Regulatory Affairs Manager	
	Department of Licenses and Inspections	
25		

1 12/1/98 L&I Committee - Bill 980640

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

3 COUNCILMAN KENNEY: Good afternoon,
4 ladies and gentlemen. The Council Committee on
5 Licenses and Inspections is now in session for the
6 public hearing.

7 The first bill on the agenda is Bill
8 No. 980640, which is an ordinance amending Section
9 9-205 of The Philadelphia Code relating to
10 sidewalk sales by adding a new provision
11 prohibiting sidewalk sales on portions of
12 Baltimore Avenue and 58th Street.

13 Mr. Campbell please identify yourself
14 for the record.

15 MR. CAMPBELL: Good afternoon, Mr.
16 Chairman. I'm John P. Campbell, Legislative
17 Regulatory Affairs Manager for the Department of
18 for the Licenses and Inspections. At my right is
19 Richard Feldgus, the Administrative Services
20 Director.

21 I am here today to testify on the
22 provisions of Bill No. 980640, which will prohibit
23 vending and sidewalk sales in the 5700 block of
24 Baltimore Avenue on the mall side, and 58th Street
25 from Baltimore Avenue to Hoffman Street, by the

1 12/1/98 L&I Committee - Bill 980640

2 sides.

3 We support adoption of this bill. In
4 fact, I believe I worked with Councilwoman
5 Blackwell in drafting the provisions of this
6 bill. And, again, we recognize Council's right to
7 deal with and regulate activity on the sidewalk.

8 I'd be happy to answer any questions.

9 COUNCILMAN KENNEY: Thank you.

10 Any questions for Mr. Campbell?

11 (No questions.)

12 COUNCILMAN KENNEY: Thank you very
13 much. If you gentlemen could just step aside for
14 one second, I want to ask the residents from the
15 area to come up. At the request of Councilwoman
16 Blackwell, we're trying to expedite their wait
17 here. We know they have to get back to their
18 businesses and their lives. So we want to thank
19 you for coming in.

20 (Area residents come forward.)

21 COUNCILMAN KENNEY: Good afternoon.

22 Thank you very much for waiting. Could you
23 identify yourselves for the record. And while
24 you're doing that, if you could move the
25 microphone closer to you so we can hear you.

1 12/1/98 L&I Committee - Bill 980640

2 MS. EVANS: Thank you, it's great to be
3 here.

4 COUNCILMAN KENNEY: Thank you.

5 MS. EVANS: My name is Pat Evans. I'm
6 the Director of Soccer Community Development
7 Corporation. We're a community group that's
8 located at 58th and Baltimore, and we are
9 presently developing the apartment building known
10 as "6000 Baltimore Avenue."

11 Thanks to our city, our Councilwoman,
12 we're just thrilled and we're thrilled to be here,
13 and we'd like to read you a statement that we've
14 prepared.

15 COUNCILMAN KENNEY: Yes, ma'am.

16 MS. EVANS: We do have copies that we'd
17 like to submit and have entered into the record.

18 COUNCILMAN KENNEY: Thank you. Please
19 proceed.

20 MS. EVANS: Dear Committee Members,
21 enclosed is correspondence from 1990 and 1991 that
22 we wrote to the City regarding the issue of
23 vending in our community. That was eight years
24 ago, and still we have heard nothing.

25 In eight years, many things have

1 12/1/98 L&I Committee - Bill 980640
2 happened in our community. Several residents
3 formed a Community Development Corporation and
4 began the process of building revitalization plan
5 for our community. We joined our efforts with the
6 Free Library of Philadelphia to fix up and remodel
7 the Blanche A. Nixon Library. It was completed a
8 few years ago.

9 For the past three years, we've tackled
10 graffiti. And with residential effort and
11 participation, our area is now recognized as a
12 zero-tolerance zone for graffiti.

13 Six years ago, our councilwoman, Jannie
14 Blackwell, lent her support to us to renovate an
15 abandoned apartment building in our neighborhood.
16 Even though it has taken years, within the first
17 quarter of the new year, we hope to welcome new
18 residents into our neighborhood who will occupy 46
19 senior apartment units.

20 For vending, yes. In eight years, we
21 have seen many changes. Vendors have become more
22 selective about their times, site locations, and
23 seasons. Usually, spring to early fall. We have
24 a new rib man, who now operates a full-fledged
25 restaurant outside of the Andora train station --

1 12/1/98 L&I Committee - Bill 980640

2 that's our bridge area. Starting on Fridays and
3 weekends from 12 p.m or 3 a.m. or 4 a.m. in the
4 morning. The fish vendor has moved his operation
5 from 58th Street to around the corner permanently
6 on Baltimore Avenue between 58th and 57th Street.
7 Vending has now spread to the northeast and
8 northwest corners of Baltimore Avenue.

9 We now have a new breed of tape vendor
10 who really sells in disguise. Vendors now put up
11 4- and 5-foot signs to advertise from the tops of
12 their trucks on 58th Street. We now have another
13 permanent truck outside our shopping mall that is
14 a fruit-and-vegetable stand. Several vendors
15 harass an intimidate store owners over their own
16 areas that they are paying taxes for, while they
17 consistently pressure our seniors to buy their
18 wares.

19 Our community group is working hard to
20 support our residents and neighborhood in our
21 continued effort of upward mobility and growth.
22 Our community is looking to attract investment in
23 both our residential and commercial mall area.
24 Investors are not attracted by littering,
25 scattered trash, illegal dumping, zoning

1 12/1/98 L&I Committee - Bill 980640

2 violations, loitering, and illegal street
3 vending.

4 We are not here to insult anyone;
5 however, it is now eight years later, and as
6 taxpayers, we are still asking, When will they
7 make 58th Street vendor-free?

8 We thank you for your time and your
9 consideration.

10 Respectfully submitted, Pat Evans, and
11 supporters of our community civic association,
12 also known as "Soccer CDC."

13 COUNCILMAN KENNEY: Thank you very much
14 for your testimony.

15 MS. EVANS: Thank you.

16 COUNCILMAN KENNEY: Councilmember
17 Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank you very
19 much, Mr. Chairman.

20 Certainly, this organization has fought
21 long and hard and is doing an excellent job to
22 bring the neighborhood back. I also have in my
23 possession a ten-page petition dating back to
24 April 1991 that was forwarded to the City and to
25 my office, trying to deal with this issue. As the

1 12/1/98 L&I Committee - Bill 980640

2 Committee Chair knows, I am certainly a person who
3 is pro-vending, but we have instances where it
4 doesn't work and where the vendors won't work with
5 the community to try to do it in a fashion that is
6 acceptable so that everybody can win.

7 So this is one of those instances
8 where, certainly, we support Soccer, we commend
9 them for all the work that they are doing, and
10 this is a corner where we can say vending hasn't
11 worked. And we hope that the committee will
12 suspend the rules, and we certainly support this
13 bill.

14 COUNCILMAN KENNEY: Thank you
15 Councilwoman and thank you, ladies and gentlemen,
16 for coming in today and taking the time and being
17 so patient.

18 MS. EVANS: Thank you for having us.

19 COUNCILMAN KENNEY: Is there anyone
20 else here to testify on this bill?

21 (No response.)

22 COUNCILMAN KENNEY: Seeing none, we
23 will move quickly to a resolution which we will
24 not complete today, but we will recess the hearing
25 on the resolution to a date certain, but there are

1 12/1/98 L&I Committee - Resolution 980675
2 three people here who have been waiting to testify
3 on the resolution so we'll take that now.

4 That is Resolution No. 980675, which is
5 a resolution authorizing the Council Committee on
6 Licenses and Inspections to hold hearings to
7 examine the issue of abandoned housing in the City
8 of Philadelphia and to formulate solutions that
9 will expedite the redevelopment of the properties.

10 Mr. Kromer? And is there someone else
11 to testify, sir? Ma'am? So we have two other
12 witnesses? If you could just come forward, and
13 then after Mr. Kromer, we can have you please
14 identify yourself for the record.

15 Mr. Kromer, recognizing that we will be
16 having an extended, more expansive hearing on this
17 issue at a future date, if you could confine your
18 remarks to basically setting the stage for that
19 hearing.

20 MR. KROMER: Good morning. My name is
21 John Kromer. I'm Director of the City's Office of
22 Housing and Community Development, and I'm pleased
23 to have an opportunity to say a few words in
24 anticipation of the future hearing on this matter.

25 I've submitted written testimony which

1 12/1/98 L&I Committee - Resolution 980675

2 I believe all the members have received, and have
3 attempted to summarize some of the basic issues
4 relating to vacant property acquisition and
5 disposition that we try to address.

6 The key mechanism these days for
7 acquiring vacant property is the eminent domain
8 process, and we worked with the Redevelopment
9 Authority to make eminent domain as effective as
10 it possibly can be as a tool for neighborhood
11 reinvestment.

12 The City and the Redevelopment
13 Authority really weren't in the business of
14 eminent domain at all when this Administration
15 started, and the Authority at this point now has
16 the capability to acquire over a thousand
17 properties per year, using the eminent domain
18 process. Clearly, a lot more has to be done.

19 Councilmembers may be familiar with the
20 policy paper on vacant property that was issued by
21 our office a couple years ago. There are tens of
22 thousands vacant properties in the City, and no
23 single approach is going to be sufficient to
24 address this major problem in short order. So I'd
25 welcome an opportunity to participate in the

1 12/1/98 L&I Committee - Resolution 980675

2 expanded hearings on this matter.

3 Thank you.

4 COUNCILMAN KENNEY: Thank you very
5 much.

6 Ma'am, please identify yourself for the
7 record and pull that microphone closer to you.
8 Thank you.

9 MS. ROBINSON: Yes. My name is Judith
10 Robinson. I'm a resident of North Philadelphia
11 and I am also a real estate broker. I just would
12 like to voice some concerns as you all get
13 together as a committee to formulate solutions
14 that will expedite the redevelopment of these
15 abandoned properties.

16 One area of concern is that, if
17 possible, that you try to salvage as many
18 properties as possible. I understand, from past
19 hearings, that the Office of Housing and Community
20 Development has a policy that they would like to
21 reduce density. That's fine and well because I
22 know we have a reduction in population.

23 However, as one that lives in North
24 Philadelphia in a block of row houses, we would
25 just like you to know, and anybody else that's

1 12/1/98 L&I Committee - Resolution 980675
2 going to be formulating these projections that
3 they would keep in mind that, if at all possible,
4 where there's one or two properties in a block or
5 less than, say, 10 to 20 percent of the block that
6 is abandoned, we would like to see if those
7 properties can be salvaged first.

8 There are many projects where they're
9 taking 12, 13, 15 properties that are abandoned on
10 the block and doing that block over. And, also,
11 there are properties that are over 20, 30 years
12 old that are being rehabbed through the PHDC
13 program. And if those properties can be rehabbed,
14 we certainly want it to be known that we would
15 like any property that can be salvaged in a block
16 where homeowners are trying to do the best they
17 can to keep block up, we want to try to keep those
18 properties and salvage as many as possible.

19 In addition, an area I would like for
20 this committee to focus on as your formulate this
21 plan is the reduction of the cost to rehab these
22 properties. Right now, I understand it's costing
23 80 to over \$100,000 to rehab one of these
24 properties. I think that cost is just totally out
25 of line.

1 12/1/98 L&I Committee - Resolution 980675

2 As someone that sells rehabbed
3 properties, HUD and VA, for instance, and other
4 distressed sales in the private market, there is
5 nobody in the private marking that is rehabbing a
6 property costing that much, so why is the City
7 paying that much money? I think that is something
8 we should look at very close.

9 COUNCILMAN KENNEY: There's no argument
10 here, and that's probably 'cause government's
11 doing it.

12 MS. ROBINSON: Absolutely. I would
13 like to suggest that we use some methods such as
14 Habitats for Humanity. They are doing an
15 excellent job of rehabbing homes in the same area,
16 and they're doing it for a substantial amount
17 less, so I would just like to make that
18 suggestion.

19 Also, that we try as best as we can to
20 try to stem the tide of this abandonment. Maybe
21 beef up some of the programs such as the
22 donor-taker program and other programs that you
23 already have on the books. This situation has
24 been studied over and over, and I would just like
25 to suggest that instead of continuing to study it,

1 12/1/98 L&I Committee - Resolution 980675
2 that you use some of the suggestions from the
3 study and move forward seriously in dealing with
4 this problem.

5 So in that vain, I would like to
6 suggest that you do whatever you can to beef up
7 the donor-taker programs. The Vacant Property
8 Committee, I wish they would move forward; they
9 are really stagnating. The process takes too
10 long.

11 I think you should look at all of
12 processes to get the properties in the hands of
13 people that can fix them up and would like to be
14 taxpayers and homeowners as quickly as possible.

15 In addition, I would like to just ask,
16 since Mr. Kromer's here, if the OHCD has
17 coordinated with Licenses and Inspections on their
18 study of this abandonment problem, because I know
19 at the meeting that I attended -- several meetings
20 that I attended, the Land Reuse and Vacant
21 Property Committee that was held -- the biggest
22 meeting was held sometime on September the 10th,
23 they -- both agencies stated that they would be
24 doing this study, so I wondered if we can't save
25 money by consolidating some of the findings that,

1 12/1/98 L&I Committee - Resolution 980675
2 as you stated, this particular study, that was
3 done and several others that have been done in the
4 past, how come you can't coordinate this
5 information and lessen this continuation of
6 studying this problem over and over again? I
7 think you both have done a good job of studying it
8 in the past.

9 So I would just like to suggest that
10 these agencies and all other, -- Redevelopment
11 Authority, etc. -- would coordinate some of these
12 programs and studies that have been done and
13 really truly move forward to try to resolve this
14 problem.

15 In addition, I would just like to make
16 one other suggestion. That possibly you consider
17 a public sale of your PHA properties, that I would
18 suggest that they are in better condition and can
19 be open to the public, such as HUD or VA is doing
20 with their repossessed properties. Because we
21 don't have the resources as a City, the tax
22 dollars are just not there, as we all know,
23 possibly if you open you, say, packages of these
24 properties to the public, that would relieve some
25 of the stress that you have on these funding

1 12/1/98 L&I Committee - Resolution 980675

2 dollars -- the limited funded dollars that are
3 available.

4 So I would just like to make a
5 suggestion that you look into how HUD and VA are
6 handling properties disposition or possibly
7 auction type of situations to get some of these
8 properties in the hands of private investors. And
9 I don't think they can do any worse than what is
10 going on now, with the price of properties costing
11 over \$100,000 to rehab, and then as it relates to
12 the vacant land and the properties that are going
13 up, they're costing just an astronomical figure of
14 well over \$100,000.

15 These small projects are almost a
16 disadvantage to the people purchase them because
17 all around those newer developments are these
18 abandoned properties, and a substantial number of
19 them are owned by the City and other
20 quasi-governmental agencies. I think the City
21 should set an example by dealing with those
22 properties first and foremost because they're
23 already in the hands of City ownership. So they
24 should start there first.

25 And I understand there are a

1 12/1/98 L&I Committee - Resolution 980675
2 substantial number of these vacant and abandoned
3 properties that are owned by private owners and
4 that some of them are deceased and it's really
5 hard to track down an heir, or there's no heir. I
6 understand there's a tedious process to get those
7 properties in the hands of people that can be
8 taxpayers in the future, but I would suggest that
9 we start with the City properties and
10 quasi-governmental-owned properties first to
11 practice a good policy and show a good model that
12 we all can go by in the future.

13 And I thank you very much for your
14 time, and I would truly appreciate you taking some
15 of these suggestions under your advisement.

16 COUNCILMAN KENNEY: Thank you very much
17 for your testimony.

18 Sir, could you please identify yourself
19 for the record.

20 MR. JOHNSON: My name is Ruben Johnson.
21 I am the staff architect for the Community
22 Development Corporation of Frankford Ministry.

23 Let me just say that Frankford is a
24 small community in the northeast of the city, and
25 we don't have the problems like (unintelligible)

1 12/1/98 L&I Committee - Resolution 980675
2 in north Philadelphia and West Philadelphia, where
3 we have large tracts of abandoned blocks. Our
4 focus is basically addressing abandoned properties
5 block by block.

6 And what happens is is that we have a
7 pretty good idea of the percentages of abandoned
8 properties within our area. What has happened is,
9 these properties that we have designated and
10 worked on have been demolished without our
11 knowledge. This past year, we had two of our
12 properties that were designated to entered in the
13 HRP program, demolished without our knowledge.

14 In addition to that, some of the
15 problems that we do receive through the Act 94
16 process are in such deplorable condition that by
17 the time that we receive entry authorization for
18 ownership, they're in such a deplorable condition
19 that the cost is probably anywhere from 80,000 to
20 \$100,000 to rehab.

21 One of the ways that I think that we
22 can streamline the process is to have a shared
23 tracking system with the (unintelligible)
24 Acquisition Department, L&I, and the CDC to
25 develop strategies for securing and cleaning and

1 12/1/98 L&I Committee - Resolution 980675
2 sealing the properties. When I say "cleaning and
3 sealing," I mean waterproofing the properties to
4 defer any further vandalism or deterioration. And
5 by that time, when we can put it through the HRP
6 process, we could rehab the properties within the
7 cost range of probably anywhere from \$45 to \$60 a
8 square foot, which is not bad.

9 That's the only concern that I have at
10 this moment with the process.

11 COUNCILWOMAN BLACKWELL: Thank you.

12 Question. You said you're from
13 Frankford. Were you talking about a specific area
14 during your testimony?

15 MR. JOHNSON: Yeah, Frankford Ministry,
16 I believe our boundaries are Torresdale in the
17 south; to the north Bridge Street; to the east --
18 I'm sorry, to the east is Torresdale Avenue. To
19 the west is sort of like Castor Avenue, on the --
20 Castor and where Friends Hospital is.

21 COUNCILWOMAN BLACKWELL: Thank you.

22 And, ma'am, were you talking about a
23 specific area?

24 MS. ROBINSON: I'm basically talking
25 about the whole 5th Councilmatic District. That's

1 12/1/98 L&I Committee - Resolution 980675

2 the area that --

3 COUNCILWOMAN BLACKWELL: The whole 5th,
4 you say?

5 MS. ROBINSON: Yes, where a substantial
6 portion of the abandoned properties are.

7 COUNCILWOMAN BLACKWELL: Thank you. I
8 might say that there are some of us who have
9 worked long and hard. And as bad as the problem
10 is, it's better. And I'm sure Mr. Kromer will
11 agree, our Housing Director, that it's better than
12 it has been in the past.

13 And in some areas -- certainly in West
14 Philadelphia -- we are trying to do that
15 block-by-block approach where we started in some
16 areas to do just what you recommend, but there are
17 many of us who have been fighting the system long,
18 long time to try to deal with and to try to help
19 to improve in this area.

20 For example, to ask L&I, and they work
21 more with communities to try to even give them
22 materials to board up properties. And it's a big
23 problem to try to catch properties and be able to
24 control them from the time they become vacant
25 before they're vandalized, so we've had a lot of

1 12/1/98 L&I Committee - Resolution 980675

2 talk about that even in recent years and what we
3 need to do that would involve the community -- in
4 some cases the community, and in some cases, CDCs
5 and other people.

6 So your testimony is much appreciated.
7 We know that both of you speak certainly from
8 experience and from a desire to improve our city.

9 COUNCILMAN KENNEY: Thank you. Thank
10 you, Councilwoman. Thank you very much for your
11 testimony, and we will be rescheduling this
12 hearing to a date certain -- we will be
13 rescheduling this hearing at a date determined by
14 the call of the Chair, and we will notify you and
15 others who are interested to have a more expansive
16 hearing as time permits.

17 Thank you very much.

18 The next bill is Bill No. 980552, which
19 is an ordinance amending Section 9-205 of the
20 Philadelphia Code relating to sidewalk sales by
21 adding a new provision prohibiting sidewalk sales
22 in the 2700 block of North American Street, both
23 sides.

24 Please identify yourself for the record
25 and proceed.

1 12/1/98 L&I Committee - Bill 980552

2 MR. CAMPBELL: Good afternoon,
3 Councilman Kenney and members of the L&I
4 Committee. I'm John P. Campbell, Legislative
5 Regulatory Affairs Manager for the Department of
6 for the Licenses and Inspections. I'm here to
7 testify on the provisions of Bill 980552, which,
8 if adopted by this Council, will prohibit all
9 vending and sidewalk sales in the 2700 block of
10 North American Street, both sides.

11 This is a redraft of bill, I believe,
12 of bill that had previously been introduced.
13 There was a technical error and the bill had to be
14 redrafted.

15 We again support the adoption of this
16 bill. This is a continuation of vending
17 prohibition in the area of the 200 block of West
18 Lehigh. And throughout the area, as far west as
19 Germantown and Lehigh, vending is prohibited.

20 One thing I would suggest that, and I
21 guess to the whole Council, District Councilpeople
22 and in future bills, that, like Councilwoman
23 Krajewski, you look at your problem in toto, and
24 instead of designating one particular block or two
25 particular blocks, that you designate whole areas

1 12/1/98 L&I Committee - Bill 980552

2 where you do not want the vendors to be.

3 It makes enforcement a lot easier for
4 the Department because, for example, in a recently
5 adopted bill, it's banned now when the mayor signs
6 it in the whole 6th Councilmatic District. We
7 also have that in Councilman O'Neill's district
8 where large portions of the 10th Councilmatic
9 District, vending is just prohibited.

10 A lot of times -- and I guess
11 Councilwoman Krajewski, you will remember when we
12 chased the vendor around Cottman and Frankford,
13 where we went block after block and we moved him
14 two blocks, and then I think there were four or
15 five bills.

16 So I think it would be, you know,
17 prudent that, you know, you do boundaries. I know
18 for Councilman Nutter I have done bills. Of
19 course, with the Councilwoman, I did the 6th
20 District.

21 And that's my testimony, and I'm happy
22 to answer other questions.

23 COUNCILMAN KENNEY: Mr. Campbell, then
24 you're in favor of this bill.

25 MR. CAMPBELL: Of course.

1 12/1/98 L&I Committee - Bill 980646

2 COUNCILMAN KENNEY: Thank you. Is
3 there anyone else to testify on this bill?

4 MR. CAMPBELL: I said everything but
5 that.

6 COUNCILMAN KENNEY: Any other questions
7 for Mr. Campbell?

8 (No questions.)

9 COUNCILMAN KENNEY: Thank you very
10 much.

11 We will now proceed with Bill No.
12 980646, which is an ordinance amending Title 4 of
13 The Philadelphia Code entitled "The Philadelphia
14 Building, Construction and Occupancy Code," by
15 amending Subcode A, "The Philadelphia
16 Administrative Code," by amending Chapter 5,
17 entitled "Violations," by amending Section
18 A-505.0, entitled "Cease Operations Order," by
19 adding a new section regarding unsafe and
20 unsanitary conditions, and by amending Subcode PM
21 of The Philadelphia Property Maintenance Code, by
22 amending Chapter 2, entitled, "Definitions," by
23 amending Section PM-202.0, entitled "General
24 Definitions," by amending the definitions of
25 "unsafe," all under certain terms and conditions.

1 12/1/98 L&I Committee - Bill 980646

2 Please identify yourself.

3 MR. CAMPBELL: Okay, John P. Campbell,
4 Legislative Regulatory Affairs Manager for the
5 Department of Licenses and Inspections.

6 We have reviewed the provisions of this
7 bill and we accept and urge its adoption. This
8 bill explicitly states powers that we believe we
9 already have; however, while reading the code, it
10 could be misconstrued or vague, so we again thank
11 you, Mr. Kenny, for your --

12 COUNCILMAN KENNEY: Actually, the
13 problem, Mr. Campbell, is we have the ability to
14 enter a building now for fire and safety
15 violations as a result of storage gasoline or
16 unsafe wiring that could cause a fire.

17 The problem that we've experienced, as
18 you and members of the department well know, is
19 that when have in a row house setting abutting
20 properties that are experience the deleterious
21 effects of people, for whatever reason, that have
22 problem sewage problems in the basement, vermin
23 problems, rodents, bugs, it takes us 60, 90, 120
24 days to get a court order to go in and abate that
25 problem.

1 12/1/98 L&I Committee - Bill 980646

2 Often that problem is associated with
3 either someone who's elderly and can't care for
4 the house themselves or someone that may be
5 mentally ill and can't care for the house
6 themselves. And what happens is, the people who
7 surround that property deal with the -- again, the
8 deleterious effects of that property.

9 What we need to do and what, hopefully,
10 this bill will do is speed up this process so that
11 we can abate the problem. We don't want to hurt
12 the people living there; we just want to get the
13 problem solved so that the young couples and
14 families who live around them don't move out,
15 which is what we've experienced on a number of
16 occasions.

17 So by the time we get in, many times
18 into equity court, by the time, you know, we cite,
19 cite, come back, reinspect, cite, can't get in,
20 knock on the door, you know, the lady's in there
21 hiding. We need to be able to get in their in an
22 expeditious fashion and abate the problem.

23 MR. CAMPBELL: Okay. Again, we urge
24 the adoption of the bill.

25 COUNCILMAN KENNEY: Councilmember

1 12/1/98 L&I Committee - Bill 980646

2 Rizzo.

3 COUNCILMAN RIZZO: Also I'd like to
4 make sure that you have me in here.

5 COUNCILMAN KENNEY: I'm sorry.
6 Councilmember Rizzo here, just so the record's
7 clear. In the hearing today are Councilmembers
8 Krajewski, Rizzo, Kenney, Nutter, and Councilwoman
9 Blackwell on special assignment.

10 COUNCILMAN RIZZO: Also, can I just add
11 a quick question in reference to this.

12 COUNCILMAN KENNEY: Yes, please.

13 COUNCILMAN KENNEY: That's one of my
14 concerns. I just want to make sure that I
15 understand about the abutting property.

16 Can a cease-operations order be placed
17 on an abutting property that is affected by a
18 condition that is occurring next door?

19 MR. CAMPBELL: Well, we would put the
20 cease-operations on the property where the
21 condition is.

22 COUNCILMAN RIZZO: But what about the
23 abutting property?

24 MR. CAMPBELL: If that were in
25 violation, if that were creating a problem, then

1 12/1/98 L&I Committee - Bill 980646

2 it --

3 COUNCILMAN RIZZO: See, that's what --

4 I want to make sure that I understand again.

5 If in a row home situation, just like
6 Councilman Kenney indicated, that the house that
7 is causing the problem is creating a condition
8 next door, you're telling me that L&I would then
9 put a cease-order on both properties?

10 MR. CAMPBELL: No.

11 COUNCILMAN NUTTER: Councilman, can I
12 suggest -- and, I'm sorry I just jumped right in
13 the middle, that's Mr. Feldgus over there.

14 Councilman, can you give us an example
15 of what kind of --

16 COUNCILMAN KENNEY: We recently had a
17 situation in South Philadelphia -- and the street
18 will remain unnamed -- where we had an elderly
19 resident who has been there by herself. She was
20 in her eighties and has, over time, because of age
21 and infirmity, been unable to care for her house.
22 As a result of that, the house wasn't cleaned over
23 a period of time. And as a result of that, we've
24 had an insect problem, we've had a rubbish
25 disposal problem in the house.

1 12/1/98 L&I Committee - Bill 980646

2 The neighbors, who very cooperative and
3 tried to help, convinced the woman that they
4 needed to get in there and clean the house for
5 her. She refused all of those offers. We sent
6 out the Philadelphia Corporation for Aging and
7 they attempted to make some contact; she refused
8 contact. We sent L&I out, they went out and tried
9 to make contact, could not make contact, and wound
10 up citing the property.

11 We then wound up in a situation where
12 we had to get into an equity court situation to
13 allow the judge to issue an order to actually go
14 in and abate the property and not only take care
15 of the problems that were surrounding the houses
16 on either side, but help her in her situation from
17 a sanitary and insect situation.

18 It took about 140 days of the first
19 semblance of the problem coming around to its
20 final disposition. And on that particular street,
21 which the insect problem affected 14 properties on
22 the same side of the street, all of them had to be
23 fumigated, and two of those houses are now up for
24 sale, and those people are moving out of town.

25 COUNCILMAN NUTTER: So now, Councilman,

1 12/1/98 L&I Committee - Bill 980646

2 what does this bill do?

3 COUNCILMAN KENNEY: What this bill
4 would do is, it would allow --

5 COUNCILMAN NUTTER: What would it have
6 done in that situation? If you had this, what
7 would it have done in that situation?

8 COUNCILMAN KENNEY: Right now, under a
9 cease-operations order, which is a term of art
10 that's probably inaccurate. Cease-operations
11 orders conjure up a different form of abatement,
12 which really affects commercial properties.

13 What we're talking about is the ability
14 to be able to go into the property in a more
15 timely fashion, similar of if there were some
16 suspicion that the old man or old woman or if
17 anyone was, storing, say, gasoline in the basement
18 or had some other life-safety issue where they
19 could get -- L&I would have the ability to enter
20 the property immediately to abate the problem so
21 that people wouldn't -- the house wouldn't blow
22 up.

23 What I'm saying is that we need a
24 quicker, more expedited ability to address these
25 problems prior -- and expedited ability to address

1 12/1/98 L&I Committee - Bill 980646

2 these problems different from the one we have now,
3 which is a cumbersome litigation that winds up
4 really solving way down the road, when it could
5 have been solved a lot earlier.

6 COUNCILMAN RIZZO: Mr. Chairman, could
7 I continue my question?

8 COUNCILMAN KENNEY: Sure.

9 COUNCILMAN RIZZO: Thank you. I want
10 to continue my question.

11 If I live next door to the house with
12 the problem, I would like to know, in the
13 worst-case scenario, with the bees, the roaches,
14 the sewage, what can happen to the person that
15 lives next door?

16 I understand that we don't want a
17 person living next store to an unsanitary,
18 dangerous situation. But could that person wind
19 up being put out of their own property for a
20 period of time, say 30, 60 days, until the problem
21 next door that started this chain of events, that
22 the problem's dealt with?

23 What could happen to the person next
24 door during this process? What is the effect?

25 COUNCILMAN KENNEY: I would argue,

1 12/1/98 L&I Committee - Bill 980646

2 nothing, but. . .

3 MR. CAMPBELL: Nothing, Councilman,
4 we're citing the property in violation, not the
5 property next door.

6 COUNCILMAN KENNEY: And, remember, in
7 these situations, no one's put out of their house,
8 no one's put out of their house.

9 What's happened is is that L&I goes in
10 with the appropriate contractor or fumigator, nor
11 whatever, and basically cleans out the person's
12 house on the offending property. That person's
13 not put in a hotel or a shelter or anything; they
14 stay right there while the work's being done.

15 As a matter of fact, we've had
16 situations where we've had people who are minorly
17 mentally ill, who are still able to be on their
18 own but not capable of caring for their property,
19 who told our people that -- and this is a
20 paraphrase of his quote -- "You think I'm crazy?
21 You guys just came in and cleaned my house, put in
22 all new cabinets, and cleaned out my kitchen. I
23 mean, I'm not the crazy one, you're the crazy
24 one."

25 So the problem that we have is because

1 12/1/98 L&I Committee - Bill 980646
2 of this situation that takes a long time to
3 litigate, we have to go back in there two and
4 three times in five years and do this problem over
5 and over again. And I am telling you, I have
6 personal information about people who have
7 actually moved out of the city because they've
8 given up trying to deal with the person.

9 COUNCILWOMAN KRAJEWSKI: I think we all
10 have that same problem, Mr. Chairman, we all have
11 that same problem, believe me.

12 COUNCILMAN KENNEY: Believe me, let me
13 state for the record, it is not the intent of this
14 bill, nor do I believe that it's your
15 understanding of this bill that anyone, anyone
16 would be put out of their house unless, of course,
17 it was falling down, or there was some other
18 life-safety issue. But the sanitation issue needs
19 to be dealt with.

20 COUNCILMAN NUTTER: Let me raise one
21 question, though, with you. And maybe this is
22 where Councilman Rizzo's concern is coming from.

23 This new number 5 on page 2 is under
24 Section A-505.0 of the general category of
25 "cease-operations orders," which, if I'm reading

1 12/1/98 L&I Committee - Bill 980646

2 this correctly, is actually coming out of the
3 Building Construction and Occupancy Code, which
4 was possibly subsequently amended to be the
5 Property Maintenance Code? Is that correct?

6 MR. CAMPBELL: This is actually Subcode
7 A, the Administrative Code.

8 COUNCILMAN NUTTER: Okay. Maybe where
9 some of this is coming from, A-505.1, General,
10 which is not being amended, talks about the
11 Department, which I assume is L&I, and the Fire
12 Department being authorized to issue
13 cease-operations directly that occupancy, use, and
14 other activities cease immediately, and that the
15 premises be vacated pending compliance with such
16 orders whenever. . . And then we go to this new
17 number 5.

18 My question is: Given where this new
19 number 5 is, in the example as laid out by
20 Councilman Kenney, if the Department shows up
21 based on all these complaints or, you know, vermin
22 or whatever the "it" is and makes a determination
23 and, I mean, either the lady lets you in you break
24 the door down and you access the property, and
25 then you determine that it is as bad, if not worse

1 12/1/98 L&I Committee - Bill 980646

2 than all the neighbors have reported.

3 Do you, in fact, given where number 5
4 is, under A-505.1, are you, in fact, allowed, if
5 not almost required, based on the reading of the
6 cease directing that occupancy, use, and other
7 activities cease immediately, and that the
8 premises be vacated, pending compliance, which I
9 assume means that you're going to abate the
10 condition, do you, in fact, cause the homeowner,
11 the source of the problem, at that point, to
12 vacate? Having nothing to do with the abutting
13 property owners; I'm now just focussed on the
14 problem property.

15 Could you, in fact, with the new number
16 5 cause or create a situation that that person,
17 this older lady, as described in the example
18 earlier, be vacated from the premises while you
19 abate the property?

20 MR. CAMPBELL: Actually, Councilman,
21 that's two questions. Number one, could we? Yes,
22 theoretically, we could. Would we? Definitely
23 not.

24 COUNCILMAN NUTTER: Why?

25 MR. CAMPBELL: We have been dealing

1 12/1/98 L&I Committee - Bill 980646

2 with this going back to even B.C. ("Before
3 Campbell"). I've dealt with it personally, as
4 Director of Contractual Services. When we run
5 into these individual situations, we --

6 COUNCILMAN NUTTER: I understand what
7 the practice is. I'm asking you, based on the
8 words on the piece of paper in the A-505.1, which
9 is not being changed, but that is a section that
10 authorizes the Department and the Fire Department
11 to cause the premises to be vacated for the
12 abatement of a problem. Is that true?

13 MR. CAMPBELL: That is correct, the
14 answer is yes.

15 COUNCILMAN NUTTER: All right, so
16 that's the law; you're telling me that the
17 practice is something else.

18 MR. CAMPBELL: That is correct,
19 Councilman.

20 COUNCILMAN NUTTER: And that under
21 these circumstances, while you could cause the
22 premises to be vacated with this new number 5,
23 your policy is not to vacant but to abate problems
24 and conditions.

25 MR. CAMPBELL: That's correct. In

1 12/1/98 L&I Committee - Bill 980646

2 addition to that, Councilman --

3 COUNCILMAN NUTTER: So that you
4 exercise judgment as to whether or not you will,
5 in fact, vacate a property, and that it's not your
6 policy on mission, and that you're not out on a
7 mission trying to vacate properties. But you do,
8 in fact, have right and authorization to vacate
9 properties, depending on your judgment of the
10 situation.

11 MR. CAMPBELL: Yes, sir.

12 COUNCILMAN NUTTER: Okay. What happens
13 to the abutting property owners? And in this
14 case, as Councilman Kenney has laid out, 14 people
15 are affected by this, hopefully not as bad as the
16 source of the problem.

17 Do you, even under this section, have
18 the right to force those homeowners to vacate
19 their properties, or are you only left to try to
20 abate the problem because you are citing the
21 direct source of the problem?

22 MR. CAMPBELL: Well, we would have to
23 cite the individual owners for violation, but I
24 believe in the situation --

25 COUNCILMAN NUTTER: The owners that are

1 12/1/98 L&I Committee - Bill 980646

2 being affected by the --

3 MR. CAMPBELL: Affected. But, again,
4 the practice has been, we've gone into the
5 properties, and I'm not familiar with the
6 particular case, but have exterminated properties
7 on either side in the back. I mean, over the
8 years, we've gone in and --

9 COUNCILMAN NUTTER: All right. So
10 let's say I'm in a tight situation and my
11 next-door neighbor -- and I'm minding my
12 business. I mean, I clean my house every other
13 day and twice on Saturday. I mean, I'm just like
14 going to town with this cleaning thing.

15 But my next-door neighbor is sloppy,
16 dirty, nasty, and all of their stuff starts coming
17 over into my house, and all the neighbors called
18 and say, You know, that property at 1405 is a
19 garbage place.

20 And you come out and cite the premises,
21 you utilize this provision, you vacate the
22 premises, you start to abate the property. And
23 then you go to the next-door neighbors and say,
24 Are you having a problem? And they say yes. Are
25 you telling me are you telling me that you cite

1 12/1/98 L&I Committee - Bill 980646

2 those folks too?

3 MR. CAMPBELL: No.

4 COUNCILMAN KENNEY: No, you don't,
5 'cause there's been fifty instances where I've
6 dealt with this, and not one of those neighbors
7 has been cited.

8 See, the issue, John, and you got to be
9 clear on this because, see, it's not clear. Not
10 one of the instances that I have dealt with in the
11 seven years that I've been in this Council -- and
12 I would estimate there's about fifty of these --
13 has any abutting resident been cited, ever.

14 Do you have the theoretical, technical
15 ability to cite them? You could cite anybody.
16 You could cite me for walking down the hallway.
17 But in those 50 instances involving perhaps 300
18 different properties, abutting and otherwise, have
19 one of those other people been cited?

20 MR. CAMPBELL: No, sir, but --

21 COUNCILMAN KENNEY: But what?

22 COUNCILMAN NUTTER: Now, wait a minute.

23 I would like him to clarify because he -- Mr.
24 Campbell's statement is what led me down that
25 example, so I always like you to clarify for the

1 12/1/98 L&I Committee - Bill 980646

2 record. You said that the abutting property
3 owners do get cited --

4 MR. CAMPBELL: No.

5 COUNCILMAN NUTTER: -- which is why I
6 laid out that example. Now I do need you to
7 clarify for the record.

8 MR. CAMPBELL: Theoretically, they
9 could be cited.

10 COUNCILMAN NUTTER: They could be
11 cited.

12 MR. CAMPBELL: Yes, but do they? But
13 we do not.

14 COUNCILMAN NUTTER: Okay.

15 MR. CAMPBELL: In fact, quite the
16 contrary.

17 COUNCILMAN NUTTER: So they could be
18 cited because would be in violation of some
19 particular provision of the code. You, again,
20 using -- exercising some discretion and judgement,
21 make a decision that the source of the problem is
22 1405. The neighbor at 1407 could be doing
23 everything possible to keep their place clean but,
24 unfortunately, roaches and other vermin travel.

25 So you figure out the source of the

1 12/1/98 L&I Committee - Bill 980646

2 problem, you cite that homeowner, you might even
3 vacate because you have the power to do that. You
4 go to the next-door neighbor, figure out that they
5 have a problem, and you try to help them with
6 their problem, but you don't slap them with a
7 violation because that would be crazy and stupid.

8 MR. CAMPBELL: Of course.

9 COUNCILMAN NUTTER: Even though you
10 have the power to cite them, you exercise
11 discretion and you don't.

12 MR. CAMPBELL: That is correct,
13 Councilman.

14 COUNCILMAN RIZZO: You suggested --

15 COUNCILMAN KENNEY: The Chair
16 recognizes Councilman Rizzo.

17 COUNCILMAN RIZZO: Thank you. I wasn't
18 finished, thanks.

19 You indicated this was B.C., before
20 Campbell. What about after Campbell, A.C.? Is
21 there any --

22 MR. CAMPBELL: It's the continuation
23 that was --

24 COUNCILMAN RIZZO: Who pays? Would you
25 explain, when 1405 is in violation and the problem

1 12/1/98 L&I Committee - Bill 980646

2 spreads down the block, three houses in each
3 direction, you come in and remediate the problem,
4 who's responsible for that remediation -- the
5 homeowner, or does L&I pick up the tab?

6 MR. CAMPBELL: We bill the homeowner of
7 the property.

8 COUNCILMAN KENNEY: Which one? Be
9 specific be specific 'cause we're looking for a
10 problem here. Be specific, who gets billed for
11 the work?

12 MR. CAMPBELL: The owner, in this case,
13 of 1405.

14 COUNCILMAN KENNEY: Did the other 14
15 properties along that street that had to be
16 fumigated get billed for the work?

17 MR. CAMPBELL: No, they were not.

18 COUNCILMAN KENNEY: Thank you.

19 COUNCILMAN NUTTER: All right. Thank
20 you.

21 MR. CAMPBELL: You're welcome.

22 COUNCILMAN KENNEY: Anything else to
23 add, Mr. Campbell?

24 MR. CAMPBELL: No.

25 COUNCILMAN KENNEY: Thank you very

1 12/1/98 L&I Committee - Bill 980760

2 much.

3 Is there anyone else here to testify on
4 this bill?

5 (No response.)

6 COUNCILMAN KENNEY: The next bill is
7 Bill No. 980760, which is an ordinance amending
8 Title 4 of The Philadelphia Code entitled "The
9 Philadelphia Building, Construction, and Occupancy
10 Code," by amending Chapter 9 of the Philadelphia
11 Administrative Code entitled "Fees," by
12 authorizing the Department of Licenses and
13 Inspections to provide for a specified fee, the
14 accelerated review of plans associated with the
15 issuance of building, zoning, and electrical
16 permits, all under certain terms and conditions.

17 Please identify yourself for the
18 record.

19 MR. CAMPBELL: Okay. Again, John P.
20 Campbell, Legislative Regulatory Affairs Manager
21 for the Department. With me is Richard Feldgus,
22 Administrative Services Director for the
23 Department of Licenses and Inspections.

24 The bill before you today is one that
25 actually lays out the fees for accelerated review.

1 12/1/98 L&I Committee - Bill 980760

2 We have actually -- what we have done is delete
3 it, or we are requesting that A-902.10 be deleted
4 and that a new section be added called
5 "Accelerated Plan Review."

6 And when we did this ordinance
7 originally, we really didn't place in the fees for
8 the accelerated review. We feel that this is
9 something that should really be placed before this
10 body because the policy has been that license and
11 permit fees have always been passed upon by
12 Council.

13 COUNCILMAN NUTTER: A couple questions,
14 Mr. Campbell. One, is this an increase in fees
15 for accelerated review as compared to what the
16 practice is now? What happens now?

17 MR. FELDGUS: I'm Richard Feldgus,
18 Administrative Services Director.

19 The fees right now typically for an
20 accelerated building is approximately \$480.

21 COUNCILMAN NUTTER: How do you come to
22 that figure?

23 MR. FELDGUS: That's been the standard
24 figure that was developed a number of years ago
25 with our staff based on the amount of time of the

1 12/1/98 L&I Committee - Bill 980760

2 engineers to do this on overtime, to do the work.

3 COUNCILMAN NUTTER: Is it just a flat
4 fee?

5 MR. FELDGUS: It's basically been a
6 flat fee in the past. And at this point what
7 we're doing is, we're changing it to go more into
8 a per-hour fee based on the amount of time that
9 it's actually going to take.

10 COUNCILMAN NUTTER: But you still have
11 a minimum built in?

12 MR. FELDGUS: The minimum fee is like
13 four hours.

14 COUNCILMAN NUTTER: Now, I'm familiar
15 with an accelerated zoning permit application when
16 you actually have to go to the Zoning Board of
17 Adjustment. Some people pay for an accelerated
18 hearing 'cause they want to get moved up.

19 Explain for me, please, the difference
20 between this zoning permit accelerated review and
21 what my common experience is where somebody
22 applies but then want to get a hearing real
23 quickly, and I think that would be like \$500.

24 MR. FELDGUS: The zoning permit is the
25 action that would precede going to the Zoning

1 12/1/98 L&I Committee - Bill 980760

2 Board of Adjustment.

3 COUNCILMAN NUTTER: Right.

4 MR. FELDGUS: When people come in and
5 they have a project that they want to get
6 underway, they have to zoning permit and come to
7 our people. If they're in a hurry to get either
8 an acceptance or a refusal, they may ask to have
9 the zoning work, which is done by L&I,
10 accelerated.

11 COUNCILMAN NUTTER: Mm-hmm.

12 MR. FELDGUS: It can be, you know, that
13 they know they're going to get a turndown.

14 COUNCILMAN NUTTER: Right.

15 MR. FELDGUS: And they want to be able
16 to get to the Board quicker.

17 (Unintelligible; parties talking over
18 each other.)

19 MR. FELDGUS: This is for the L&I
20 processing. In other words, this is the plan
21 review work done in the concourse of the Municipal
22 Services Building by our people, as contrasted to
23 the Zoning Board of Adjustment accelerated hearing
24 where the Board gives you a special hearing and an
25 accelerated date.

1 12/1/98 L&I Committee - Bill 980760

2 So this is actual work that has to be
3 done to review the zoning plans to see whether
4 you're in conformance with the zoning code or
5 not. We can issue a permit. If we issue a
6 permit, there's no need to go to the Zoning Board.
7 If we don't issue a permit, if we issue you a
8 refusal, then you go to the Zoning Board.

9 COUNCILMAN NUTTER: Do me a favor
10 relatively quickly. You have to walk me through
11 this with some kind of a hypothetical example.

12 MR. FELDGUS: Okay. Let's say you want
13 to do a --

14 COUNCILMAN NUTTER: I want to do a
15 grocery store in, you know, it's an R-2
16 residential grocery store -- I don't know whether
17 it's allowed or not, but for this example, it's
18 not allowed.

19 MR. FELDGUS: Right.

20 COUNCILMAN NUTTER: I show up, I ask
21 for my zoning permit, I'm refused because it's not
22 allowed, and the only way you to get to the Zoning
23 Board is by getting your refusal in the first
24 place.

25 So I pay my \$80, I get refused. Then I

1 12/1/98 L&I Committee - Bill 980760

2 file my zoning application, which is \$200.

3 MR. FELDGUS: Correct.

4 COUNCILMAN NUTTER: And then I get
5 scheduled whenever I get scheduled, but now I'm in
6 a real big rush. So then I say I want an
7 accelerated review which, again, is it \$500?

8 MR. FELDGUS: Yes.

9 COUNCILMAN NUTTER: Okay. So then I
10 pay the 200 and the 500 to get an accelerated
11 review?

12 MR. FELDGUS: No, you pay for the
13 accelerated zoning hearing.

14 COUNCILMAN NUTTER: Right.

15 MR. FELDGUS: Which is \$500.

16 COUNCILMAN NUTTER: Does that then
17 include the 200?

18 MR. FELDGUS: This is --

19 COUNCILMAN NUTTER: Is the 200
20 incorporated in that?

21 MR. FELDGUS: The 200 is not
22 incorporated; that's in addition.

23 COUNCILMAN NUTTER: All right. So it's
24 80, 200, 500.

25 MR. FELDGUS: Right.

1 12/1/98 L&I Committee - Bill 980760

2 COUNCILMAN NUTTER: This is when I'm
3 going down the Zoning Board track.

4 MR. FELDGUS: Correct. Where this
5 \$50-per-hour charge would come in is, you are
6 asking our Zoning Review people to also accelerate
7 their processing of your application.

8 COUNCILMAN NUTTER: They weren't
9 accelerating it based on the 200 or \$500?

10 MR. FELDGUS: Normally, what would
11 happen would be that if you came in, it could
12 typically take anywhere from, oh, two to four
13 weeks for that zoning review to be approved or
14 refused. The accelerated zoning gives the
15 opportunity to accelerate that to less than three
16 days.

17 COUNCILMAN NUTTER: I understand. The
18 accelerated zoning review, though, does not
19 automatically trigger an accelerated --

20 MR. FELDGUS: No.

21 COUNCILMAN NUTTER: -- L&I permit
22 review?

23 MR. FELDGUS: No.

24 COUNCILMAN NUTTER: Then what am I
25 getting out of the additional \$500 that I'm

1 12/1/98 L&I Committee - Bill 980760

2 paying?

3 MR. FELDGUS: You're getting --
4 remember now, once L&I acts, we've acted, it's
5 done. Then you want to go to the Zoning Board.
6 Normally, it would take somebody typically about
7 five weeks to get to the Zoning Board. They want
8 to get there sooner.

9 COUNCILMAN NUTTER: I understand that.

10 MR. FELDGUS: So they go to the
11 accelerated zoning hearing, which can get them to
12 the Zoning Board within, typically, two weeks, the
13 minimum posting period, so you have to wait for
14 that, but it's usually two weeks to get there.

15 COUNCILMAN NUTTER: I have all that
16 part.

17 MR. FELDGUS: So they've got three
18 weeks off the process there.

19 The accelerated zoning permit process
20 is totally apart from the Zoning Board process.
21 What we're doing there is, again, we're cutting
22 time off of that process by having our people
23 review that zoning permit request on an overtime
24 basis.

25 What we do for that is, we guarantee

1 12/1/98 L&I Committee - Bill 980760

2 the people who want a quick turnaround on the
3 zoning permit review, three days' time, to get the
4 permit review for that. So that you can
5 accelerate the process from about three months
6 down to about three weeks.

7 COUNCILMAN NUTTER: All right, one last
8 time. I go and get my \$80 permit, you refuse me
9 'cause it's not allowed in that zoning
10 classification. I then pay my \$200 for my regular
11 zoning hearing. Then I decide I want it
12 accelerated.

13 MR. FELDGUS: Right.

14 COUNCILMAN NUTTER: So I pay the 500.
15 I go to Zoning, they hear my case.

16 MR. FELDGUS: Correct.

17 COUNCILMAN NUTTER: In that scenario,
18 at what point in time do I get my zoning permit?
19 'Cause I got to have a zoning permit.

20 MR. FELDGUS: Well, you'll get your
21 zoning permit after the Zoning Board gets the
22 variance.

23 COUNCILMAN NUTTER: Takes an action,
24 right.

25 MR. FELDGUS: But at the time you're

1 12/1/98 L&I Committee - Bill 980760

2 coming in for the zoning permit and paying your
3 \$80, that's the time that you have to decide
4 whether or not you want an accelerated zoning
5 permit. That's when you would go for this permit.

6 COUNCILMAN NUTTER: But why would I ask
7 for an accelerated zoning permit review if I don't
8 know that I have my zoning variance yet?

9 MR. FELDGUS: Well, you may or may not
10 need a variance. What you're trying to do here is
11 accelerate the time process.

12 COUNCILMAN NUTTER: Okay.

13 MR. FELDGUS: The whole issue of all of
14 these accelerated permit reviews is that time is
15 worth money to people.

16 COUNCILMAN NUTTER: All right, hold
17 it. So some people who don't need a zoning
18 variance and may just be able to get a zoning
19 permit.

20 MR. FELDGUS: Right.

21 COUNCILMAN NUTTER: Maybe just approved
22 over the counter.

23 MR. FELDGUS: Correct.

24 COUNCILMAN NUTTER: But it may take
25 some time to review the plans.

1 12/1/98 L&I Committee - Bill 980760

2 MR. FELDGUS: Correct.

3 COUNCILMAN NUTTER: And so now you're
4 giving them the opportunity to have an accelerated
5 review of your plans when you're primarily dealing
6 in an over-the-counter situation, not particularly
7 controversial, but now it's just time is money.

8 MR. FELDGUS: Yes.

9 COUNCILMAN NUTTER: So in that
10 situation, I might ask for an accelerated review.
11 If I have to go through the zoning progress, it
12 may not be to my advantage to do that because
13 there's still time involved, even with an
14 accelerate process that I got to go to the Zoning
15 Board.

16 MR. FELDGUS: That's correct.

17 COUNCILMAN NUTTER: I got to put on my
18 case. I may win, the opponents may appeal, then
19 I'm over in Common Pleas Court, so I can just kind
20 of take my time.

21 MR. FELDGUS: Yes.

22 COUNCILMAN NUTTER: Getting a zoning
23 permit.

24 MR. FELDGUS: That's correct.

25 COUNCILMAN NUTTER: Okay.

1 12/1/98 L&I Committee - Bill 980760

2 MR. FELDGUS: The option is yours,
3 though.

4 COUNCILMAN NUTTER: All right.

5 COUNCILMAN KENNEY: Councilman Rizzo.

6 COUNCILMAN RIZZO: Thank you. I've got
7 a question about this process. Let's say you want
8 to enclose your porch.

9 MR. FELDGUS: Yes.

10 COUNCILMAN RIZZO: And you first need
11 to find out if the zoning would permit that to
12 occur; is that correct?

13 MR. FELDGUS: Correct.

14 COUNCILMAN RIZZO: I want you to
15 identify all of the permits that I'm going to
16 need. I first need a zoning permit, correct?

17 MR. FELDGUS: Correct.

18 COUNCILMAN RIZZO: Now I want to build
19 something so I need a building permit.

20 MR. FELDGUS: That's correct also.

21 COUNCILMAN RIZZO: I want to put lights
22 in there, inside that porch so now I need an
23 electrical permit also.

24 MR. FELDGUS: That's correct.

25 COUNCILMAN RIZZO: I'm curious as to

1 12/1/98 L&I Committee - Bill 980760

2 why we even need an accelerated permit process.

3 Is L&I -- how many people -- how many people are
4 employed in that permit issuance unit?

5 MR. FELDGUS: Well, it breaks down by
6 numbers, by the various units, just as you
7 mentioned the permits. So that we have
8 approximately a dozen engineers who are doing
9 building plans review.

10 We have -- when we're talking about
11 zoning, I believe we have about eight people doing
12 zoning review.

13 We have just two people doing
14 electrical permit review.

15 So that the number of people vary in
16 the process. And the amount of time it takes
17 varies, depending on the amount of activity that's
18 going on in the City in terms of how many people
19 are applying for permits.

20 To give you an idea, in the last year,
21 we issued a record number of permits in the City
22 of Philadelphia for recent time -- notwithstanding
23 the fact that people would think that there's not
24 a lot of building activity going on because you
25 don't see a lot of high-rise construction but

1 12/1/98 L&I Committee - Bill 980760

2 we're having a tremendous building boom in the way
3 of rehab and renovations and alterations.

4 So there is a tremendous amount of work
5 there, and what people are trying to do with this
6 accelerated permit is, they want to get their work
7 underway quickly.

8 COUNCILMAN RIZZO: Well, what I'm
9 concerned about is --

10 MR. FELDGUS: We offer them that
11 option.

12 COUNCILMAN RIZZO: What I'm concerned
13 about is -- any manager of a corporation, if
14 you're busy, you hire additional people, you bring
15 in -- you deal with the situation. So if you're
16 busy to make the citizens that are in a hurry to
17 get something done, pay additional monies to get
18 it done, to me, the operation needs to be analyzed
19 to see if it's staffed properly. Has it been
20 done?

21 MR. FELDGUS: Yes.

22 COUNCILMAN RIZZO: It has been done?

23 MR. FELDGUS: Yes. We -- this is a
24 measure basically that says that by allowing
25 overtime to our employees for the peak periods

1 12/1/98 L&I Committee - Bill 980760

2 when people have this need to get this work done
3 quickly, we can avoid hiring large numbers of
4 additional people who, in slow periods, would not
5 be necessary in the organization.

6 So the question is -- it's a way of
7 trying to get through the peaks without having to
8 unduly burden ourselves in the valleys.

9 COUNCILMAN RIZZO: Is overtime and
10 Licenses and Inspections fairly available
11 throughout the Department? Or is this going to be
12 an area where people will be making a significant
13 amount of overtime that do this particular
14 function? These people, I assume they're
15 professional engineers?

16 MR. FELDGUS: They are professional
17 engineers, basically.

18 COUNCILMAN RIZZO: Hourly-employed?

19 MR. FELDGUS: They do get an hourly
20 overtime rate, yes.

21 COUNCILMAN RIZZO: And they're
22 professionals?

23 MR. FELDGUS: Yes, they are
24 professionals.

25 COUNCILMAN RIZZO: So I'd like to ask

1 12/1/98 L&I Committee - Bill 980760

2 the Chair, I'd be curious if I could ask L&I to
3 provide to the Chair how much money we're talking
4 about in overtime to carry out this accelerate
5 process because it may justify additional people.
6 I'm not suggesting that that's the case.

7 COUNCILMAN KENNEY: But the question I
8 guess is, is it cheaper to pay the overtime or to
9 bring on the new employee? And I think the
10 answer's probably obvious.

11 COUNCILMAN RIZZO: We don't know that.

12 COUNCILMAN KENNEY: Well, no, it's got
13 to be cheaper to pay overtime than it is to bring
14 in new employees.

15 MR. FELDGUS: We believe that --

16 COUNCILMAN NUTTER: Apparently, it's
17 always cheaper to pay overtime.

18 COUNCILMAN KENNEY: It's always cheaper
19 to pay overtime.

20 COUNCILMAN RIZZO: Well, you don't
21 know; you're assuming that.

22 COUNCILMAN KENNEY: No, it's cheaper
23 because when you bring on new people, you have to
24 pay benefits, you have to --

25 COUNCILMAN RIZZO: If you have

1 12/1/98 L&I Committee - Bill 980760
2 professional engineers making 100,000 in overtime,
3 you don't know that.

4 COUNCILMAN KENNEY: What's the average
5 rate of pay, base pay of your -- the people
6 working in this division?

7 MR. FELDGUS: The engineering staff of
8 the Department typically are making approximately
9 between 60 and \$65,000 a year.

10 COUNCILMAN RIZZO: Base pay.

11 MR. FELDGUS: Base pay. If you add in
12 fringe benefits, you're talking about another
13 roughly another 35 percent on top of that, so
14 we're talking about each engineer would cost us
15 roughly in the vicinity of about \$85,000.

16 COUNCILMAN RIZZO: I wasn't aware that
17 a professional employee that worked for the City
18 was paid overtime by the hour, I didn't know that
19 that was a practice.

20 MR. FELDGUS: There's a special
21 provision in the civil service regulations that
22 allows these engineers to get paid at a
23 straight-time rate; they do not get time and a
24 half, they get a straight-time rate. But, yes,
25 they are being paid.

1 12/1/98 L&I Committee - Bill 980760

2 COUNCILMAN RIZZO: I'd still be
3 curious. Again, I understand that in most cases,
4 it is better to have people work overtime,
5 especially at a straight rate, but I'm still
6 curious of the oversight of that department
7 because I think some day we're going to read in
8 the newspaper that we've got engineers in the
9 Department of L&I walking out of the door with a
10 \$125,000 paycheck because of an accelerated
11 program.

12 COUNCILMAN KENNEY: That's why I don't
13 read the newspapers; I listen to the radio, Fran.

14 COUNCILMAN RIZZO: Smart man.

15 MR. FELDGUS: Councilman, I can tell
16 you, this program's been operating in the
17 department now for a number of years. Typically,
18 our engineers, on average, are getting somewhere
19 between about 15 and \$20,000 a year in overtime
20 compensation for doing the plan reviews. The
21 other people, the zoning people and the electrical
22 people, who are not quite as high paid, are
23 getting slightly lesser amounts.

24 But our people are getting a
25 substantial amount of overtime because there's a

1 12/1/98 L&I Committee - Bill 980760

2 substantial demand for this program.

3 COUNCILMAN RIZZO: And it's a select
4 group. There's other people in L&I that, I
5 assume, get zero or very little overtime.

6 MR. FELDGUS: Yes. John Campbell and I
7 have not earned overtime in 20 years.

8 MR. CAMPBELL: It's 30-plus, Rich.

9 COUNCILMAN NUTTER: Mr. Feldgus -- are
10 you through, Councilman?

11 COUNCILMAN RIZZO: I'm finished.

12 COUNCILMAN NUTTER: Mr. Feldgus, do you
13 have any estimates on how many of these you
14 anticipate doing in the course of a fiscal year?

15 MR. FELDGUS: Last year, the Department
16 did in excess of 2,000 accelerated plan reviews.
17 It generated almost \$900,000 in revenue to the
18 City of Philadelphia. So that the demand is
19 there.

20 To me, quite honestly, this is a
21 voluntary program that people can avail themselves
22 or not avail themselves of. We let the public
23 know, for instance, if they didn't get an
24 accelerated review, how long it would take for
25 building project to move through.

1 12/1/98 L&I Committee - Bill 980760

2 COUNCILMAN NUTTER: And the applicant
3 apparently made a decision --

4 MR. FELDGUS: -- that they want to pay
5 the accelerated fee.

6 COUNCILMAN NUTTER: -- that it was in
7 his or her best interests to make the accelerated
8 review payment. In addition, notwithstanding
9 whatever these engineers or nonprofessional people
10 may make, it's not like they're not working or
11 they're somehow taking advantage of the system.
12 There is an additional expense to have this
13 review, they make what they make, they're
14 generating legitimate overtime. And if number
15 were 10 to \$20,000, your own testimony is is that
16 their base salary is up at 60.

17 MR. FELDGUS: Yes.

18 COUNCILMAN NUTTER: With benefits
19 pushing you up in the 80-90 range, and there's no
20 way in the world you're going to have a person
21 hired for the \$20,000 in overtime expense, in
22 addition to the additional revenues that you're
23 generating by having people pay for this in the
24 first place. So -- okay.

25 COUNCILMAN KENNEY: Can I ask you a

1 12/1/98 L&I Committee - Bill 980760

2 question. Is this provision or is this available
3 for people in the surrounding suburban counties,
4 do you know? I mean, if I'm a contractor and I'm
5 doing work in Montgomery County or Bucks County,
6 can I go in and, for a fee, expedite this
7 process? You're unaware of it or you're --

8 MR. FELDGUS: I'm really not unaware of
9 it. I know we've had a number of jurisdictions,
10 surrounding counties as well as other cities,
11 talking to us about our program because it's
12 worked so well. Using this program, we've been
13 able to get out major construction jobs in less
14 than a week, and that type of a turnaround time is
15 like unprecedented for most cities.

16 So we've had a lot of people talk to
17 us, but I don't really know who's implementing it.

18 COUNCILMAN KENNEY: And, secondly, the
19 people who are taking advantage of this for the
20 most part are not individual residential
21 homeowners; these are contractors, bigger jobs,
22 people who are willing to pay the extra money to
23 get the work done quickly. This is not Mary and
24 Joe Smith trying to get their deck put on their
25 house.

1 12/1/98 L&I Committee - Bill 980760

2 MR. FELDGUS: That's correct. Mostly
3 it's large contractors who have big jobs, who have
4 large amounts of money invested, interests costs,
5 financing, everything they have going on so that
6 they want to get their work underway very quickly.

7 COUNCILMAN KENNEY: Councilman Nutter
8 says, "Unless Mrs. Smith is driving her husband
9 nuts to get the deck up."

10 (Laughter.)

11 COUNCILMAN NUTTER: Then they're doing
12 it accelerated.

13 COUNCILMAN KENNEY: Councilman Rizzo.

14 COUNCILMAN RIZZO: When the Department
15 of L&I is busy and the process is backed up, are
16 there times when Mrs. Smith wants the deck permit
17 and there's an extended period of time for Mr. and
18 Mrs. Smith to get the permit for their deck?

19 MR. FELDGUS: There have been times
20 when there are extended periods.

21 COUNCILMAN RIZZO: Do you think that
22 the manager of that organization would authorize
23 overtime so that the homeowner or the business
24 person wouldn't have to pay, just based on the way
25 we do business, that if a person's been waiting

1 12/1/98 L&I Committee - Bill 980760

2 for a permit and it's because two people, three
3 people are out with the flu, that overtime's
4 authorized to get the permit process moving. Do
5 you ever do that?

6 MR. FELDGUS: In the past, we've really
7 had a very limited ability to use overtime prior
8 to this accelerated program. Generally, the
9 answer to your question is that backlogs build
10 up. Prior to the current administration,
11 unfortunately, we were taking anywhere from seven
12 to ten weeks to issue many of our building
13 permits. That was for big jobs, little jobs, any
14 jobs.

15 This program has enabled to us cut that
16 down, both with the people who want the
17 accelerated route, and also the small jobs
18 because, remember now, with this overtime and
19 accelerated program, a lot of these large jobs,
20 2,000 of them in fact, moved out of the stream,
21 and this allowed all of the other jobs to move
22 along quicker.

23 So that right now, typically somebody
24 coming in for this small job is benefitting by the
25 people going into the accelerated program.

1 12/1/98 L&I Committee - Bill 980760

2 They're not paying the money; the accelerated
3 people are, but everyone months along quicker now.

4 COUNCILMAN RIZZO: That's very good
5 point, that's a positive point.

6 Is there anything that suffers based on
7 the fact that you've got people now instead of
8 working a 40-hour work week in many cases, what's
9 the average overtime hours that a person is
10 authorized to work? Is 8 hours more a week, 16
11 more hours a week?

12 MR. FELDGUS: I would say it's probably
13 between 8 and 16.

14 COUNCILMAN RIZZO: 8 and 16.

15 MR. FELDGUS: Yeah.

16 COUNCILMAN RIZZO: Well, does that
17 affect the performance of that employee to do the
18 -- or is this accelerate group just a -- I've
19 gotten some phone calls that the way the
20 accelerated program works affects sometimes the
21 operation of the Department of Licenses and
22 Inspections internally.

23 Are there problems with morale or
24 people complaining that some folks get overtime
25 and others don't?

1 12/1/98 L&I Committee - Bill 980760

2 MR. FELDGUS: I don't think we have a
3 real problem with that. There may be some people
4 who have been mentioned that. You know, you're
5 always going to have those kind of petty
6 jealousies and things of that nature where some
7 people may say that somebody else is making a lot
8 of overtime, why can't I make it? But the reality
9 is I don't really see that we've had a problem
10 with it.

11 Yes, I would agree with you that we are
12 putting a lot of demand on some of our engineers
13 to work these long hours. By and large, again, we
14 have to -- it's a voluntary program on both the
15 parts of the employees and the people who are
16 participating. If one of the engineers -- and we
17 have a couple who have basically said, "I don't
18 want the overtime," then they don't do the work.

19 So the people who are in the program
20 are voluntarily working in the program. And from
21 that standpoint, we have really not had much in
22 the way of morale problems.

23 The attendance of this group of
24 employees has been extremely good. They are
25 professional people. Their leave records would

1 12/1/98 L&I Committee - Bill 980760

2 bear out the fact that they're professional
3 people. Their sick-leave usage is always very low
4 so that we're not seeing any burnout, we're not
5 seeing any real problems.

6 But the fact of the matter is that we do
7 have this group of people who are working a lot of
8 hours.

9 COUNCILMAN RIZZO: Thank you.

10 Thank you, Mr. Chairman.

11 COUNCILMAN KENNEY: Thank you very
12 much.

13 Any other questions?

14 COUNCILMAN NUTTER: One last concern.
15 With the accelerated review process, there is --
16 from the community perspective, a person takes out
17 a permit, there is, I believe, a 30-day time
18 period during which someone could file an appeal
19 to the Board of L&I Review about that particular
20 permit.

21 Mr. Feldgus, you seem concerned.

22 MR. FELDGUS: I'm puzzled, I don't know
23 about that. If somebody has a problem --

24 COUNCILMAN NUTTER: If the Department
25 issues a permit, an aggrieved person has the right

1 12/1/98 L&I Committee - Bill 980760

2 to file an appeal with the Department about that
3 particular permit, if they think you issued it in
4 error or --

5 MR. FELDGUS: Well, they have a general
6 right to file for any action taken by the
7 Department.

8 COUNCILMAN NUTTER: Exactly, correct.

9 The only thing that ever concerns me
10 about the accelerated review process is that you
11 somehow possibly cut down the ability of people to
12 know what's going on, and you essentially, because
13 of the general backlog usually in getting permits,
14 you could, in fact, possibly cut down the window
15 in which people get the opportunity to have
16 information and file their appeal in a timely
17 fashion.

18 It's not -- I'm not making any charge
19 today, there's nothing for you to do about it, I
20 just want to make it known for the record that it
21 is a concern with any of these accelerated
22 requests. I mean, I'm going to support the
23 request here today, but there is a potential for
24 impact on the community side.

25 MR. FELDGUS: Theoretically that would

1 12/1/98 L&I Committee - Bill 980795

2 be true.

3 COUNCILMAN NUTTER: Okay, no problem,
4 thank you.

5 COUNCILMAN KENNEY: Thank you very
6 much.

7 Any other questions?

8 (No questions.)

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

11 (No response.)

12 COUNCILMAN KENNEY: The last bill is
13 Bill No. 980795, which is an ordinance amending
14 Bill No. 960591-A, approved March 26, 1997, which
15 is ordinance adding a new title to The
16 Philadelphia Code that, upon enactment of other
17 ordinances, will contain all of the technical
18 codes governing the construction, occupancy, use,
19 and maintenance of premises, buildings, and
20 structures in the City. Those technical codes now
21 appear in The Philadelphia Code as "The Building
22 Code, Electrical Code, Fire Prevention Code,
23 Plumbing Code, Housing Code, and Property
24 Maintenance Code." And enacted within the new
25 title, uniform provisions governing the

1 12/1/98 L&I Committee - Bill 980795
2 administration and enforcement of all those
3 Technical codes, all under certain terms and
4 conditions, by correcting certain printing errors
5 in the bill, under certain terms and conditions

6 Please identify yourself for the
7 record.

8 MR. CAMPBELL: Again, I'm John P.
9 Campbell, Legislative Regulatory Affairs Manager
10 for the Department of for the Licenses and
11 Inspections.

12 Bill 980795 was drafted and prepared at
13 the request of the Law Department. There were
14 some printing errors in the bill and then
15 collating errors that were sent to the mayor for
16 signature so that the bill that was actually
17 approved by this body and what the mayor actually
18 signed was something different. And this was
19 discovered recently when the Law Department was in
20 the process of upgrading or redoing General Code
21 and came across the area. So this is just
22 cleaning it up.

23 COUNCILMAN NUTTER: Mr. Campbell?

24 COUNCILMAN KENNEY: The Chair
25 recognizes Councilman Nutter.

1 12/1/98 L&I Committee - Bill 980795

2 COUNCILMAN NUTTER: Isn't it true that
3 this is really the stadium bill for the City of
4 Philadelphia?

5 (Laughter.)

6 MR. CAMPBELL: Stealth personified.

7 COUNCILMAN NUTTER: Isn't it true that
8 within the provision here there is reference made
9 that allowed for the building of two stadiums in
10 the City? Isn't it true? I demand an answer to
11 that question right now.

12 (Laughter.)

13 MR. CAMPBELL: That is correct. The
14 stadium over 30th Street and --

15 COUNCILMAN RIZZO: And they want an
16 accelerated permit.

17 MR. CAMPBELL: Right, with the
18 accelerated permit, that is correct.

19 COUNCILMAN KENNEY: All right. Anybody
20 else to testify on this bill? Any questions for
21 these witnesses?

22 (No questions.)

23 COUNCILMAN KENNEY: Is there anyone
24 else to testify on this bill?

25 (No response.)

1 12/1/98 L&I Committee - Bill 980795

2 COUNCILMAN KENNEY: Seeing none, that
3 will conclude our public hearing, with the
4 exception of Resolution 980675, which will be held
5 to the call of the Chair.

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1 12/1/98 L&I Committee - Public Meeting

2 COUNCILMAN KENNEY: We are now in a
3 public meeting.

4 And the Chair recognizes Councilwoman
5 Blackwell for a motion on Bill No. 980640 with a
6 suspension.

7 COUNCILWOMAN BLACKWELL: Thank you, Mr.
8 Chairman. I move that Bill 980640 be reported out
9 of committee with a favorable recommendation and
10 for a suspension of the rules so that it can be
11 heard in our next session of Council.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: Moved and seconded.
14 All in favor?

15 There are none opposed. Bill No.
16 980640 will be reported out of this committee
17 favorably, and a request will be made for a rules
18 suspension to allow for first reading at our next
19 session of Council.

20 The Chair recognizes Councilmember
21 Nutter for a motion on Bill No. 980552, with a
22 rules suspension.

23 COUNCILMAN NUTTER: Mr. Chairman, I
24 move that Bill No. 980552 be reported out of
25 committee with a favorable recommendation. I

1 12/1/98 L&I Committee - Public Meeting

2 further move that the rules of Council be
3 suspended so as to permit first reading at our
4 next session of Council.

5 (Duly seconded.)

6 COUNCILMAN KENNEY: Moved and seconded.

7 All in favor, aye?

8 There are none opposed. Bill No.

9 980552 is reported out of this committee with a
10 favorable recommendation, and a request will be
11 made for a rules suspension to allow for first
12 reading at our next Council session.

13 The Chair recognizes Councilmember
14 Nutter for a motion on Bill No. 980646.

15 COUNCILMAN NUTTER: Mr. Chairman, I
16 move that Bill No. 980646 be reported out of this
17 committee with a favorable recommendation and a
18 further recommendation that the rules of Council
19 be suspended so as to permit first reading at our
20 next session.

21 (Duly seconded.)

22 COUNCILMAN KENNEY: Moved and seconded.

23 All in favor, aye?

24 There are none opposed. Bill No.

25 980646 is reported out of this committee with a

1 12/1/98 L&I Committee - Public Meeting

2 favorable recommendation, and a request will be
3 made for a rules suspension to allow for first
4 reading at our next Council session.

5 The Chair recognizes Councilmember
6 Krajewski for a motion on Bill No. 980760, with a
7 rules suspension.

8 COUNCILWOMAN KRAJEWSKI: Mr. Chairman,
9 I move that Bill No. 980760 be reported out of
10 this committee with a favorable recommendation and
11 with a suspension of rules as to permit first
12 reading at the next session of Council.

13 (Duly seconded.)

14 COUNCILMAN KENNEY: Moved and seconded.

15 All in favor, aye?

16 There are none opposed. Bill No.
17 980760 is reported out of this committee with a
18 favorable recommendation, and a request will be
19 made for a rules suspension to allow for first
20 reading at our next Council session.

21 The Chair recognizes Councilmember
22 Rizzo for a motion on Bill No. 980795.

23 COUNCILMAN RIZZO: Mr. Chairman, I move
24 that Bill No. 980795 be moved out of this
25 committee with a favorable recommendation.

1 12/1/98 L&I Committee - Public Meeting

2 COUNCILMAN KENNEY: And a request for
3 rules suspension.

4 COUNCILMAN RIZZO: And a request that
5 the rules be suspended.

6 (Duly seconded.)

7 COUNCILMAN KENNEY: Moved and seconded.

8 All in favor, aye?

9 There are none opposed. Bill No.
10 980795 will be reported out of this committee with
11 a favorable recommendation, and a request will be
12 made for a rules suspension to allow for first
13 reading at our next Council session.

14 That concludes the business of the
15 Council Committee on Licenses and Inspections.

16 The Council Committee on Public
17 property should convene shortly.

18 Thank you for your attendance.

19 (Adjourned at 1:08 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Tuesday, December 1, 1998, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON LICENSES AND INSPECTIONS
BILL NO.'S 980640, 980552, 980646, 980760,
980795 and RESOLUTION NO. 980552

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter