

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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June 20, 2017
Start: 10:28 a.m.
Recess: 10:46 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: COREY D. JOHNSON
Chairperson

COUNCIL MEMBERS:

ROSIE MENDEZ
MATHIEU EUGENE
PETER A. KOO
JAMES VACOMMITTEE CLERK

MARTINA

JAMES G. VAN BRAMER
INEZ D. BARRON
ROBERT E. CORNEGY, JR.
RAFAEL L. ESPINAL, JR.

A P P E A R A N C E S (CONTINUED)

Benjamin Johnson
Director of Operations for Soul Circus
Incorporated

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[gavel]

COUNCIL MEMBER MENDEZ: Good morning, I haven't done that in a long time. So, good morning. Council Member Johnson, the Chair of this committee is on his way, he's been detained but I've been asked as the Senior Member to Chair this meeting... hearing until he gets here. Today we are going to be listening to testimony and voting on a pre-considered Intro Number... no number and this Intro what it does is amend Intro 1233, which we passed last month and all it is doing is extending the time when the legislation takes effect. The legislation in 1233, which is the legislation to ban the use of some exotic animals in traveling circuses would take in 180 days after the bill is signed by the Mayor. In order to, on the request of one of the circuses, UniverSoul Circus who I had been talking to, we've been asked to extend the time for them to be able to phase out animals. They will also have testimony today, which will elaborate more on that. So, at this point let me just say whose here today. We are joined by Council Member Eugene from Brooklyn, Council Member Barron and the Co-Sponsor of this bill from Brooklyn, Council Member Cornegy and a Co-Sponsor of

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2 this bill from Brooklyn, and Council Member Jimmie
3 Vacca from the Bronx. Having said that I will now
4 call up Benjamin Thomas... Benjamin Johnson from
5 UniverSoul Circus.

6 BENJAMIN JOHNSON: Good morning, is that...
7 okay. So, in his absence I'd like to thank Chairman
8 Johnson but I'd certainly like to thank the Sponsor...
9 the Sponsor of the bill Rosie Mendez for allowing me
10 to come before you this morning to testify. On the
11 extender to bill 1233A. As she mentioned my name is
12 Ben Johnson, I'm the Director of Operations for Soul
13 Circus Incorporated, which owns UniverSoul Circus and
14 is an Atlanta based company. I'm here on behalf of
15 generations of New Yorkers who have enjoyed the
16 circus. While we philosophically disagree about the
17 role of animals in circuses we respect the Council's
18 decision in passing Intro 1233A. Our many New York
19 supporters are families, ranging from children to
20 senior citizens and every age in between, who
21 represent the true diversity and spirit of New York.
22 Though they are not as vocal as the proponents of the
23 bill, our tens of thousands of annual attendees speak
24 with their ongoing support of UniverSoul Circus. As
25 elected officials who represent our fan base, you can

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2 give voice to them by extending the implementation
3 date of bill number 1233A to December 31, 2020. After
4 considerable discussions amongst the leadership of
5 UniverSoul Circus we have a strong desire to continue
6 our commitment to the many communities in New York
7 City that UniverSoul has amazed and entertained for
8 nearly a quarter century. In 2018 UniverSoul will
9 celebrate its 25th anniversary, so with this long
10 history of performing, UniverSoul Circus will need to
11 review how it will reinvent itself based on what the
12 bill requires and whether or not that new rendition
13 would be viable for New York City. For a national
14 company of UniverSoul's scale, the reconfiguration
15 needed based on 1233A will require extensive
16 restructuring with vendors and performers to evaluate
17 and assess the best path forward. Additionally,
18 UniverSoul Circus will need to produce an entirely
19 different show in order to comply with 1233A, which
20 you can imagine is no small feat. New York City is an
21 integral part in our 10-month 16 city tour schedule.
22 So, to have a chance at a successful transition, we
23 need a three-year period to adjust our business
24 model. UniverSoul Circus annually contributes more
25 than 2.5 million dollars to the New York City economy

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2 and supports hundreds of jobs here during the two and
3 half months of our ten-month tour that we perform in
4 this market. We also support a wide array of
5 charities and organizations that focus on youth,
6 seniors and underprivileged members of the community.
7 One example of our outreach from this year's
8 engagement was adding a special performance in Queens
9 to host 2,100 plus clients of the Samaritan Daytop
10 Village, which is a shelter for homeless families,
11 they were uplifted by the free, exclusive show for
12 them and their interaction with our circus
13 performers. They were not only entertained but were
14 also provided complimentary food and novelties to
15 enhance their experience. UniverSoul will continue to
16 follow the longstanding regulations of the USDA, New
17 York State, and New York City, and certainly the
18 guidelines of the New York City Health and Mental
19 Hygiene Department which has led the nation in animal
20 protection. While we disagree with those who support
21 banning exotic animals from performing in the city,
22 we understand and respect the sincerity of those who
23 share that view. Indeed, the ability to disagree on
24 matters of public importance and to work toward
25 finding a reasonable middle ground is part of what

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2 makes this country the great nation it is. Circuses
3 around the world have always inspired the positive,
4 progressive movement of mankind. They are and always
5 will be a reflection of our humanity, strength,
6 commonality, and resilience. So, thank you again and
7 we strongly urge the council to extend the
8 implementation of 1233A to December 2020 so we can
9 achieve these valuable goals. Thank you Council
10 Member Mendez.

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COUNCIL MEMBER MENDEZ: Thank you very
12 much. I'm just going to have a few questions... [cross-
13 talk]

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BENJAMIN JOHNSON: Yes, ma'am... [cross-
15 talk]

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COUNCIL MEMBER MENDEZ: ...but first I'm
17 going to let you know that we cannot amend this bill
18 at this moment to change the date, under the rules of
19 the city council the current bill's age and that's
20 the bill we're voting on... [cross-talk]

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BENJAMIN JOHNSON: Okay... [cross-talk]

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COUNCIL MEMBER MENDEZ: ...so there, there
23 would have to be a new bill in the future... [cross-
24 talk]

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BENJAMIN JOHNSON: Yes, ma'am... [cross-talk]

COUNCIL MEMBER MENDEZ: ...with a new date that again would amend this amendment to... [cross-talk]

BENJAMIN JOHNSON: Yes... [cross-talk]

COUNCIL MEMBER MENDEZ: ...the bill.

BENJAMIN JOHNSON: Yes, ma'am.

COUNCIL MEMBER MENDEZ: Okay. I know my colleagues have to run but I do have a question because we've been talking Mr. Johnson and I understand the importance of getting through the 25th anniversary, certainly if you've had a business model for 24 years I don't know that you can switch it in what the bill calls for now, 180 days... [cross-talk]

BENJAMIN JOHNSON: Uh-huh... [cross-talk]

COUNCIL MEMBER MENDEZ: The amendment will give you more than a year, it would take us to October 1st, of 2018... [cross-talk]

BENJAMIN JOHNSON: Uh-huh... [cross-talk]

COUNCIL MEMBER MENDEZ: Yesterday or the day before yesterday when we were talking I understood you were looking to extend to December 20...

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2 31st, 2019 and now I see in your testimony you're
3 saying 2020.

4 BENJAMIN JOHNSON: So, I, I think that's
5 where the confusion is on the language that's in the
6 extension... [cross-talk]

7 COUNCIL MEMBER MENDEZ: Uh-huh... [cross-
8 talk]

9 BENJAMIN JOHNSON: ...so the extension
10 reads 180 days after and it has a date next to it,
11 which was October of 2018... [cross-talk]

12 COUNCIL MEMBER MENDEZ: Do you... [cross-
13 talk]

14 BENJAMIN JOHNSON: So... [cross-talk]

15 COUNCIL MEMBER MENDEZ: Do... and so let me
16 just... because when I read it I got confused, the
17 original bill says 180 days... [cross-talk]

18 BENJAMIN JOHNSON: Uh-huh... [cross-talk]

19 COUNCIL MEMBER MENDEZ: ...and then that
20 was struck through and we're putting in October 1st
21 so, we're changing 180 days with a date turn which is
22 October 1st... [cross-talk]

23 BENJAMIN JOHNSON: I see what you're
24 saying... [cross-talk]

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COUNCIL MEMBER MENDEZ: ...but the bill has what was there, what's being amended and struck out which is 180 days and then the new date which is being inserted in and that's what this amendment would be.

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BENJAMIN JOHNSON: Okay, so there was a misinterpretation of what that was, it, it, it... the way it read to us was 180 days after that date which would have taken it to March 30th, 2019 so... [cross-talk]

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COUNCIL MEMBER MENDEZ: I will just look to the council and make sure that my reading of it was correct, I am being told yes. The brackets mean deletion, okay?

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BENJAMIN JOHNSON: Okay, I, I apologize, we, we were... we were unaware of, of... [cross-talk]

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COUNCIL MEMBER MENDEZ: Okay... [cross-talk]

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BENJAMIN JOHNSON: ...what the intention of the brackets were, okay.

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COUNCIL MEMBER MENDEZ: Okay... [cross-talk]

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BENJAMIN JOHNSON: So, so what, what we were discussing when I indicated December 31st, 2019

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2 was if we understood it, it had another 180 days that
3 would have gotten us into June of 2020. Annually we
4 come to New York between March... late March and May so
5 if we were able to go into June of 2020 then that
6 would have given us the three seasons that we're
7 asking for. So, that would be next year, 2019 and
8 then 2020.

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COUNCIL MEMBER MENDEZ: I, I understand
10 now... [cross-talk]

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BENJAMIN JOHNSON: Yes, ma'am.

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COUNCIL MEMBER MENDEZ: Okay, just to
13 check clarity for other people who've not been in our
14 discussions and just... [cross-talk]

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BENJAMIN JOHNSON: Yes, ma'am... [cross-
16 talk]

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COUNCIL MEMBER MENDEZ: ...to I think be as
18 transparent, we're voting on this bill today, I do
19 want to hear back from UniverSoul Circus, I am also
20 asking which wouldn't be until September if
21 UniverSoul could come to the Black Latino Asian
22 Caucus and my discussion with you Mr. Johnson is if
23 we are going to do another amendment down the road I
24 want to understand what animals are being phased out
25 at what point... [cross-talk]

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BENJAMIN JOHNSON: Uh-huh... [cross-talk]

COUNCIL MEMBER MENDEZ: ...and how that would affect your business model and, and... but clearly knowing which animals that you currently use that are subject to the ban when they would be phased out from your tours here in New York.

BENJAMIN JOHNSON: Okay...

COUNCIL MEMBER MENDEZ: Okay. Colleagues do you have any questions colleagues? No, okay. So, I'm going to call the vote. I am recommending a yes vote in the absence of the Chair. Billy Martin to... the Clerk to call the roll.

COMMITTEE CLERK MARTIN: William Martin Committee Clerk roll call vote, Committee on Health Pre-Considered Introduction, Council Member Mendez?

COUNCIL MEMBER MENDEZ: I vote aye.

COMMITTEE CLERK MARTIN: Eugene?

COUNCIL MEMBER EUGENE: [off-mic] I vote aye.

COMMITTEE CLERK MARTIN: Vacca?

COUNCIL MEMBER EUGENE: Aye.

COMMITTEE CLERK MARTIN: Barron?

COUNCIL MEMBER VACOMMITTEE CLERK MARTINA: Aye.

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COMMITTEE CLERK MARTIN: Vacca?

COUNCIL MEMBER VACOMMITTEE CLERK MARTINA:

Somebody voted when they called my name, Aye.

COUNCIL MEMBER MENDEZ: Eugene voted
twice.

COMMITTEE CLERK MARTIN: Barron?

COUNCIL MEMBER BARRON: Permission to
explain my vote?

COMMITTEE CLERK MARTIN: Okay...

COUNCIL MEMBER BARRON: I just want...

[cross-talk]

COUNCIL MEMBER MENDEZ: Permission
granted... [cross-talk]

COUNCIL MEMBER BARRON: ...to say that the
UniverSoul Circus has a stellar reputation. When they
first started I was Deputy... the Executive Assistant
to the Superintendent in District 23 and he
understood the value of the circus and made
arrangements with them to have a sizable number of
our district population attend the circus so that
children could have that exposure so I certainly
understand the value especially since it is black
owned and black operated and children see themselves
in the positive light. So, I'm voting yes and hoping

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2 that we can look further to see what we can do to
3 perpetuate this service, service, thank you.

4 COMMITTEE CLERK MARTIN: Cornegy?

5 COUNCIL MEMBER CORNEGY: Permission to
6 explain my vote?

7 COUNCIL MEMBER MENDEZ: Permission
8 granted.

9 COUNCIL MEMBER CORNEGY: I would just
10 like to say that I'm, I'm voting yes on this bill and
11 look forward to working very closely with UniverSoul
12 Circus to try to find some remediation that will
13 allow not to have a negative impact on your business
14 model. So, I'm, I'm saying that I want to work
15 closely with you as we develop a strategy that works
16 and a model that's replicable in other industries
17 throughout the country so..

18 BENJAMIN JOHNSON: Thank you Councilman.

19 COMMITTEE CLERK MARTIN: By a vote of
20 five in the affirmative, zero in the negative, and no
21 abstentions the item has been adopted by the
22 committee.

23 COUNCIL MEMBER MENDEZ: We're going to
24 leave the vote open for, for Council Member Johnson's
25 arrival and I, I just want to say I have not been to

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2 the circus since I was a little girl but I've heard
3 of your circus and your performances and by
4 everything that I've been told that it is an, and
5 incredible act that you have and the, the most
6 impressionable and exciting acts are the ones with
7 the humans in it. So, I do want to continue our
8 dialogue and our discussion. I introduced this bill
9 11 and a half years ago, my intention was to have a...
10 more humane treatment and I felt that animals
11 particularly in traveling circuses by virtue of the
12 traveling and the schedule and the touring and
13 traveling sometimes in box cars were not being
14 treated humanely. My intention has never been to ban
15 circuses and so I look forward to seeing how we can
16 help you transition to a model that complies with the
17 law.

18 BENJAMIN JOHNSON: Thank you very much
19 Council Member.

20 COUNCIL MEMBER MENDEZ: Thank you Mr.
21 Johnson.

22 COMMITTEE CLERK MARTIN: Continuation of
23 the roll call, the Committee on Health, Council
24 Member Espinal?

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COUNCIL MEMBER ESPINAL: I'm going to vote aye with, with the caveat that, that there is conversation about how we can mediate the, the impact that this is going to have on the special UniverSoul Circus so I vote aye but I want to make sure we continue those conversations.

COMMITTEE CLERK MARTIN: Final vote in Committee on Health, Pre-Considered Introduction has now been adopted by a vote of six in the affirmative, zero in the negative, and no abstentions.

COUNCIL MEMBER MENDEZ: Okay, we've been informed that Council Member Johnson has been further detained so at this point we're going to close the vote. This hearing has come to an end, thank you.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

July 30, 2017