

**REPORT OF THE COMMITTEE ON FINANCIAL HARDSHIP
OF THE
PHILADELPHIA HISTORICAL COMMISSION**

**Wayne S. Spilove, Chair
Room 18-002, One Parkway, 1515 Arch Street
7 October 1999**

Present

Wayne S. Spilove, Chair
Ernest Leonardo, Philadelphia City Planning Commission
Robert Thomas
Scott Wilds, Assistant Director for Housing, Office of Housing and Community Development

Elizabeth Harvey, Historic Preservation Planner
R. Scott Jacob, Executive Secretary
Laura Spina, Historic Preservation Planner
Richard Tyler, Historic Preservation Officer

Mark Zecca, Esq., Senior Attorney, Law City of Philadelphia Law Department

Also

Richard Sprague, Esq., Sprague & Sprague
Geoffrey Johnson, Esq., Sprague & Sprague
Geoffrey Jarvis, Esq., Sprague & Sprague
William Thompson, Esq., Chief Deputy City Solicitor
Jack Panitch, Esq., Deputy City Solicitor
William Brown, Esq., Schnader Harrison Segal & Lewis, LLP
Deena Schneider, Esq., Schnader Harrison Segal & Lewis, LLP
Arlie Sulke, Lillian Nassua Ltd.
Thomas Nickels, Coalition for Philadelphia Art
Pearl Carpel
Aliko Strakes, Preservation Alliance for Greater Philadelphia
Patricia Wilson Aden, Preservation Alliance for Greater Philadelphia
Janet Mason, Coalition for Philadelphia Art for Greater Philadelphia
Lawrence Wood, Jr., Esq., Preservation Alliance
Penny Bach, Fairmount Park Art Association (FPAA)
Laura Griffith, FPAA
Sharon Erwin, Esq.
Carol Sivin
Sandy Ullman
Jane Istvan
Helen Ferris
Stephan Salisbury, Philadelphia Inquirer

Mr. Spilove recognized a quorum and called the meeting of the Committee on Financial Hardship to order at 10:00 A.M.

Dream Garden Mosaic Mural, Curtis Building Lobby, 170 South Independence Mall West
Estate of John W. Merriam, Applicant
DATE: 1914-1916
PROPOSAL: Removal

Attorneys for the applicant were present.

Ms. Harvey and Ms. Spina gave a staff analysis of the Estate's hardship application. They reviewed the history of the designation of the *Dream Garden* mosaic mural, and of the application for its removal from the lobby of the Curtis Building. They described what the Commission requires for a Financial Hardship application, and what the applicant has submitted. Ms. Spina stated that the staff has concluded that the application is premature, and the Estate did not meet its burden to prove the claim of financial hardship. Ms. Spina and Ms. Harvey spoke regarding possible income producing mechanisms instead of the removal and sale of the mural. On these grounds, Ms. Harvey and Ms. Spina recommended denial of the hardship petition and permit application on the basis of financial hardship.

The staff also introduced Arlie Sulka. Ms. Sulka was retained as a consultant to the Commission and testified as an appraiser. Her written statement, resume and a transcript of her remarks are attached.

Richard Sprague, counsel for the applicant, questioned Ms. Sulka regarding her statement.

Patricia Wilson Aden of the Preservation Alliance for Greater Philadelphia spoke on behalf of the Alliance, as well as Preservation Pennsylvania, the Pennsylvania Historical and Museum Commission and the National Trust for Historic Preservation in opposition to the Estate's financial hardship application. Her written statement is attached. Penny Bach of the Fairmount Park Art Association also spoke in opposition to this financial hardship application. Her written statement is attached. Thom Nickels of the Coalition for Philadelphia Art also apposed the application.

Mr. Wilds moved that the applicant has not demonstrated that a financial hardship exists pursuant to the requirements in the ordinance. Mr. Leonardo seconded the motion which carried with three votes. Mr. Spilove abstained.

The Committee announced that the Historical Commission will meet 21 October 1999, at 9:30 a.m., regarding this application.

Respectfully submitted,

R. Scott Jacob
Executive Secretary