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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE THE COUNCIL COMMITTEE ON
PUBLIC PROPERTY AND PUBLIC WORKS

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- - -
Room 696, City Hall
Philadelphia, Pennsylvania
Wednesday, 6/5/02
12:48 p.m.

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BILL 020316 - Renewal bill re payment of Far
Northeast Senior Citizens Inc. utility bills.

9

BILL 020380 - Convey parcel of ground to the West
Philadelphia Financial Services Institution

11

BILL 020381 - Incorporating parcel of land into
Germany Hill Park

12

BILL 020383 - Authorizing PECO to construct, own,
and maintain concrete planters on...

14

BILL 020384 - Re City's interest in one-tract ground
situate in vicinity of 21st, 22nd, Hamilton Streets.

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COUNCILMEMBERS PRESENT:

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James F. Kenney, Chair
Darrell L. Clarke
Frank DiCicco
Michael A. Nutter
Frank Rizzo

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1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 COUNCILMAN KENNEY: The public hearing
3 is now in session of the Committee on Public
4 Property and Public Works to listen to testimony on
5 four bills, the first bill being:

6 Bill No. 020380, an ordinance
7 authorizing the Philadelphia Authority for
8 Industrial Development ("PAID") notwithstanding any
9 contrary requirements of the Philadelphia
10 Industrial and Commercial Development agreement
11 between the City, the Philadelphia Industrial
12 Development Corporation ("PIDC") and PAID, to
13 convey fee simple title to a certain property
14 located in the vicinity of 52nd Street and
15 Jefferson Street for the West Philadelphia
16 Financial Service Institution, or its nominee, for
17 nominal consideration, under certain terms and
18 conditions.

19 (Witness comes forward.)

20 COUNCILMAN KENNEY: Please identify
21 yourself for the record and give me your
22 abbreviated testimony.

23 MR. DEEGAN: Good afternoon,
24 Mr. Chairman. My name is Paul Deegan, and I'm here
25 to testify in support of Bill No. 020380.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 The bill authorizes PAID to convey a
3 10.6-acre parcel of ground to the West Philadelphia
4 Financial Services Institution, or its nominee, for
5 a nominal consideration. WPFSI intends to
6 construct an \$11.5 million, 105,000-square-foot
7 shopping center on the property and on adjacent
8 land that was acquired by PAID with Empowerment
9 Zone funds.

10 Mr. Burnett, James Burnett, the
11 Executive Director, is here to answer any questions
12 you may have and to provide some testimony.

13 This really is an initiative of the
14 Empowerment Zone, the Mayor's Office, and the
15 Commerce Department to create a major commercial
16 site in West Philadelphia.

17 COUNCILMAN KENNEY: Great.

18 MR. DEEGAN: And I ask that the bill be
19 considered favorably and that the rules of Council
20 be suspended.

21 COUNCILMAN KENNEY: A standing rules
22 suspension request.

23 MR. DEEGAN: Thank you.

24 COUNCILMAN KENNEY: You're very
25 welcome.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 MR. DEEGAN: I'll be glad to answer any
3 questions you may have of me.

4 COUNCILMAN KENNEY: Are there any
5 questions of Mr. Deegan?

6 Councilmember Nutter.

7 COUNCILMAN NUTTER: Thank you,
8 Mr. Chairman.

9 Mr. Deegan, now, it's my understanding
10 that the purpose of the bill is to transfer the
11 land owned by PAID to WPFSI; is that correct?

12 MR. DEEGAN: Yes.

13 COUNCILMAN NUTTER: Okay. And then
14 WPFSI would then be the owner of the land?

15 MR. DEEGAN: Well, I think it depends
16 on how the -- I think the way the development would
17 work is, the land would go to WPFSI or its nominee,
18 which could be an entity formed specifically for
19 the development.

20 COUNCILMAN NUTTER: Okay.

21 MR. DEEGAN: So whoever the developer
22 is -- I think maybe Mr. Burnett could speak a
23 little more on that.

24 COUNCILMAN NUTTER: Okay.

25 MR. DEEGAN: But we wanted to make sure

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 that we were authorized to convey the property to
3 whoever is going to be developing the site.

4 COUNCILMAN NUTTER: Okay. And are you
5 anticipating that should this go forward, that on
6 the PIDC side of this transaction, things will go
7 smoothly and swiftly?

8 MR. DEEGAN: Yes. I think the bill
9 that's under consideration today, I think, is the
10 last thing that we need for the real estate part of
11 the transaction.

12 COUNCILMAN NUTTER: Okay. Are there
13 any other steps that PIDC needs to take?

14 MR. DEEGAN: I believe there's going to
15 be an amendment to the Tax Increment Financing
16 District, and that's a longer lead time.

17 COUNCILMAN NUTTER: Okay.

18 MR. DEEGAN: So I think that will be
19 the next step.

20 COUNCILMAN NUTTER: And when is that
21 going to come over?

22 MR. DEEGAN: We're talking with WPFSI
23 right now on the details of revising the previous
24 TIF, so it would come over in September.

25 COUNCILMAN NUTTER: You can't get it

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 over here by next Thursday?

3 MR. DEEGAN: I don't think the project
4 plan or any of the documents have been finalized
5 yet.

6 COUNCILMAN NUTTER: Are you going to
7 have it the first Thursday we get back?

8 MR. DEEGAN: I expect to, yes. We're
9 going to be working all summer to have it as soon
10 as possible.

11 COUNCILMAN NUTTER: Okay, all right.
12 The reason I ask is because, as you well know,
13 there is an extra lead time.

14 MR. DEEGAN: On TIFs.

15 COUNCILMAN NUTTER: On the TIFs, 30-day
16 advertising, and then a three-week layover after it
17 comes out of committee.

18 MR. DEEGAN: Right.

19 COUNCILMAN NUTTER: I mean, it's
20 basically two months.

21 MR. DEEGAN: Yes.

22 COUNCILMAN NUTTER: So I would just
23 like to have it as soon as possible.

24 MR. DEEGAN: Right. We are working on
25 it, and PIDC is talking with Mr. Burnett to revise

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 the project plan in accordance with, you know, the
3 project that's now being proposed.

4 COUNCILMAN NUTTER: Okay, all right.

5 COUNCILMAN KENNEY: Thank you very
6 much.

7 Any other questions?

8 (No further questions.)

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

11 COUNCILMAN NUTTER: Yeah, WPFSI.

12 (Witness comes forward.)

13 COUNCILMAN NUTTER: And Miss Gladstein
14 from the Empowerment Zone.

15 (Witness comes forward.)

16 COUNCILMAN KENNEY: Please identify
17 yourself for the record.

18 MR. BURNETT: James Burnett, the
19 Executive Director for the West Philadelphia
20 Financial Services Institution.

21 MS. GLADSTEIN: Eva Gladstein, Director
22 of the Empowerment Zone.

23 COUNCILMAN KENNEY: Please proceed.

24 MR. BURNETT: Councilman, we're looking
25 for approval of this bill in order for us to move

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 forward with the shopping center at the corner of
3 52nd and Jefferson Street, the project will be
4 approximately 100,000 square feet of new retail
5 space and employ up to 350 new jobs in that area,
6 permanent jobs, and also approximately 150
7 construction jobs.

8 COUNCILMAN KENNEY: Will this include a
9 supermarket?

10 MR. BURNETT: Yes, it will include a
11 supermarket.

12 COUNCILMAN KENNEY: There you go.
13 Thank God.

14 COUNCILMAN NUTTER: We'll have to let
15 Councilman Cohen know.

16 COUNCILMAN KENNEY: Please identify
17 yourself again, I'm sorry.

18 MS. GLADSTEIN: Good afternoon. This
19 project is one of the original projects specified
20 as part of the Empowerment Zone Strategic Plan.
21 The West Philadelphia Financial Services
22 Institution has been funded by the Empowerment Zone
23 for up to \$1.7 million to help support this
24 development. Those funds have been used to date to
25 help secure site control of both of the properties

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2 that are under discussion today from PAID as well
3 as about 2.5 acres of privately held property.

4 We've also assisted the West
5 Philadelphia Financial Services Institution with
6 PIDC as well to select a co-developer who will work
7 with them on the development of this project. With
8 that co- developer, they are now finalizing
9 documents for a development agreement and an
10 operating agreement for the maintenance of the
11 shopping center.

12 They have also a preliminarily
13 identified an anchor tenant for the supermarket
14 component, which would be a approximately 40,000
15 square feet. There are a number of other tenants
16 who have expressed interest over the last several
17 years, but we've been waiting to secure the anchor
18 tenant.

19 So we now feel this project in a very
20 much in a ready-to-move mode, and we're very
21 excited about that.

22 COUNCILMAN KENNEY: Councilman Nutter?

23 COUNCILMAN NUTTER: Thank you, thank
24 you, Mr. Chairman.

25 For either of you, again, assuming that

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 this bill were to pass, what are the next steps
3 that will lead toward a start date with this
4 particular project? I'm talking about men, women,
5 heavy equipment, and actual activity at the site.

6 MR. BURNETT: Okay. Under our due
7 diligence report that was done -- completed in the
8 fall of last year, what we took to understand is
9 that after our signing the agreement with our co-
10 developer, which we anticipate having by Friday of
11 next week, that it will take six months in order to
12 mobilize.

13 There will be some site work, some
14 pre-site work, going on as soon as that agreement
15 is signed, but the actual development will start
16 approximately six months from that point in time.

17 COUNCILMAN NUTTER: So you're talking
18 about the 1st of the year?

19 MR. BURNETT: Talking about the 1st of
20 the year.

21 COUNCILMAN NUTTER: Well, let me just
22 put on the record, Mr. Burnett, we've had an
23 opportunity to talk about this over some period of
24 time, and I know that you and Miss Gladstein are
25 deeply committed to getting this project done, as I

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 am as well.

3 Based on our earlier discussion, what I
4 want from you is your assurance on this record that
5 all of the documents and agreements that need to be
6 finalized in order for this project to move forward
7 are going to be completed no later than next
8 Friday.

9 You will need to let me know, though,
10 next Thursday as to what is actually going on.
11 This bill will be on the calendar for next
12 Thursday. When you assure me that all documents,
13 agreements, people, bodies, and whoever else needs
14 to do anything are in place, this will go forward.

15 If it does not, I will then take
16 whatever action is necessary to make the project
17 happen on a going-forward basis by whoever we could
18 figure out to get it done. This is the end of the
19 road right here.

20 MR. BURNETT: Councilman, I make that
21 assurance to you that you will have the
22 documentation necessary for you to move forward on
23 Thursday.

24 COUNCILMAN NUTTER: Thank you.

25 COUNCILMAN KENNEY: Thank you very

1 6/5/02 PUB PROP/PUB WORKS - BILL 020380

2 much.

3 Are there any other questions for these
4 witnesses?

5 (No further questions.)

6 COUNCILMAN KENNEY: Thank you very
7 much.

8 Is there anyone else to testify on this
9 bill?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing none...

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1 6/5/02 PUB PROP/PUB WORKS - BILL020383

2 COUNCILMAN KENNEY: We will now move to
3 Bill No. 020383, which is an ordinance authorizing
4 PECO Energy Company to construct, own, and maintain
5 seven concrete planters on the north footway of
6 Market Street and seven concrete planters on the
7 south footway of JFK Boulevard adjacent to the
8 property 2301 Market Street, all under certain
9 terms and conditions.

10 (Witness comes forward.)

11 COUNCILMAN KENNEY: Please identify
12 yourself for the record.

13 MR. WATTS: Good afternoon, Chairman
14 and members of the committee. My name is William
15 Watts, and I'm the Technical Services Officer for
16 the Streets Department, and I'm here to testify on
17 behalf of Bill No. 020383.

18 The bill authorizes PECO Energy to
19 construct, own, and maintain a total of seven
20 precast concrete planters encroaching on the north
21 footway of Market Street and a total of seven
22 precast planters encroaching on the south footway
23 of JFK Boulevard, adjacent to the property 2301
24 Market Street.

25 All planters, when installed, will

1 6/5/02 PUB PROP/PUB WORKS - BILL020383

2 leave adequate width and clearance of unobstructed
3 footway; therefore, the Streets Department has no
4 objections to the passage of this bill.

5 COUNCILMAN KENNEY: Thank you very much
6 for this testimony.

7 The Chair recognizes Councilman Rizzo.

8 COUNCILMAN RIZZO: Thank you.

9 I just have a couple questions. How
10 big are they?

11 MR. WATTS: The planters are six foot
12 by six foot square. They're 3-foot-5-inches in
13 height. On the Market Street side, there will be
14 10 feet of clear sidewalk after they're installed;
15 and on the JFK Boulevard side, there will be 12
16 feet of clear sidewalk.

17 COUNCILMAN RIZZO: I'm confident that
18 in your decision, there was no consideration about
19 what they plan to do there, what they plan to
20 plant, but what's it going to look like in the
21 winter?

22 MR. WATTS: As far as inside the
23 planter, that wasn't anything that I had a concern
24 with. The only thing --

25 COUNCILMAN RIZZO: There's nothing

1 6/5/02 PUB PROP/PUB WORKS - BILL020383

2 more -- there's nothing more --

3 COUNCILMAN KENNEY: Actually, we have
4 the Fairmount Park Commissioner here if they'd like
5 to make some suggestions.

6 COUNCILMAN RIZZO: For lack of a better
7 word, they look pretty raggedy in the winter when
8 everything's dead and all you see is a concrete box
9 sitting on the sidewalk. I'm sure they won't put
10 plastic flowers in there. I would like to know
11 what it's going to look like in the winter.

12 COUNCILMAN KENNEY: Mr. McBride, do you
13 have anything you want to add to the flower
14 discussion?

15 (Witness comes forward.)

16 COUNCILMAN KENNEY: Please identify
17 yourself for the record.

18 MR. McBRIDE: I'm Edward McBride,
19 County Affairs Manager, Philadelphia County, PECO
20 Energy.

21 Councilman, the planters are going to
22 be maintained no differently than the planters that
23 we currently have on our property in front of that
24 building, and we have a service that comes around
25 and makes sure that the trash is taken out, that

1 6/5/02 PUB PROP/PUB WORKS - BILL020383

2 the -- whatever is in there, whatever is planted in
3 those planters that currently exists are
4 maintained.

5 And these are security planters that
6 we're installing. These are for security purposes.
7 So they'll be just added to the regular maintenance
8 of the other planters.

9 COUNCILMAN RIZZO: So what you're
10 telling me is that these are devices to protect the
11 building, and you've adopted the planter concept to
12 enhance something that would normally be
13 unattractive like a barrier, like a jersey barrier.

14 MR. McBRIDE: Like jersey barriers or
15 bollards or something like that, yes.

16 COUNCILMAN RIZZO: Okay, good, very
17 good. Thanks.

18 MR. McBRIDE: Thank you.

19 COUNCILMAN KENNEY: Thank you very
20 much.

21 Anyone else to testify on this bill?

22 (No response.)

23 COUNCILMAN KENNEY: Seeing none...

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1 6/5/02 PUB PROP/PUB WORKS - BILL 020381

2 COUNCILMAN KENNEY: We will now move to
3 Bill No. 020381, an ordinance authorizing the
4 Commissioner of Public Property, on behalf of the
5 City of Philadelphia, to acquire by purchase,
6 condemnation, or other means, a certain parcel of
7 land commonly known as 4815 Smick Street and 200
8 Fountain Street, and upon completion of the City's
9 acquisition of the parcel, incorporating the parcel
10 into Germany Hill Park and placing the parcel under
11 the jurisdiction of the Fairmount Park Commission
12 under the Philadelphia Code Title 15, Section
13 15-201.

14 (Witness comes forward.)

15 COUNCILMAN KENNEY: Please identify
16 yourself for the record.

17 MR. SIPOS: Mr. Chairman and members of
18 the committee, I'm Ken Sipos from the Department of
19 Public Property, and I'm here today to testify in
20 support of Bill 020381.

21 The bill will permit the property to
22 remain in its natural state, preserving open, green
23 space by its inclusion in the adjacent Germany Hill
24 Park.

25 The Department of Public Property

1 6/5/02 PUB PROP/PUB WORKS - BILL 020381

2 supports this measure and, accordingly, I
3 respectfully ask that the committee consider this
4 bill favorably. I also ask that the rules be
5 suspended so that the ordinance may be passed upon
6 the second reading of Council.

7 Thank you. I'll be happy to answer any
8 questions that you may have.

9 COUNCILMAN KENNEY: Thank you very
10 much.

11 Any questions for this witness?
12 Councilmember Nutter.

13 COUNCILMAN NUTTER: Thank you.

14 Are your guys --

15 COUNCILMAN KENNEY: Yeah, they're
16 coming up.

17 (Witnesses come forward.)

18 COUNCILMAN KENNEY: Please identify
19 yourself for the record.

20 MR. MIFFLIN: Good afternoon. My name
21 is William E. Mifflin, the Executive Director of
22 the Fairmount Park Commission, and I am also here
23 to testify in support of Bill No. 020381 to acquire
24 additional park land adjacent to Germany Hill in
25 the Roxborough section of Philadelphia.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020381

2 This will be kept as open space with
3 minimal maintenance requirements, and we do have
4 the appropriate funding in our Capital Budget for
5 its acquisition.

6 COUNCILMAN KENNEY: Councilmember
7 Nutter.

8 COUNCILMAN NUTTER: Thank you,
9 Mr. Chairman.

10 Mr. Sipos and Mr. Mifflin, assuming
11 that this bill passes, tell me from a timeline
12 standpoint, when will the actual acquisition take
13 place and the transfer and then any site
14 improvements? And tell me, I guess, a little bit
15 about what we are doing site-improvement-wise to
16 restore this area and also provide that the
17 memorial that's out there gets the appropriate
18 treatment that it needs.

19 MR. SIPOS: As soon as the bill is
20 approved and signed by the Mayor, we will be
21 empowered to make an offer to the -- there's two
22 property owners.

23 COUNCILMAN NUTTER: I understand.

24 MR. SIPOS: So as soon as we have the
25 authority to make an offer, we could make an offer

1 6/5/02 PUB PROP/PUB WORKS - BILL 020381

2 and start negotiations.

3 COUNCILMAN NUTTER: Well, you've had
4 some of those discussion already, though, right?

5 MR. SIPOS: Not with the owners, we
6 have not.

7 COUNCILMAN NUTTER: Okay, never mind.

8 How long do you think it will --
9 Mr. Mifflin, do you want to talk to Mr. Sipos for a
10 second there?

11 How long is this going to take?

12 MR. SIPOS: If they agreed to the
13 price, it would take -- probably you could have
14 settlement within three months. If they didn't
15 agree to the price and you wanted to condemn it, it
16 could take longer.

17 COUNCILMAN NUTTER: If you have an
18 agreement, why does it take three months to go to
19 settlement?

20 MR. SIPOS: I said, if you had an
21 agreement, it could go to settlement in 30 days,
22 assuming --

23 COUNCILMAN NUTTER: Right, okay.

24 MR. SIPOS: Assuming they both agree.

25 COUNCILMAN NUTTER: All right, I like

1 6/5/02 PUB PROP/PUB WORKS - BILL 020381

2 that number better, okay.

3 MR. SIPOS: But if they don't agree,
4 condemnation --

5 COUNCILMAN NUTTER: I understand. Work
6 hard, Mr. Sipos.

7 MR. SIPOS: Thank you, sir.

8 COUNCILMAN NUTTER: Thank you.

9 MR. MIFFLIN: Councilman, as I
10 indicated, this will be maintained as open space,
11 so we do not plan any major development. Along
12 particularly Fountain Street and, to some extent,
13 along Smick, there is overhanging vegetation; we
14 would like to take that back, oh, about eight to
15 ten feet so that clearer visibility is --

16 COUNCILMAN NUTTER: So you can actually
17 see?

18 MR. MIFFLIN: Pardon me?

19 COUNCILMAN NUTTER: So you can actually
20 see as you drive up the street.

21 MR. MIFFLIN: So you can see the
22 property.

23 COUNCILMAN NUTTER: All right, great.
24 Thank you.

25 COUNCILMAN KENNEY: Any other

1 6/5/02 PUB PROP/PUB WORKS - BILL 020381

2 questions?

3 (No further questions.)

4 COUNCILMAN KENNEY: Is there anyone
5 else here to testify on this bill?

6 (No response.)

7 COUNCILMAN KENNEY: Seeing none...

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1 6/5/02 PUB PROP/PUB WORKS - BILL 020384

2 COUNCILMAN KENNEY: We will now quickly
3 move to Bill No. 020384, which is an ordinance
4 authorizing the Commissioner of Public Property and
5 the Fairmount Park Commission, on behalf of the
6 City of Philadelphia, to execute and deliver to the
7 Philadelphia Authority for Industrial Development,
8 without consideration, a quick-claim deed fee
9 conveying fee simple title to the City's interest
10 in a one-tract ground situate in the vicinity of
11 21st and 22nd and Hamilton Streets, under and
12 subject to terms and conditions of the Philadelphia
13 Industrial and Commercial Development Agreement
14 between the City, the PAID, and the Philadelphia
15 Industrial Development Corporation.

16 Please identify yourself for the
17 record.

18 MR. SIPOS: Good morning, Chairman
19 Kenney and members of the committee.

20 COUNCILMAN KENNEY: Good morning.

21 MR. SIPOS: My name is Ken Sipos from
22 the Department of Public Property, and I'm here
23 today to testify in support of Bill No. 020384.

24 This bill will permit the consolidation
25 of several parcels for the purpose of constructing

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384

2 a new building by a development company. I
3 understand that the Law Department has some
4 concerns about several provisions of the bill as
5 drafted, and the Public Property Department
6 supports the amendments to the bill that the Law
7 Department has recommended.

8 In addition, I understand that the bill
9 would authorize the City to convey all of the land
10 described in the bill. I also understand, however,
11 that under the bill, the City could transfer less
12 than all of the land described in the bill and that
13 the City could transfer a lesser interest than fee
14 simple title.

15 The Department of Public Property wants
16 to be sure that if it does not convey any land or
17 any of the City's interest in any land that the
18 City itself may need in connection with future
19 municipal projects or other public-interest
20 projects.

21 With the proposed amendments and
22 understandings discussed above, the Department of
23 Public Property supports the measure and,
24 accordingly, I respectfully ask that the committee
25 consider this bill favorably.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384

2 I also ask that the rules be suspended
3 so that the ordinance may be passed upon the second
4 reading of Council.

5 Thank you. I will be happy to answer
6 any questions that you may have.

7 COUNCILMAN KENNEY: Thank you very
8 much.

9 The Chair recognizes at this time
10 Councilmember Clarke for the purpose of discussing
11 amendments in whatever order you would like to do,
12 whether with the Law Department or --

13 COUNCILMAN CLARKE: Yeah, thank you,
14 Mr. Chairman.

15 Mr. Chairman, there will be amendments
16 offered, and I would like to ask Mr. Copeland to
17 read the amendments into the record.

18 (Witness comes forward.)

19 MR. COPELAND: Good afternoon,
20 Mr. Chairman and Councilmen.

21 COUNCILMAN KENNEY: Good afternoon.

22 MR. COPELAND: I'm Larry Copeland, and
23 I'm with the City of Philadelphia Law Department,
24 and I would like to read the amendments into the
25 record.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384

2 In Section 1 of the proposed ordinance,
3 beginning with the third line down, the clause
4 starting "a quick-claim deed conveying fee simple
5 title to the City's..." that should be deleted, and
6 after the deletion, the word "such" should be
7 inserted. I'll read the whole section when I'm
8 done.

9 Two more lines done, after the
10 reference to Hamilton Streets and a comma, the
11 following should be inserted: "as the Public
12 Property Commissioner and Fairmount Park Commission
13 determine desirable,"

14 Would you like me to read the section?

15 COUNCILMAN KENNEY: Yeah, thank you.

16 MR. COPELAND: Okay. So Section 1, as
17 amended, would read: "The Commissioner of Public
18 Property and Fairmount Park Commission, on behalf
19 of the City, are hereby authorized to execute and
20 deliver to the Philadelphia Authority for
21 Industrial Development ("PAID"), without
22 consideration, such interests in the following
23 described tract of ground situate in the vicinity
24 of 21st and 22nd and Hamilton Streets as the Public
25 Property Commissioner and Fairmount Park Commission

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384
2 determine desirable, subject, however, to all of
3 the terms and conditions of the Philadelphia
4 Industrial and Commercial Development Agreement
5 between the City, the PAID, and the Philadelphia
6 Industrial Development Corporation as follows:
7 (subject to an official survey and plan)." And
8 after that follows the legal description.

9 Further on in the ordinance, Section 4.
10 The Law Department is recommending that Section 4
11 be deleted in its entirety and also recommends that
12 Section 5 be deleted in its entirety.

13 COUNCILMAN KENNEY: Thank you.

14 Any questions relative to the
15 amendments?

16 (No questions.)

17 COUNCILMAN KENNEY: Mr. Mifflin, would
18 you like to testify?

19 MR. MIFFLIN: Yes, I would. Thank you.

20 Good afternoon, Chairman Committee and
21 members of the Committee on Public Property and
22 Public Works. My name is William E. Mifflin and I
23 am the Executive Director of the Fairmount Park
24 Commission.

25 I am offering testimony on Bill No.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384
2 020384, an ordinance authorizing the Commissioner
3 of Public Property and the Fairmount Park
4 Commission, on behalf of the City of Philadelphia,
5 to execute and deliver to the Philadelphia
6 Authority for Industrial Development, without
7 consideration, a quick-claim deed conveying fee
8 simple title to the City's interest in one tract of
9 ground situate in the vicinity of 21st and 22nd
10 Street and Hamilton Street, subject to the terms
11 and conditions of the Philadelphia Industrial
12 Commercial Development Agreement between the City,
13 PAID, and the Philadelphia Industrial Development
14 Corporation.

15 Bill No. 020384 will authorize the City
16 to convey the property described in the ordinance
17 to PAID. Under the bill, PAID could then transfer
18 the property to a developer who proposes to build a
19 10-story apartment building on land that the
20 developer owns behind the Rodin Museum.

21 The developer has informed the
22 Fairmount Park Commission that the apartment
23 building will contain 45 residential condominium
24 units and will create tax revenue for the City of
25 Philadelphia. The developer has informed the

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384

2 Fairmount Park Commission that he does not need the
3 land as a legal matter but would like to acquire
4 the land in use and connection with the development
5 and to make improvements to enhance the
6 development.

7 The Fairmount Park Commission
8 considered the developer's plan requested at the
9 monthly meeting this past Monday, June 3rd. The
10 Commission voted to table the matter until a
11 meeting is scheduled on July 10th. Therefore,
12 today, I cannot report that the Commission has
13 given final approval of the developer's request. I
14 do believe, however, that the Commission and the
15 developer will reach final agreement shortly.

16 The Commission supports development
17 that increases the City's tax base and the
18 Commission looks forward to the important
19 improvements by the developer behind the Rodin
20 Museum.

21 I'm aware that the Law Department has
22 suggested amendments to Section 1 of the bill to
23 make clear that the City may transfer such interest
24 in the subject property as the Fairmount Park
25 Commission and the Commissioner of Public Property

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384
2 determine desirable. I support that proposed
3 amendment.

4 Apropos those comments, I understand
5 that the bill would grant authority to convey title
6 to the property, but that the City must convey a
7 lesser interest in the property to the developer.
8 The terms of the deal are still being discussed
9 between the City and developer. This bill, if
10 passed, will permit the City and the developer to
11 agree upon final terms of the deal no later than
12 the summer.

13 I understand that the Law Department
14 has also recommended that Section 4 of the bill be
15 deleted in its entirety because the department is
16 concerned about Section 4 under the Home Rule
17 Charter. For that reason, I do not oppose the
18 recommended amendment.

19 Finally, under the proposed bill, any
20 transfer of a property would be subject to the
21 Philadelphia Industrial and Commercial Development
22 Agreement. Under the authority, PAID would be
23 required to obtain new appraisals for the property.

24 Inasmuch as I believe the developer's
25 now asking the Fairmount Park Commission, through

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384

2 PAID, to convey approximately 50 percent more land
3 to him than asked for originally in 1998, I support
4 the new appraisals for the property.

5 With the amendments and the
6 understandings discussed above, I support the bill
7 and respectfully ask the committee to consider this
8 bill favorably.

9 Thank you for your consideration, and
10 I'd be happy to answer any questions.

11 COUNCILMAN KENNEY: Thank you very
12 much.

13 The Chair recognizes Councilman Clarke.

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

16 Mr. Mifflin, I just wanted to get
17 clarity on a couple of issue. This particular
18 proposal can be built as of right, am I correct,
19 the development itself?

20 MR. MIFFLIN: Could be built...?

21 COUNCILMAN CLARKE: As of right.

22 MR. MIFFLIN: As of right?

23 COUNCILMAN CLARKE: Yes.

24 MR. MIFFLIN: Yes, that is correct.

25 COUNCILMAN CLARKE: And the conveyance

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384

2 of the land will enhance not only this particular
3 development, but I also understand that there may
4 be some benefits to the Rodin Museum. Can you
5 speak to that briefly?

6 MR. MIFFLIN: Yes, I certainly can,
7 Councilman. Thank you.

8 We -- in part why we do, in fact,
9 support this bill is that there will be significant
10 and dramatic improvements to the landscape
11 immediately behind the Rodin Museum, which, today,
12 is a service driveway to the museum and then a
13 precipitous drop to railroad tracks below.

14 The plan is, in fact, to then have
15 level property under the new development leading
16 out the rear of the museum, still providing access
17 or service to the rear of the museum, some parking,
18 including handicapped parking.

19 There would be a common driveway
20 initially coming off 22nd Street that would feed
21 both the service area in the rear of the museum as
22 well as the entrance to the new proposal.

23 There would be improved landscaping,
24 with an attractive entrance that would transcend
25 onto the Fairmount Park property.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020384

2 The developer has agreed to place in
3 escrow a certain amount of funds for the express
4 purposes of maintaining this landscaped area. So,
5 you know, sort of at the end of the day, the Park
6 Commission would see a greatly improved entrance to
7 this area and a shared entrance area to the new
8 facility.

9 So for these reasons -- and we do need
10 to develop the details of the landscape
11 improvements, and that will be done by July 10th.
12 We will favorably discuss this.

13 COUNCILMAN CLARKE: Okay, thank you.

14 Thank you Mr. Chairman.

15 COUNCILMAN KENNEY: Thank you very
16 much.

17 Any other questions for this witness?

18 (No further questions.)

19 COUNCILMAN KENNEY: Anyone else to
20 testify on this bill?

21 (No response.)

22 COUNCILMAN KENNEY: Seeing none, that
23 will conclude the business of the hearing of the
24 Committee on Public Property and Public Works.

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1 6/5/02 PUB PROP/PUB WORKS - PUBLIC MEETING

2 COUNCILMAN KENNEY: We will now convene
3 a public meeting of the committee.

4 The Chair recognizes Councilmember
5 Nutter for a motion on Bill No. 020380.

6 Yes, sir.

7 MR. SIPOS: I also have testimony on
8 316.

9 COUNCILMAN KENNEY: Oh, I'm sorry, I
10 jumped the gun. Well, we're going to temporarily
11 recess the public meeting and reconvene the public
12 hearing.

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1 6/5/02 PUB PROP/PUB WORKS - BILL 020316

2 COUNCILMAN KENNEY: We will now hear
3 testimony on Bill No. 020316, which is an ordinance
4 authorizing the Commissioner of Public Property, on
5 behalf of the City, to enter into a further
6 amendment to a lease between the City and the Far
7 Northeast Senior Citizens Incorporated for the use
8 of certain property located on the northeast corner
9 of Byberry, South Hampton Road, and Townsend Road
10 to provide for an extension of the City's
11 responsibility for the payment of charges and fees
12 for public utilities, sewer rents, water rents,
13 water charges, and heating charges, under certain
14 terms and conditions.

15 Please identify yourself for the
16 record.

17 MR. SIPOS: Mr. Chairman and members of
18 the committee, my name is Ken Sipos from the
19 Department of Public Property, and I'm here to
20 testify in support of Bill 020316.

21 This renewal bill will allow the senior
22 center to allow to continue to use their funds for
23 activities rather than utilities and heat. This is
24 a renewal; every four years, this bill has to be
25 renewed to pay for utilities.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020316

2 The Department of Public Property
3 supports this measure and, accordingly, I
4 respectfully ask that the committee consider this
5 bill favorably, and I also ask that the rules be
6 suspended so that the ordinance may be passed upon
7 the second reading of Council.

8 Thank you, and I'll be happy to answer
9 any questions you may have.

10 COUNCILMAN KENNEY: Thank you.

11 Any questions?

12 (No questions.)

13 COUNCILMAN KENNEY: Anyone else to
14 testify on this bill?

15 (No response.)

16 COUNCILMAN KENNEY: Seeing none, that
17 will, in fact, conclude the hearing of the Public
18 Property/Public Works Committee.

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1 6/5/02 PUB PROP/PUB WORKS - BILL 020316

2 COUNCILMAN KENNEY: We will now
3 reconvene the public meeting, and the Chair
4 recognizes Councilman Nutter for a motion on Bill
5 No. 020380.

6 COUNCILMAN NUTTER: Mr. Chairman, I
7 move that Bill No. 020380 be reported out of this
8 committee with a favorable recommendation and a
9 further recommendation that the rules of Council be
10 suspended so as to permit first reading at our next
11 session.

12 COUNCILMAN KENNEY: Is there a second?

13 (Duly seconded.)

14 COUNCILMAN KENNEY: Moved and seconded.

15 All in favor there, aye?

16 There are none opposed.

17 Bill No. 020380 will be reported out of
18 this committee favorably and a request will be made
19 for a rules suspension to allow for first reading
20 at our next Council session.

21 The Chair recognizes Councilman Nutter
22 for a motion on Bill No. 020381.

23 COUNCILMAN NUTTER: Mr. Chairman, I
24 move that 020381 be reported out of this committee
25 with a favorable recommendation and a further

1 6/5/02 PUB PROP/PUB WORKS - BILL 020316

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

5 COUNCILMAN KENNEY: Is there a second?

6 (Duly seconded.)

7 COUNCILMAN KENNEY: Moved and seconded.

8 All in favor, aye?

9 There are none opposed.

10 Bill No. 020381 will be reported out of
11 this committee favorably and a request will be made
12 for a rules suspension to allow for first reading
13 at our next Council session.

14 The Chair recognizes Councilmember
15 Rizzo for a motion on Bill No. 020383.

16 COUNCILMAN RIZZO: I move that Bill No.
17 020383 be reported out of committee with a
18 favorable recommendation and with a recommendation
19 that the rules of Council be suspended so as to
20 permit first reading of this bill at our next
21 session of City Council.

22 (Duly seconded.)

23 COUNCILMAN KENNEY: Moved and seconded.

24 All in favor, aye?

25 There are none opposed.

1 6/5/02 PUB PROP/PUB WORKS - BILL 020316

2 Bill No. 020383 will be reported out of
3 this committee favorably and a request will be made
4 for a rules suspension to allow for first reading
5 at our next Council session.

6 The Chair recognizes Councilmember
7 Clarke for a motion to approve the four read
8 amendments to Bill No. 020384.

9 COUNCILMAN CLARKE: Thank you,
10 Mr. Chairman. I make a motion that the amendments,
11 as read into the record by Mr. Copeland, be
12 adopted.

13 COUNCILMAN KENNEY: Is there a second?

14 (Duly seconded.)

15 COUNCILMAN KENNEY: Moved and seconded.

16 All in favor, aye?

17 There are none opposed.

18 The amendments, as read into the
19 record, were approved.

20 The Chair recognizes Councilmember
21 Clarke for a motion on the amended Bill No. 020384.

22 COUNCILMAN CLARKE: Thank you,
23 Mr.chairman. I move that Bill No. 020384, as
24 amended, be moved out of committee with a favorable
25 recommendation and a request for a suspension of

1 6/5/02 PUB PROP/PUB WORKS - BILL 020316

2 the rules to allow for reading at the next session
3 of Council.

4 COUNCILMAN KENNEY: A second?

5 (Duly seconded.)

6 COUNCILMAN KENNEY: Moved and seconded.

7 All in favor, aye?

8 There are none opposed.

9 Bill No. 020384, as amended, will be
10 reported out of this committee favorably and a
11 request will be made for a rules suspension to
12 allow for first reading at our next Council
13 session.

14 The Chair recognizes Councilmember
15 DiCicco -- Councilmember Clarke for a motion on
16 Bill No. 020316.

17 COUNCILMAN CLARKE: Thank you,
18 Mr. Chairman. I move that Bill No. 020316 be
19 reported out of committee with a favorable
20 recommendation and a request for a suspension of
21 the rules.

22 COUNCILMAN KENNEY: Is there a second?

23 (Duly seconded.)

24 COUNCILMAN KENNEY: Moved and seconded.

25 All in favor, aye?

1 6/5/02 PUB PROP/PUB WORKS - BILL 020316

2 There are none opposed.

3 Bill No. 020316 will be reported out of
4 this committee favorably and a request will be made
5 for a rules suspension to allow for first reading
6 at our next Council session.

7 This concludes the business of the
8 Committee on Public Property and Public Works. We
9 thank you for your attendance.

10 (Committee proceedings end at
11 1:26 p.m.)

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I HEREBY CERTIFY that the foregoing

proceedings of the Council of the City of

Philadelphia's meeting of the Committee on Public

Property and Public Works of Wednesday, June 5,

2002, are contained fully and accurately in the

stenographic notes taken by me, and that this is a

true and correct transcript of same.

_____,
Josephine Cardillo

Registered Professional Reporter
and Notary Public

(The foregoing certification of this
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the same by any means, unless under the direct
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