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COUNCIL OF THE CITY OF PHILADELPHIA

CONTINUED PUBLIC HEARING

COMMITTEE ON RULES

- - -

Room 696, City Hall
Philadelphia, Pennsylvania
Thursday, December 12, 2002
1:50 p.m.

- - -

BILL 020737 - an ordinance adopting an amendment to
the Articles of Incorporation of the Old City
Special Services District...
BILL 020738, an ordinance to amend the Philadelphia
Zoning Maps by changing the zoning designations of
certain areas of land located within an area bounded
by Snyder Avenue, Christopher Columbus Boulevard,
Porter Street, Weccacoe Avenue and Vandalia Avenue.
BILL 020684 - An ordinance to amend the Philadelphia
Zoning Maps by changing the zoning designations of
certain areas of land located within an area bounded
by Roosevelt Boulevard, Grant Avenue and Blue Grass
Road.

- - -

PRESENT:

COUNCILMAN JAMES KENNEY, Chair
COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL CLARKE
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK DICICCO
COUNCILMAN MICHAEL NUTTER
COUNCILMAN BRIAN O'NEILL
COUNCILMAN ANGEL ORTIZ

- - -

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Eleven Penn Center
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I N D E X

BILL 020738	PAGE
JAMES CUORATO, Director of Commerce	3
COUNCILMAN FRANK DICICCO	9

1 12/12/02 - RULES - BILL 020738

2 COUNCILMAN KENNEY: Good afternoon,
3 ladies and gentlemen. This is a reconvening of a
4 recessed hearing of the Committee on Rules on Bill
5 No. 020738. The Chair will now recognize Commerce
6 Director Cuorato for additional testimony.

7 Please identify yourself for the record.

8 MR. CUORATO: Thank you, Mr. Chairman.
9 Good afternoon, Mr. Chairman, Members of Council, my
10 name is James Cuorato and I'm the City
11 Representative and Director of Commerce for the City
12 of Philadelphia.

13 As the Chairman said, we would like to
14 supplement our testimony and the record on Bill No.
15 020738 just to reflect the developments of the last
16 day or so.

17 Let me just begin by speaking for all of
18 the parties involved in this transaction, and there
19 have been quite a few, and express our appreciation
20 for the patience that has been shown by City Council
21 in allowing us the time to work this transaction out
22 and your willingness to accommodate our schedule.
23 And I am very pleased to be able to announce to you
24 that we have reached an agreement that I believe
25 meets the goals and interests of all parties.

1 12/12/02 - RULES - BILL 020738

2 What we have done is responded to the
3 issues that were raised here specifically by Members
4 of City Council at the hearing.

5 COUNCILMAN KENNEY: Excuse me. I'm
6 sorry. I would respectfully ask, as the signs on
7 walls in the hallway by the door say, to please turn
8 off or put on vibrate your cell phones and pagers.
9 It is extremely confusing and annoying to
10 continually hear these things going off while people
11 are testifying. I appreciate your cooperation.

12 Sorry for the interruption, Mr. Cuorato.
13 Please proceed.

14 MR. CUORATO: What we have done, Mr.
15 Chairman and Members of Council, is responded to the
16 issues that have been raised at the public hearing
17 and worked through those issues. It is admittedly a
18 very complex transaction that involves, as I said,
19 numerous parties, but I can report to you this
20 afternoon that we have reached an agreement that
21 will satisfy all parties' interests and hopefully
22 enable these projects to proceed.

23 The goal that we had was to ensure that
24 the port had access to land to expand in South
25 Philadelphia. At the same time, I stressed the

12/12/02 - RULES - BILL 020738

importance of being able to rezone the entire CSX site in order to enable the full shopping complex to be built with Ikea, Lowes, and Best Buy as the anchors.

We turned our attention to the issues of enabling port expansion, and there really are two components to that process. One represents dollars issues, if you will, and making dollars available to the PRPA in order to enable them to acquire these properties. As a corollary of that, it was establishing a price by which those properties would be acquired, and there were a lot of discussions about fair market value and how to determine that price. And then finally, a willingness to convey those properties to the port on the part of CSX and Conrail.

What I would like to do, with the Chair's permission, is just provide a very brief, admittedly non-legal summary of the agreement. And then certainly if Members of Council have any questions about the specifics, there are people here who can answer those questions.

COUNCILMAN KENNEY: The agreement will be submitted for the record, but please proceed with

1 12/12/02 - RULES - BILL 020738

2 that overview.

3 MR. CUORATO: The situation that we are
4 in with this agreement does give us the proverbial
5 win/win in that it achieves the mutually exclusive
6 goals that we talked about in the prior portion of
7 this hearing which is to say that the port will have
8 the ability to expand in the area of Packer Marine
9 Terminal, will have the resources to acquire the
10 parcels that they need, and a process has been put
11 in place to make that happen.

12 In addition, the CSX site, with the
13 amendment that we have requested and pending this
14 Council's approval, will give us the ability Ikea
15 and over 1,000 new jobs to Philadelphia. So it is a
16 very, very positive development for which we are
17 very grateful.

18 The parties have basically reached an
19 agreement that provides for the following: An
20 approximate valuation of the properties in which the
21 port is interested in, in the packer Avenue area was
22 determined to be \$7 million or in the \$7.5-million
23 range. In order to allow some leeway, we set a goal
24 of finding a way to make \$7.5 million available to
25 the port. Those dollars have been made available

1 12/12/02 - RULES - BILL 020738

2 and they will come from two sources: \$5 million
3 will come in the form of credits from the Port
4 Development Fund established as part of the Conrail
5 CSX Norfolk Southern transaction that was set up in
6 1997. As had been previously testified, that fund
7 was originally approximately \$15 million.
8 Approximately 10 of it was used as part of the
9 Kvaerner transaction. That remaining \$5 million
10 will be devoted to this transaction and will be made
11 available to PRPA in the form of credits since
12 Conrail will be selling parcels land to the port.
13 The other \$2.5 million will be provided in the form
14 of cash or a letter of credit by the developer of
15 the CSX site, the Goldenberg Group. So the funding
16 issues have been put in place and that enables the
17 port to have access to the resources that they need.

18 We spent a lot of time and a lot of
19 hours discussing the whole process of fair market
20 value and determining the price by which these
21 properties get conveyed. There is a process that is
22 in place. It basically involves each side hiring an
23 appraiser. If they can't reach an agreement, a
24 third independent appraiser is hired. But
25 ultimately, and I think this is really the key to

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the agreement, the PRPA would have the right to condemn any of these properties that they need. The condemnation process would ultimately set the value. And CSX and Conrail have agreed not to contest such condemnation except in the area of valuation. So the bottom line of that provision is that PRPA will have access to these properties. Although we've put processes in place to determine value if it ultimately gets to condemnation, the condemnation process will set the value but CSX and Conrail will not oppose the condemnation on its merits. So what the agreement does is give the port the resources that it needs and give them accessibility to these parcels. The most immediate acquisition that the port will look at is Pier 124. That very likely will be a condemnation proceeding, but again, CSX will not contest that condemnation. It will be strictly a valuation process and the port will be able to move forward with its plans for growth in South Philadelphia.

So that is a very brief summary. I can tell you on behalf of the Administration, we are extremely pleased that all parties were able to work these issues out. I once again will thank Council

1 12/12/02 - RULES - BILL 020738

2 for its patience. I will especially thank
3 Councilman DiCicco for his determination in pushing
4 this to a conclusion, and it is a very favorable
5 conclusion for all parties.

6 COUNCILMAN KENNEY: Thank you very much,
7 Mr. Cuorato, for your testimony. I'm glad the
8 outcome is what it is.

9 Does anyone have any questions for Mr.
10 Cuorato?

11 (No response.)

12 COUNCILMAN KENNEY: Seeing none, I would
13 recognize Councilman DiCicco at the witness table
14 for the purposes for making comment and also for
15 formally offering the amendment.

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

18 COUNCILMAN DICICCO: Frank DiCicco,
19 Councilman for the 1st District of Philadelphia.
20 Good afternoon, everyone. And thank you, Mr.
21 Chairman for the opportunity to speak to this
22 Council.

23 A little over a year ago, Ikea came to
24 Philadelphia looking for a site in which to open up
25 a store. And they were determined from that day

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2 going forward to find a site that was suitable in
3 the City of Philadelphia. The first site they
4 looked at was at Delaware and Reed Streets. After a
5 few weeks they found out that the site was not
6 available. There were commitments and leases that
7 had that site tied up for the next 10 to 20 years.
8 The second site that they were desiring to build
9 their facility on was the former incinerator site at
10 Delaware and Spring Garden. After a two or
11 three-month period trying to negotiate with the EPA
12 and other environmental and zoning issues, they
13 found and realized that they would not be able to do
14 the development at that site. Subsequent to that,
15 and as fate would have it, a developer who is in
16 this room today, Mr. Ken Goldenberg was looking to
17 do a land deal for a parcel known as the CSX Yard at
18 the intersection of Delaware and Snyder Avenue. It
19 is the 44-acre site that we've all been hearing
20 about, listening to testimony about for the last few
21 weeks.

22 It would have been very easy for me at
23 that time to do what many people were suggesting I
24 should do, which was to introduce a bill that would
25 have changed the zoning classification for the CSX

12/12/02 - RULES - BILL 020738

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2 Yard from industrial use to commercial. And that
3 would have obviously provided the opportunity for
4 Ikea to come to Philadelphia. What was more
5 important in my mind or just as important in my mind
6 as bringing Ikea and the jobs and the recognition
7 that Ikea will bring to Philadelphia as a major
8 retail destination was a preservation, protection,
9 and the potential growth of the port-related jobs
10 and the activities that go on in our port. And by
11 chance, I guess, at the same time almost
12 simultaneous to that, the Philadelphia Port with the
13 help of State Representative Keller and others
14 became designated as a strategic military port. And
15 that in my mind convinced me that we needed to do
16 everything we had to do to preserve or enhance the
17 ability for the Philadelphia Regional Port Authority
18 to continue to do the job that it has been
19 commissioned to do, and that is to create and
20 preserve port jobs in Philadelphia.

21 So I would just like to take this time
22 to recognize the many people who have spent tireless
23 hours over the last several weeks, as recent as
24 maybe 45 minutes ago, to getting the deal, if you
25 will, signed so that everyone's interests are

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1
2 protected. And bear with me; it's a rather lengthy
3 list, but I would be remiss if I did not take this
4 opportunity to thank all the individuals who
5 participated in this, I think, major success story
6 for the City of Philadelphia. Brian Preskey,
7 Chairman of the Board of Directors of the
8 Philadelphia Regional Port Authority who is not here
9 today; to my right, just to the right of Jim
10 Cuorato, is Jamie McDermott, the Executive Director
11 of the Philadelphia Regional Port Authority. Right
12 behind me on the left, Bob Blackburn, a Deputy
13 Executive Director, Philadelphia Regional Port
14 Authority. Bill McLaughlin, the Director of
15 Government Affairs for the Philadelphia Regional
16 Port Authority. Peter Tucci, he had to leave.
17 Peter Tucci is the Council for Reed Smith who
18 represents the interests of the Philadelphia Region
19 Port Authority who has done a magnificent job,
20 constantly on the phone day in and day out. This
21 has been a 7-day-a-week, 24-hour day operation. Sal
22 Candelaria who is my neighbor who explained to you
23 in testimony that his house was too small to get
24 regular furniture in and he has to Ikea furniture
25 and was hoping that this deal would happen so he can

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2 at least get his furniture in and out of his house.
3 But more importantly, Sal is a gentleman who
4 represents the International Longshoremen's
5 Association Local 1291 whose men and women, their
6 jobs dependent on us coming to a reasonable
7 conclusion to make the deal work for everyone's
8 interest. And I want to thank Sal for sending me a
9 letter a few months ago urging me to keep the CSX
10 yard, keep it zoned industrial until we can assure
11 that his members and future members of Local 1291
12 will have jobs and real jobs that will provide
13 economic benefits to all of his employees and help
14 the City of Philadelphia grow the port.

15 State Representative Bill Keller whose
16 district encompasses the area where the CSX yard is
17 and the other sites that the Commerce Director Jim
18 Cuorato spoke to.

19 Council President Anna C. Verna. A lot
20 of the attention is on me because of the CSX Yard is
21 in the 1st Councilmanic District. But the other
22 parcels of land that we have spoken about, the two
23 piers, the Whiskey Yard, the Savage Yard are in
24 Council President Verna's district as well, and she
25 has played an integral part in this proceeding,

1 12/12/02 - RULES - BILL 020738

2 although she may not have gotten the limelight or
3 the attention that I did.

4 COUNCIL PRESIDENT VERNA: I didn't need
5 any.

6 COUNCILMAN DICICCO: You didn't need
7 any, I know. Sometimes I wonder if I need it. But
8 anyway, she played an integral part in all of that.

9 Eddie Hanlan is here today, he's port
10 Liaison for Senator Fumo on the Board for the
11 Philadelphia Regional Port Authority.

12 Senator Fumo is not here. I spoke with
13 him about an hour ago. I can't -- and I know a lot
14 of people draw different conclusions about Senator
15 Fumo, but I can say this: Not only is he
16 representing the district which has the Whiskey Yard
17 and all the piers and the CSX yard, but his
18 invaluable support and guidance to me and to the
19 Regional Port Authority through this whole process,
20 I don't think we really could have gotten it done
21 without him. He understands the needs of the port.
22 I believe he's one of the folks who several years
23 back, back in 1989 or so, was the creator of the
24 Philadelphia Regional Port Authority. He needed to
25 be in the deal because he understood the intricacies

1 12/12/02 - RULES - BILL 020738

2 and the importance of what it is we were trying to
3 accomplish. I can't thank him enough for his
4 support.

5 Councilman Jim Kenney -- we're all from
6 the same neighborhood in South Philadelphia -- who
7 chairs this committee along with the Council
8 President for his willingness and patience and
9 patience of this Rules Committee as well as the
10 patience of all of my colleagues in letting me do
11 what I thought was the right thing to do, following
12 my lead, giving me the respect that at the end of
13 the day, my lead, my involvement in this whole
14 process would lead to a fair conclusion to everyone.
15 So I want to thank you, Councilman, as well.

16 Jim Cuorato who spoke very eloquently,
17 in brief, on the details of the deal for his
18 support.

19 Mayor Street for his support. We've had
20 some conversations on this.

21 To Pat Smith who is the Regional Manager
22 for Ikea who has -- I wonder sometimes after
23 listening to all the things he had to go through why
24 he decided that it was still in their interest to
25 stay here, but I think I know why. Ikea anticipates

1 12/12/02 - RULES - BILL 020738

2 anywhere between 80 and \$100 million in sales.
3 They're a fine company. They're going to be
4 involved in a community reinvestment. We're still
5 working on some of those issues, but they will be
6 fair and equitable community reinvestments for all
7 Philadelphians to enjoy.

8 Ken Goldenberg from the Goldenberg Group
9 who just kept shaking his head, "I can't figure why
10 it's taking so long." I thought the man was going
11 to have a heart attack. But thank you, Ken, for
12 your willingness to stick it out with us and for
13 your willingness to make this kind of investment in
14 Philadelphia, understanding all the hurdles that you
15 have to go through sometimes to get these things
16 done.

17 Lenny Clare who is sitting in the back.
18 Carl Primavera who is sitting to my left next to Ken
19 Goldenberg who was the lead counsel for a number of
20 the entities, CSX, the Goldenberg Group, and Ikea.
21 Carl and I, our conversation ended last night at
22 11:00 p.m. and started up this morning somewhere
23 around 7:30 8:00, and we've been going at it all
24 day. Thank you, Carl, for working with us.

25 To Kevin Hurley and Rick Hood from CSX

1 12/12/02 - RULES - BILL 020738

2 who are not here with us today. A lot of this stuff
3 which really took a lot more time today was because
4 many of the people I'm mentioning were not in
5 Philadelphia. So there were phone calls, there were
6 faxes and e-mails going back as recent as the last
7 half hour, so that took a little bit more time than
8 we had hoped for.

9 To John Einright (ph) from Conrail and
10 the Norfolk Southern staff, because there were three
11 rail entities involved in this whole process. I
12 want to thank them all for their cooperation.

13 And, again, I want to thank this Council
14 for its patience and understanding and allowing me
15 and affording me the opportunity to work with all of
16 the people I mentioned here today.

17 And I apologize if I left anyone out,
18 but I had a few people look at this list and I think
19 we covered just about everyone that we needed to
20 cover. Thank you for the opportunity to bring Ikea
21 to the Philadelphia and protect the port of
22 Philadelphia and the jobs that are there. And
23 hopefully, and I'm more than confident, the
24 strategic port designation and all the other things
25 and hopefully we can work out a deal with Ikea to

1 12/12/02 - RULES - BILL 020738

2 bring their product through our port as well, that
3 we're create real jobs for Philadelphians that will
4 be represented by every group in the City of
5 Philadelphia.

6 And if I'm not mistaken, Mr. Candelaria,
7 your local is represented by about a 60 percent
8 minority representation. And some of the things we
9 heard in there today do not apply to Local 1291. So
10 they are a Philadelphia local and they are
11 representative of all Philadelphians.

12 Thank you again for this opportunity.
13 Congratulations to all of us.

14 (Applause.)

15 COUNCILMAN KENNEY: Thank you,
16 Councilman DiCicco. As everyone knows that's on the
17 committee here, the amendment to Bill 020738 has
18 been circulated, and I would suspect that you'd like
19 to use this opportunity to formally introduce that
20 amendment.

21 COUNCILMAN DICICCO: I'm submitting
22 amendment to the original Bill 020738. I'm offering
23 an amendment to the original bill, Bill 020738.
24 Basically what the amendment does is take the entire
25 44-plus acres of land known as the CSX Yard at the

1 12/12/02 - RULES - BILL 020738

2 intersection of Delaware and Snyder and will change
3 the zoning from industrial to commercial use.

4 COUNCILMAN KENNEY: That amendment has
5 been circulated to all Members of the Committee.
6 I'd like to thank you for your comments and for your
7 hard work. And everyone who was mentioned here at
8 the table did a terrific job.

9 And the one thing I would like to say as
10 the Chairman of this Committee, as I think this is a
11 perfect example of this Council when left alone,
12 when not interfered with, have the ability to do
13 their job, to discuss public policy issues in a
14 sensible reasonable way, to exchange views, to
15 understand each other, and to work hard to balance
16 everyone's interests. This is a day that I'm very
17 proud to be a member of this body. It's not often
18 in the last few years that that's been the case, but
19 I think today in watching the process that we've
20 gone through uninterrupted and allowing us to do the
21 job we're elected to do makes me proud to be here
22 today. And I thank you all for your cooperation in
23 that effort.

24 COUNCILMAN DICICCO: Likewise. Thank
25 you.

1 12/12/02 - RULES - BILL 020738

2 (Applause.)

3 COUNCILMAN KENNEY: Are there any
4 questions for Councilman DiCicco?

5 Council President Verna.

6 COUNCIL PRESIDENT VERNA: This is not a
7 question. I simply want to say to Councilman
8 DiCicco, though he's thanking Members of Council, we
9 certainly want to applaud you for your time, effort,
10 energy, and I know you's received a lot of
11 aggravation in this process. But I'm sure it's well
12 worth it because we're now going to see Ikea coming
13 to Philadelphia. And I personally want to thank you
14 for being as patient as you were during this entire
15 matter. And we have seen something positive happen
16 today. And I applaud you for that and everybody
17 that worked with you.

18 COUNCILMAN DICICCO: Thank you, Madam
19 President.

20 (Applause.)

21 COUNCILMAN KENNEY: Are there any other
22 comments or any requests for additional testimony?

23 (No response.)

24 COUNCILMAN KENNEY: Seeing none. That
25 will conclude the public hearing of the Rules

1 12/12/02 - RULES - BILL 020738

2 Committee. We will now convene a public meeting.

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COUNCIL OF THE CITY OF PHILADELPHIA

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PUBLIC MEETING

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COMMITTEE ON RULES

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December 12, 2002

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Public Meeting conducted by the
Committee on Rules, held in Room 696, City Hall,
Philadelphia, Pennsylvania, on the above date, to
consider action on the following:

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BILLS 020684, 020737, 020738.

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PRESENT:

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COUNCILMAN JAMES KENNEY, Chair
COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL CLARKE
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK DICICCO
COUNCILMAN MICHAEL NUTTER
COUNCILMAN BRIAN O'NEILL
COUNCILMAN ANGEL ORTIZ

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1 12/12/02 - RULES - PUBLIC MEETING

2 COUNCILMAN KENNEY: The Chair recognizes
3 Councilmember DiCicco for a motion to approve the
4 amendment to Bill No. 020738 which he has offered.

5 COUNCILMAN DICICCO: Thank you, Mr.
6 Chairman. I propose an amendment to Bill No.
7 020738. I believe all members of this Committee
8 have received a copy of that amendment.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and seconded.

11 All in favor.

12 (Aye.)

13 COUNCILMAN KENNEY: There are none
14 opposed. The amendment to Bill No. 020738 has been
15 approved.

16 The Chair recognizes Councilman DiCicco
17 for a motion on the amended Bill 020738.

18 COUNCILMAN DICICCO: Thank you, Mr.
19 Chairman. I move that Bill No. 020738, as amended,
20 be reported out of this Committee with a favorable
21 recommendation and a further recommendation that the
22 Rules of Council be suspended so as to permit first
23 reading this day of Bill NO. 020738.

24 (Duly seconded.)

25 COUNCILMAN KENNEY: It's been moved and

1 12/12/02 - RULES - PUBLIC MEETING

2 seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN KENNEY: There are none
6 opposed. Bill No. 020738, as amended, will be
7 reported out of the Committee favorably, and a
8 request will be made for rules suspension to allow
9 for first reading this day at our conclusion of our
10 Council Session.

11 The Chair recognizes Councilmember
12 DiCicco for a motion on Bill 020737.

13 COUNCILMAN DICICCO: Thank you, Mr.
14 Chairman. I move that Bill No. 020737 be reported
15 out of this committee with a favorable
16 recommendation and a further recommendation that the
17 Rules of Council be suspended so as to permit first
18 reading this day in City Council.

19 (Duly seconded.)

20 COUNCILMAN KENNEY: It's been moved and
21 seconded.

22 All in favor?

23 (Aye.)

24 COUNCILMAN KENNEY: There are none
25 opposed. Bill No. 020737 reported out of this

1 12/12/02 - RULES - PUBLIC MEETING

2 Committee with a favorable recommendation and a
3 request will be made for Rules suspension to allow
4 for first reading at our next Council Session.

5 The Chair recognizes Councilmember
6 O'Neill for a motion on Bill No. 020684.

7 COUNCILMAN O'NEILL: Thank you, Mr.
8 Chairman. I move that Bill No. 020684 be reported
9 out of this Committee with a favorable
10 recommendation and rules suspension to allow first
11 reading when we get back in session.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: It's been moved and
14 second.

15 All in favor?

16 (Aye.)

17 COUNCILMAN KENNEY: Bill No. 020784 will
18 be reported out of the Committee with a favorable
19 recommendation and request will be made for Rules
20 suspension to allow for first reading at our next
21 Council Session.

22 That concludes the business of the Rules
23 Committee. Thank God. I appreciate all your
24 efforts. Thank you very much.

25 (Council adjourned at 2:20 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of December 12, 2002, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON RULES

Lisa C. Bradley, RPR
and Notary Public