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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING AND PUBLIC MEETING

4

BEFORE THE COUNCIL COMMITTEE ON RULES

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Room 696, City Hall

6

Philadelphia, Pennsylvania

Thursday, 4/4/02

7

2:14 p.m.

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9 BILL 020042 - Authorizing revision of lines and...

10 BILL 020044 - Amend Philadelphia Zoning Maps to...

11 BILL 020045 - Amend Philadelphia Zoning Maps to...

12 BILL 020119 - Emergency Nuisance Abatement Program

13 BILL 020142 - N. Delaware Ave. Spec. Dist. Controls.

14 BILL 020150 - Fairmount Avenue Spec. Dist. Controls.

15 BILL 020152 - Fairmount Avenue zoning designations.

16

17 PRESENT: COUNCIL PRESIDENT VERNA, Chair

COUNCILMAN JAMES F. KENNEY, Vice Chair

18 COUNCILMAN DARRELL L. CLARKE

COUNCILMAN FRANK DICICCO

19 COUNCILMAN MICHAEL A. NUTTER

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1 4/4/02 RULES COMMITTEE - BILL 020142

2 COUNCILMAN KENNEY: Good afternoon,
3 ladies and gentlemen. The Council Committee on
4 Rules will now get started.

5 Just one announcement. Bill No. 020078
6 will not be heard today. There was a notice that
7 went out for that. Bill No. 020078 will not be
8 heard. For anyone here to testify on that bill, we
9 will not be hearing it today.

10 The first bill on our agenda is Bill No.
11 020142, which is an ordinance amending Title 14 of
12 the Philadelphia Code relating to zoning and
13 planning by amending Chapter 14-1600, entitled
14 "Miscellaneous," by adding a new Section 16-24
15 entitled "North Delaware Avenue Special District
16 Controls," under certain terms and conditions.

17 It's the Chair's pleasure to recognize
18 State Representative Marie Lederer, who is here to
19 testify on this bill, and because of her schedule,
20 we would like to have her come up first, before the
21 Planning Commission.

22 (Witnesses come forward.)

23 COUNCILMAN KENNEY: Good afternoon.

24 STATE REP. LEDERER: Good afternoon,
25 thank you.

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2 I want to preface this by thanking each
3 and every one of you for taking the time to listen
4 to the problems that some of the clubs cause on
5 Delaware Avenue, and I use Delaware Avenue because
6 the problems -- most of the problems occur from
7 Spring Garden Street north.

8 That strip slept for some 30 years, and
9 upon my election, it seems like all heck broke
10 loose. Not only are they in my district, they're
11 in my ward, they're in my division. And the effect
12 that it has on people's lives is severe. If one
13 person urinates on your property, it's a
14 quality-of-life issue; you can easy hose it down in
15 the morning. If a hundred people urinate, it
16 really rips the social fabric of the entire
17 community, and that's what we're facing. Others
18 here today will testify of the effects on the
19 neighborhood, and I won't go into that.

20 There are many responsible
21 establishments and few bad, but the bad have
22 created a poor quality of life for my constituents,
23 and I believe that we have to rectify it. We do
24 have the power to do that.

25 I'll just list some of the crimes that

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2 were committed by club patrons in the last couple
3 of years: The club Evolution had two murders;
4 Gotham had one murder; Maui had one murder;
5 Adrenaline had one murder. The shootings are just
6 too numerous to list; aggravated assaults, too
7 numerous to list; rapes too numerous to list. And
8 the list goes on and on.

9 My citizens' rights need not only to be
10 considered, but they deserve to be protected from
11 the bad clubs. I believe that we need to ensure
12 the community's place at the table, and I think we
13 should allow community to enter into the
14 performance bonds, and I respectfully request that
15 we do that.

16 Thank you very much.

17 COUNCILMAN KENNEY: Thank you very much.

18 And, Representative, I want to thank you
19 for all of the that work do you in that
20 neighborhood, and very happy to see that during
21 redistricting, you've come in further into South
22 Philadelphia, so we're happy to have you down there
23 and know that you'll do as good a job for South
24 Philadelphia as do you for Fishtown and the other
25 areas in your district

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2 STATE REP. LEDERER: Thank you.

3 COUNCILMAN KENNEY: There's one request
4 that I would have of you. One of the things that
5 concerned me and bothered me about the operation of
6 many of these clubs is this phenomenon now where
7 they're advertising on television 18 to enter, 21
8 to drink.

9 STATE REP. LEDERER: Mm-hmm.

10 COUNCILMAN KENNEY: It is in my mind
11 pushing young people into a club-and-alcohol scene
12 well before the time they're supposed to do that.
13 And also the mixing of young men and women in the
14 same environment with alcohol -- people who are
15 able to purchase alcohol and imbibe it on the
16 premise.

17 I know there's a number of rules and
18 liquor control statutes that require separation of
19 premises, you know, safe rooms for the kids to be
20 in one room and the adults to be in another, but
21 very little, if any, of this ever really takes
22 place from what I understand.

23 STATE REP. LEDERER: Right.

24 COUNCILMAN KENNEY: In addition to that,
25 they become a haven, many of these places, for the

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2 sale of other types of designer drugs that aren't
3 apparent to the club owners. So, for example, you
4 have a guy in the bathroom selling one of these
5 designer drugs, and the young person isn't
6 necessarily drinking; however, they are high and
7 they are exposed to dangers.

8 And I think that young people in
9 locations late at night with adults who are
10 drinking, especially young women, are very much
11 susceptible to these kinds of problems because of
12 the mix.

13 And I think that if you want to have a
14 nightclub, you should have a nightclub; if you want
15 to run a teen dance, you should have a teen dance.
16 But the two of them, to me, never mix and never
17 should mix.

18 So what I would ask you to do with some
19 of your colleagues is to investigate what we can do
20 from the liquor code standpoint to try to either
21 eliminate this practice or put so many controls on
22 it that they don't want to do it anymore.

23 I've heard horror stories from parents
24 --

25 STATE REP. LEDERER: Sure.

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2 COUNCILMAN KENNEY: -- who have come to
3 pick up their kids from a nightclub because on the
4 radio, Y-100, or some of these other radio
5 stations, they're advertising this combination of
6 18 to enter, 21 to drink.

7 So any help you can give us in that
8 regard certainly would be very much appreciated.

9 STATE REP. LEDERER: Thank you.

10 Well, there's also the problem that
11 parents do not understand the dangers. Parents
12 will say to me, Well, there's no alcohol, I'm glad
13 they have someplace to go and have fun, there's no
14 alcohol. And I say to them, No, there's no
15 alcohol, they make more money selling bottles of
16 water because the kids have a tremendous thirst
17 from taking Ecstasy, they sell Special K. I'm not
18 saying the club sells them, but they're available,
19 and there's an atmosphere of permissiveness there.

20 COUNCILMAN KENNEY: Well, if the owners
21 of those places are selling water for \$5 a bottle,
22 I can assure you they know what's going on and they
23 know what the score is.

24 STATE REP. LEDERER: Well, but they're
25 not selling it, they're not selling it.

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2 COUNCILMAN KENNEY: Right.

3 STATE REP. LEDERER: But the atmosphere
4 to sell it is there, and I try to explain that to
5 parents. I sent out a newsletter and explained it
6 in the newsletter, and I will continue to do that.

7 And it's just up to us change the laws
8 to make it impossible for them to admit children.
9 You talk about the spoiled rotten parties; the
10 spoiled rot party is 14 to 17.

11 COUNCILMAN KENNEY: See, I always
12 understood that the liquor code required that
13 anyone that entered a licensed premise must enter
14 with the accompaniment of their guardian or
15 parents. And the way some of these clubs have
16 gotten around it is that they use their own staff,
17 their own security staff, their own bouncers as
18 adults, you know, for so many children, and they're
19 not supervising those kids; they just want the \$10,
20 or \$15 cover charge at the door, and whatever they
21 sell for their water.

22 So anything you guys could do to really
23 help us eliminate this practice would be very much
24 appreciated from my perspective.

25 STATE REP. LEDERER: The LCD regulation

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2 is 50 students or children -- I call them
3 "children" -- to one chaperone, one chaperone for
4 50. Now, you and I know that that will not work.

5 Thank you very much.

6 COUNCILMAN KENNEY: Thank you very much,
7 I appreciate it.

8 Any questions for the Representative?

9 (No questions.)

10 COUNCILMAN KENNEY: Thank you very much.
11 Dominic Sabatini and Joe Brooks, please.

12 (Witnesses come forward.)

13 MR. SABATINI: Good afternoon.

14 COUNCILMAN KENNEY: Good afternoon.

15 MR. SABATINI: I'm Dominic Sabatini of
16 the Penn's Landing Corporation, and I'm here today
17 to testify in favor of this bill.

18 We think it's long over due getting more
19 significant restrictions on some of these
20 objectionable uses on the waterfront. I think in
21 terms of the impact on the community, certainly
22 Representative Marie Lederer is very familiar with
23 that and well stated that earlier.

24 But from a development standpoint, it
25 will really have a negative impact if we don't get

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2 a handle on what's happening there, particularly
3 over the past year or two. We're experiencing
4 great growth on the waterfront just south of there
5 and we have tremendous interest just begin to go
6 peak in that area too. Certainly, these types of
7 crimes and the activity and behavior could really
8 be harmful to future development and discourage
9 particularly retailers from coming in.

10 So we're really happy to see this action
11 being taken and are just very strongly in favor of
12 it.

13 COUNCILMAN KENNEY: Thank you very much.

14 Any questions for Mr. Sabatini?

15 (No questions.)

16 COUNCILMAN KENNEY: Thank you for your
17 testimony.

18 Margie Megill. Is Mr. Trumper here? Do
19 you want to come forward also?

20 (Witnesses come forward.)

21 COUNCILMAN KENNEY: Please identify
22 yourself for the record.

23 MS. MEGILL: I'm Margie Megill,
24 President of the Fishtown Neighbors Association.

25 The Fishtown Neighborhood Association

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2 boundaries do include Delaware Avenue, from Laurel
3 Street on the south, to Lehigh Avenue on the north,
4 and I'm here today to show my support for this bill
5 and enlighten you on the way of life for residents
6 who are in close proximity to the clubs from on
7 Delaware Avenue, from Berks to Frankford Avenue.

8 I'm sure you're all aware of the
9 shootings that resulted in deaths at the Asylum and
10 the Maui clubs, and you're aware of the shooting
11 outside of Club Adrenaline, but I don't think
12 you're aware of what these people really have to
13 deal with on a regular basis because the clubs are
14 open many nights during the week.

15 Just bear with me for a little bit.
16 Imagine having your sleep disturbed on a regular
17 basis, having your car broken into or stolen, being
18 awaken during the night with fights or gunshots; or
19 imagine having to clean body excrements outside
20 your home every morning; imagine the smell on a hot
21 and humid Philadelphia summer day. What would your
22 reaction be to finding a couple having sex on your
23 doorstep or sex on the hood of your brand-new car.

24 These things have all happened to our
25 neighbors along there, and I'm not going to read

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2 everything that I have here.

3 It's a horrible way of life, and I don't
4 think any of you would want to live that way. And
5 I really hope and pray that you adopt this
6 legislation and make it a better life for these
7 people.

8 Personally, I haven't figured out if
9 Delaware Avenue is more like Sodom and Gomorrah or
10 the Okay Corral. People that live there, they take
11 care of their homes. We have generations that have
12 lived there. We have some families, like mine, we
13 have three generations living in the same house.
14 You have family down the street, around the corner.

15 The City wants to keep people from
16 leaving. If you don't do something, these
17 neighbors are eventually going to leave. Why
18 invest in a property that you're going to have
19 destroyed by the club patrons. You tell these club
20 goers, you know, when you have problems, only to
21 find your windows broken 'cause you complained.
22 You complain to the operators, it falls on deaf
23 ears, nobody wants to hear it.

24 And I'm asking you, please, do us all a
25 favor and adopt this bill.

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2 COUNCILMAN KENNEY: It wouldn't be a
3 favor; it's something we should be doing.

4 Thank you.

5 MR. Trumper.

6 MR. TRUMPER: My name is Bruce Trumper,
7 and I'm here to voice support for the bill. I had
8 prepared a statement that pretty much outlines my
9 experience with the clubs and the trouble it has
10 caused me as a small investor in the neighborhood.

11 I'm a construction contractor and I live
12 in the Blue Bell Hill section of Germantown in
13 Philadelphia. About 15 years ago, I was looking
14 for an investment property, specifically an old
15 building worthy of restoration in a neighborhood
16 that seemed under-valued but with potential for
17 improvement.

18 When my interest in history and
19 architecture drew me to Fishtown, a friend called
20 my attention to a property for sale at 310 Richmond
21 Street, a vacant firehouse built in 1846 by the
22 Kensington Fire Company. The building was a
23 dilapidated shell, there were hypodermic syringes
24 on the sidewalk in front of the building.
25 PennDOT's I-95 roadway is level with the third

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2 floor of the building and the noise is deafening.

3 Half of the buildings on Richmond Street
4 were vacant, but the area had potential. I saw a
5 neighbor sweeping up trash under the I-95 bridge,
6 entry to park one block away had just been expanded
7 to several acres, and a huge warehouse on the
8 waterfront had just been demolished, revealing a
9 beautiful view of the park, the river, and the
10 waterfront from the old fire house.

11 The building was irresistible to me for
12 its history and its potential as a residence. I
13 bought the property, and over several years,
14 restored the facade of the building and adapted the
15 interior for reuse as two apartments, preserving as
16 many of the original features as possible.

17 When a club on Delaware Avenue and
18 Marlboro Street opened several years ago, problems
19 began to occur every weekend. Club guests would
20 park in front of my garage and in my driveway,
21 blocking my truck in or out. In the mornings, I
22 would vomit and the smell of urine in my doorways
23 and used condoms all over the street and sidewalk,
24 and dozens of beer bottles all over the street, up
25 and down the block.

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2 The problems grew worse and evolved with
3 time. Club-goers' cars parked on side streets were
4 easy prey for thieves who, once attracted to my
5 street, did not distinguish between residents' cars
6 and those of the club-goers. My tenants' cars were
7 regularly broken into, cars were stolen, and
8 everybody was awakened at 2 and 3 a.m. when the
9 clubs closed for the evening the and hollering and
10 gunshots and fighting in the streets began.

11 After years of this sort of abuse with
12 no relief in sight, I can understand why a renter
13 would look elsewhere for a peaceful home. My first
14 tenant stayed about six years; one moved to New
15 Jersey, the other bought and rehabbed a vacant
16 building only a few blocks away but a safe distance
17 from the clubs. My next two tenants stayed for
18 four years, then purchased a home together in the
19 neighborhood several blocks away from the
20 waterfront. My current tenants were relieved to
21 hear the Maui Club was closed since they, too, have
22 been subjected to the same sort of abuse.

23 The proliferation of clubs on Delaware
24 Avenue is already make the waterfront blocks of
25 Fishtown hostile to residential use and

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2 development, and the recent wave of applications
3 for additional clubs in the area causes me to
4 rethink the logic of trying to keep and further
5 improve my building at 310 Richmond Street as a
6 residential property.

7 Since my property becomes less desirable
8 for a residential use as its value for a use as
9 some kind of club increases, the pressure is to get
10 my money and get out while I can. This sort of
11 climate only serves to further destabilize the
12 neighborhood, which cannot benefit anybody. The
13 nuisance clubs should not be permitted to do
14 business at the expense of the residents, small
15 businesses, and investors who make a positive
16 contribution to the neighborhood.

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

19 Any questions for these witnesses?

20 (No questions.)

21 COUNCILMAN KENNEY: Thank you very much.

22 MR. TRUMPER: Thank you.

23 COUNCILMAN KENNEY: Planning Commission,
24 please.

25 (Witness comes forward.)

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2 COUNCILMAN KENNEY: Is there anyone else
3 in the audience testifying on this bill?

4 (No response.)

5 MR. CHAPMAN: Good afternoon, members of
6 the Rules Committee. My name is Thomas Chapman,
7 the Director of Development Planning for the City
8 Planning Commission, and I'm here today to testify
9 on Bill No. 020142.

10 This bill was introduced by Councilman
11 Kenney for Councilman DiCicco on March 7, 2002.
12 This bill would add a new section to the zoning
13 code creating Section 14-1625, which would be
14 entitled "North Delaware Avenue Special District
15 Controls." As introduced, this district would be
16 bounded by Vine Street, Second Street, Wood Street,
17 Fifth Street, Lehigh Avenue, and the Delaware
18 River.

19 The following uses would be prohibited
20 within this district: Dance halls, entertainment
21 of guests and patrons as a main use, nightclubs,
22 private clubs, restaurants, cabarets, and
23 importantly, the expansion or extension of any use
24 listed above, and that would include any existing
25 use.

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2 The Planning Commission is scheduled to
3 consider this amendment to the code at its meeting
4 of April 17, 2002, but I would state to the
5 committee that we recognize the problem that these
6 uses have caused in this area of the City and are
7 well aware of the impacts that they've had on the
8 surrounding residential communities.

9 COUNCILMAN KENNEY: Thank you very much
10 for your testimony.

11 Any questions?

12 Councilmember DiCicco.

13 COUNCILMAN DICICCO: Thank you,
14 Councilman.

15 Mr. Chapman, David Fitz of my office is
16 actually making some copies. There will be some
17 amendments to the bill. Did you have an
18 opportunity to speak to him about those?

19 MR. CHAPMAN: Yes, I did, Councilman.

20 There was one amendment, a minor
21 amendment. On the second page of the bill, Section
22 3 g states: "The expansion or extension of any use
23 listed in a. through e. above..." That should read
24 "a. through f. above" so that it includes all of
25 those uses.

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2 And I also understand that there's going
3 to be an amendment to the map to --

4 COUNCILMAN DICICCO: Yeah, I think we
5 need to make the boundaries a little bit more
6 clear. I think we all understood them, but for
7 some reason, the way it's written in the bill, it
8 doesn't meet with our original plan. We do not
9 want included in the bill the area of Columbus
10 Boulevard south of Spring Garden, and we're going
11 to make that correction, and that will be up
12 shortly, but everything else will stay in, and I
13 believe Councilman Clarke, who will now be
14 representing some of those neighborhoods that were
15 formerly in the 1st Councilmatic District, has
16 agreed to those changes as well.

17 COUNCILMAN CLARKE: (Nods head.)

18 COUNCILMAN DICICCO: Thank you. I have
19 no further questions.

20 COUNCILMAN KENNEY: Anyone else to
21 testify?

22 (No response.)

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2 COUNCILMAN KENNEY: Seeing none, the
3 next bill is 020150, an ordinance amending Title 14
4 of the Philadelphia Code, entitled "Zoning and
5 Planning," by amending Chapter 14-1600, entitled
6 "Miscellaneous," by adding a new Section 14-1625,
7 entitled "Fairmount Avenue Special District
8 Controls," under certain terms and conditions.

9 I also will accept testimony on Bill No.
10 020152, which is an ordinance to amend the
11 Philadelphia Zoning Maps by changing the zoning
12 designations of certain areas of land located
13 within an area bounded by Fairmount Avenue, 22nd
14 Street, Aspen Street and 23rd. I understand that
15 these are both in the same neighborhood, and people
16 can feel free to give testimony on either or both
17 bills.

18 Councilmember Clarke.

19 COUNCILMAN CLARKE: Thank you
20 Mr. Chairman.

21 After further consultation with members
22 of the community, we will be requesting some small
23 amendments to this particular bill, the overlay.

24 (Witness comes forward.)

25 COUNCILMAN CLARKE: Might as well let

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2 the ward leader go first.

3 COUNCILMAN KENNEY: Please identify
4 yourself for the record.

5 MR. GREENLEE: Mr. Chairman and members
6 of the committee, my name is Bill Greenlee, and I'm
7 here as the Democratic ward leader of the 15th
8 Ward, which includes the area in question here in
9 these two bills.

10 Fairmount Avenue is the key corridor in
11 the Fairmount and Spring Garden neighborhood. It's
12 key for both residents, businesses, and visitors to
13 the other restaurants and other attractions such as
14 Eastern State Penitentiary.

15 These bills are the work of agreement
16 among various people in these neighborhoods of
17 Fairmount and Spring Garden and the various
18 businesspeople, some of whom are here today. It's
19 the desire of all of the communities involved that
20 this would be in the best interest of these
21 neighborhoods.

22 And I would respectfully request that
23 these bills be approved, and I thank Councilman
24 Clarke for all of the work he did on this issue.

25 COUNCILMAN KENNEY: Thank you very much

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2 for your testimony.

3 Who's next, please?

4 (Witness comes forward.)

5 COUNCILMAN KENNEY: Mr. Beller, are you
6 together on this?

7 MR. BELLER: I'm just here as counsel of
8 the Spring Garden (inaudible).

9 COUNCILMAN KENNEY: Then you are here
10 together on this

11 MR. BELLER: Yes, yes.

12 MS. FREELAND: My name is Patricia
13 Freeland, and I'm the President of the Spring
14 Garden Community Development Corporation, and I'm
15 also the President of the Spring Garden Civic
16 Association.

17 I'm here today in support of Bill No.
18 020152, which is to change the zoning of a certain
19 parcel of lands at 22nd and Fairmount and which
20 would also conform that zoning to that of the
21 property in the immediate area.

22 I'm also here in support of Bill No.
23 020150, which is a Fairmount Avenue zoning overlay,
24 which would ensure that the commercial development
25 in the area would be consistent with the unique mix

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2 of residential and commercial uses in the area.
3 Our organization, the Spring Garden CDC,
4 owns the lot at 22nd and Fairmount, and it was
5 developed as a parking lot in response to the needs
6 of the community for parking for residents,
7 businesses, and also the Eastern State
8 Penitentiary. It's beautifully landscaped, it's
9 well-lit with historical lights, it has a
10 24-hour-a-day attendant. Ordinance No. 020152
11 would allow the lot to remain in that use to
12 conform with the needs of the community and the
13 changing circumstances in the community.
14 The bills have the support of the Civic
15 Association and Spring Garden and also the
16 Fairmount Civic Association. I understand there's
17 representatives of the Fairmount Civic Association
18 here, and I have extra copies of a letter from them
19 if they need it.
20 We also have a letter from the Eastern
21 State Penitentiary, which I would ask Mr. White to
22 bring up.
23 The Eastern State Penitentiary abuts the
24 parcel in question, and it has -- it's one of the
25 most important historic landmarks in the City.

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2 Without this lot, its operations will be seriously
3 curtailed. You can see from their letter that
4 they're very strongly in favor of this ordinance.

5 I also have a letter from some nearby
6 residents that I would ask Mr. White to bring up.
7 These are residents who live on Wallace Street in
8 the Spring Garden neighborhood near Fairmount
9 Avenue. Prior to the development of the parcel,
10 they were literally prisoners in their home at
11 night. They couldn't go out in their cars because
12 when they came back, they couldn't find a parking
13 place anywhere; or if they did park somewhere, it
14 was many blocks away, and they feared for their
15 safety walking home.

16 The lot has been responsible for a huge
17 amount of increase of property values in the
18 neighborhood, the stabilization of the business and
19 restaurant community, and an overall increase in
20 economic development in the area.

21 So we would strongly urge you to support
22 the two ordinances, including the overlay, which we
23 think also will help stabilize the area.

24 Thank you.

25 COUNCILMAN KENNEY: Thank you.

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2 Mr. Beller?

3 MR. BELLER: I just echo her sentiments.

4 COUNCILMAN KENNEY: Mr. Beller, could
5 you just identify yourself for the record.

6 MR. BELLER: Joseph Beller, B-E-L-L-E-R,
7 and I'm an attorney representing Spring Garden
8 Civic, the Community Development Corporation. I've
9 also represented Eastern State Penitentiary.

10 They have tremendous plans. And to echo
11 what Pat said, without that parking, a tremendous
12 number of our citizens would not be able to see a
13 historic landmark and one that will attract people
14 to Philadelphia.

15 I also want to thank Councilman Clarke,
16 who's been very patient in going through this block
17 by block and use by use on more than one occasion.
18 And as he announced, there will be some amendments
19 yet to come.

20 So thank you and thank you, gentlemen.

21 COUNCILMAN KENNEY: You're welcome.

22 MS. FREELAND: I would also like to
23 thank Councilman Clarke for all of his hard work.

24 COUNCILMAN KENNEY: Thank you very much.

25 Who's next?

1 4/4/02 RULES - BILLS 020150, 020152

2 (Witness comes forward.)

3 MR. HOFFMAN: Good afternoon, members of
4 Council.

5 COUNCILMAN KENNEY: Good afternoon.

6 MR. HOFFMAN: My name is Bill Hoffman.
7 I'm a resident, a 12-year resident of Fairmount.
8 I've been active in the civic association for 10 of
9 those 12 years, and I'm on the board and also
10 chairman of the Zoning Committee of the Fairmount
11 Civic Association.

12 With regard to these two bills --
13 020152, which is the rezoning of what we'll call
14 the lot, the parking lot, and 020150, which is the
15 overlay provision -- the Fairmount Civic
16 Association Board and membership support both of
17 these.

18 Just a little bit of history. Going
19 back a number of years, when that lot was
20 undeveloped and it was basically an abandoned lot
21 used for free parking, it was a crime magnet, it
22 was a problem in the neighborhood, and we worked
23 very closely with the Spring Garden Civic
24 Association to come up with ideas for what to do
25 with that. It was owned by the Philadelphia School

1 4/4/02 RULES - BILLS 020150, 020152

2 District or board at the time.

3 And one of the things we did was a
4 survey of the neighborhood. The two most prominent
5 uses for that lot that came up were parking and
6 green space, and we feel the development, as it's
7 been put in, addresses both of those. Some people
8 would like a little bit more green space, but in
9 order to make it economically effective, we think
10 they did a very good job. It's beautifully
11 designed, there's a children's play area, there's
12 trees.

13 The neighborhood strongly supports it.
14 Even more so now with the economic development up
15 in that area, parking has become a terrible issue.
16 Even with the lot in use, parking is tough at any
17 time. If that lot went out of business or were
18 shut down, it would be really a bad problem, and I
19 think it would affect property values.

20 Also, one of the things we took into
21 consideration when we came up with the idea for the
22 lot in the first place was that you have the Art
23 Museum there and you have the Eastern State
24 Penitentiary, which at that time, was just
25 struggling to get going, and they need parking.

1 4/4/02 RULES - BILLS 020150, 020152

2 And I know every time the Art Museum has one of its
3 large exhibits, overflow parking comes up into that
4 area. It benefits the restaurants in that area,
5 and I just think it's a benefit to the
6 neighborhood.

7 With regard to the overlay, again, with
8 the new development going on in the neighborhood,
9 we think that to keep that strip of Fairmount
10 Avenue in alignment with the rest of the
11 neighborhood, it's got historical character, you've
12 got a lot of residential townhouses right along the
13 street. There's not a lot of area for commercial
14 development, but where it goes in, we want it to be
15 under certain restrictions and to conform with the
16 rest of the neighborhood. I think the strongest
17 part of that overlay is the setback provision, so
18 that you don't have lots being demolished and then
19 put parking in front of an establishment. I think
20 it will help maintain the character and integrity
21 of the neighborhood.

22 Jan Zarkin (ph), who is the owner of
23 Rembrandt's, asked me to introduce a letter from
24 him on behalf of himself and his wife and his
25 restaurant. And he also wrote a letter on behalf

1 4/4/02 RULES - BILLS 020150, 020152
2 of the Fairmount Civic Association in conjunction
3 with Spring Garden and outlined a lot of the
4 reasons why we support lot and the overlay. Jan is
5 a member of the Fairmount Civic Association Board
6 and also serves on the zoning committee. So
7 although this letter is signed by Jan, it's really
8 coming to you from the Fairmount Civic Association
9 Board.

10 COUNCILMAN KENNEY: Thank you very much
11 any questions for these witnesses?

12 (No questions.)

13 COUNCILMAN KENNEY: Thank you.

14 MR. HOFFMAN: Thank you.

15 COUNCILMAN KENNEY: Anyone else to
16 testify on these bills, please come forward.

17 (Witness comes forward.)

18 MS. MCNALLY: Good afternoon.

19 COUNCILMAN KENNEY: Good afternoon.

20 MS. MCNALLY: My name is Terri McNally.

21 I'm a longtime resident of Fairmount/Art Museum
22 area with my family, and I also am the owner of
23 London Grill {"The London"}.

24 And I'm just here to say that I am in
25 favor of this bill, 020152, to preserve the growth

1 4/4/02 RULES - BILLS 020150, 020152

2 and vitality of our neighborhood. The lot has
3 provided an aesthetic sense of green space and
4 safety and lights and economical parking for my
5 patrons as well as my employees and as well as the
6 tourists and guests of Eastern State Penitentiary
7 and various other cultural and historical
8 institutions within that area.

9 I'm also in favor of the ordinance
10 020150.

11 That's it. Thank you.

12 COUNCILMAN KENNEY: Thank you.

13 For the record, you have a terrific
14 restaurant. Congratulations.

15 Anyone else?

16 (Witness comes forward.)

17 MS. WELKER: Good afternoon.

18 COUNCILMAN KENNEY: Good afternoon.

19 MS. WELKER: I'm Julie Welker, President
20 of Welker Real Estate, which has been operating in
21 area for past 25 years. And I'm also a resident of
22 the Fairmount community and own property on
23 Fairmount Avenue.

24 And I just want to state that the lot is
25 a tremendous benefit to our area. And I want to go

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2 a step further: In my professional capacity as a
3 Realtor, it would spell a death knoll for the
4 restaurants who surround that lot. They absolutely
5 need the parking to continue in existence. And I
6 know that we want to see our neighborhoods thrive
7 and grow in Philadelphia. And without that parking
8 lot, the exact opposite would begin to happen.

9 And as for the overlay, it's important
10 that the street continue to develop along the same
11 lines that the neighborhood is developing, and I
12 support it.

13 COUNCILMAN KENNEY: Thank you very much.

14 It's amazing that Senator Fumo does some
15 good things occasionally, doesn't he?

16 (Laughter.)

17 COUNCILMAN KENNEY: Anyone else to
18 testify on this bill?

19 Thank you.

20 (Witness comes forward.)

21 MR. REYNOLDS: Good afternoon.

22 COUNCILMAN KENNEY: Good afternoon.

23 MR. REYNOLDS: I am Larry Reynolds, a
24 20-year resident of the Fairmount area. I'm also
25 on the board of directors for the Fairmount Civic

1 4/4/02 RULES - BILLS 020150, 020152

2 Association. I'm also active in the Fairmount Town
3 Watch, Aspen Street Town Watch, to be precise.

4 And I was remarking last night when I
5 was on one of my rounds that dealing with a parking
6 lot I -- and I think I'll just focus on that if I
7 may. In the past, before the parking lot was
8 there, one of the things that we would do was make
9 sure that we cut through the parking lot to count
10 how many new abandoned cars were in the lot, or
11 damaged cars or whatever, and then make reports on
12 that.

13 Now we just walk around the perimeter
14 once. It's well-lighted, it's safe, it's secure,
15 and it really is a tremendous boon for the
16 neighborhood. I need not say more, as everyone
17 else has said about what it's done to alleviate
18 some of the parking problems, which are still not
19 100 percent, far from it, but it's been an enormous
20 boon.

21 COUNCILMAN KENNEY: Thank you very much.

22 MR. REYNOLDS: Thank you very much.

23 COUNCILMAN KENNEY: Thanks for taking
24 the time, everyone, to come in.

25 Anyone else? Please come forward.

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2 MR. THOMPSON: My name is David C.
3 Thompson. I live on Parrish Street in the
4 neighborhoods. I was president of the Fairmount
5 Civic Association when the idea initially came up
6 from the Spring Garden CDC to develop that lot as a
7 parking lot. We went through a couple of years of
8 discussion at the civic association over this
9 issue, and we had people that were opposed to it at
10 that time, and some of them even were involved in
11 lawsuits.

12 I know of only one person still
13 remaining who's against that lot. Many of the
14 people that were against it initially -- when they
15 saw it develop, they saw how it operated, they saw
16 what a benefit it was, changed their minds and are
17 in support.

18 I am also concerned with the overlay
19 bill that you're talking about because we want to
20 see Fairmount Avenue developed in a way which is
21 consistent with the desires of the neighborhood.
22 And we strongly support the bill because we know it
23 will allow for the kind of development we would
24 like to see, and it would prevent the kind of
25 development that we think would be detrimental to

1 4/4/02 RULES - BILLS 020150, 020152

2 us and our neighbors, even though it might make
3 money for some big corporations.

4 I support both bills. Thank you very
5 much. And thank you to Councilman Clarke for his
6 hard work on this matter.

7 COUNCILMAN KENNEY: Thank you very much.

8 Anyone else?

9 (No response.)

10 COUNCILMAN KENNEY: Seeing none, we will
11 now move to Bill 020042, which is an ordinance
12 authorizing the revision of lines and grades on a
13 portion of City Plan No. 204.

14 Does the Planning Commission want to
15 give testimony on these two just for the record.
16 We'll hold off on that bill and recognize the
17 Planning Commission and 020150 and 020152.

18 Please identify yourself for the record.

19 MR. CHAPMAN: Thank you, Councilman
20 Kenney. Once again for the record, my name is
21 Thomas Chapman from the City Planning Commission.

22 On Bill 020152, this bill rezones the
23 block bounded by Fairmount Avenue, 23rd Street,
24 Aspen Street, and 22nd Street. Currently, you can
25 see on the map that Mr. Kramer's holding that the

1 4/4/02 RULES - BILLS 020150, 020152

2 block is zoned R10-A residential, and the proposed
3 change is to C2 commercial. It's a 2.4-acre parcel
4 of ground, and it's currently, as was stated
5 earlier, been used as a community parking lot. So
6 this change in zoning recognizes the commercial use
7 of the property.

8 Once again, the Planning Commission has
9 not considered this bill but is scheduled to
10 consider it at its meeting of April 17th.

11 Regarding Bill No. 020150, the overlay,
12 this bill would add a new section to the zoning
13 code, creating Section 14-1625. That would be
14 entitled "Fairmount Avenue Special District
15 Controls." This district and overlay would apply
16 to all commercially-zoned properties with frontage
17 on the north side of Fairmount Avenue between
18 Corinthian Avenue and Pennsylvania Avenue and on
19 the south side of Fairmount between 21st Street and
20 Pennsylvania Avenue. This covers the roughly
21 five-block stretch of Fairmount Avenue

22 As introduced -- I won't go through
23 everything that would be prohibited, but I'll go
24 through and highlight a number of uses that the
25 community and Councilman Clarke would like to

1 4/4/02 RULES - BILLS 020150, 020152

2 prohibit in this area. And keep in mind that this
3 list, I believe, is generated to recognize and
4 enforce the general retail character that exists
5 along Fairmount Avenue.

6 Some of the prohibited uses would be:
7 Animal hospital, dance hall, nightclub, private
8 club, catering hall, automobile repair shops and
9 other automobile-related uses, drug stores (unless
10 smaller than 2000 square feet in floor area),
11 fortune-teller establishments, hand laundry,
12 medical surgical hospitals, outdoor sales or
13 storage, takeout restaurants with drive-through or
14 takeout service, sell-through windows, and
15 accessory speakers or audio devices that cause
16 music or voices to reach the public sidewalk area.

17 This bill also establishes that there
18 would be no setback permitted from the street line
19 at Fairmount Avenue for any newly-erected
20 buildings, and that, once again, is to be
21 consistent with what's already there on Fairmount
22 Avenue. It also limits the height of a new
23 building to a maximum of 55 feet but, in no case,
24 more than 4stories.

25 COUNCILMAN KENNEY: Okay, thank you very

1 4/4/02 RULES - BILLS 020150, 020152

2 much.

3 Any questions?

4 (No questions.)

5 COUNCILMAN KENNEY: Anyone else to
6 testify on this bill?

7 Councilmember Clarke?

8 COUNCILMAN CLARKE: Thank you,
9 Mr. Chairman. I just want to make a brief
10 statement.

11 I'd like to thank both the members of
12 the Fairmount Civic Association and the Fairmount
13 Spring Garden Association and the CDC for all of
14 their hard work. I'd also like to thank the
15 businesses to for taking time to come down and
16 testify and the residents. And I'd like to thank
17 the Planning Commission for working with my office
18 along with the organizations in the community to
19 help craft this bill. I think this is much-needed.

20 I would also like to state that
21 subsequently, we will have further discussion about
22 the remainder of Fairmount Avenue because we think
23 at some point in time, we would like to craft some
24 Special District Controls on another portion, but
25 that's for another day and another time.

1 4/4/02 RULES - BILLS 020150, 020152

2 So I would like to thank you all very
3 much.

4 COUNCILMAN KENNEY: Thank you very much.

5 - - -

6 COUNCILMAN KENNEY: We will now move to
7 Bill No. 020042, an ordinance authorizing the
8 revision of lines and grades on a portion of City
9 Plan No. 204 by placing on the City Plan Brinton
10 Street from Clearview Street to a dead-end
11 turnaround northeasterly therefrom and by
12 relocating a portion of Clearview Street from
13 Johnson Street to a dead-end southeastwardly
14 therefrom, all under certain terms and conditions,
15 including a dedication to the City free clear of
16 all encumbrances of the beds of Brinton Street and
17 Clearview Street.

18 Please identify yourself for the record.
19 And I guess you have to really live there to know
20 exactly what I'm talking about.

21 MR. LONIE: True.

22 Good afternoon, Mr. Chairman and members
23 of the Committee. My name is Paul Lonie, Survey
24 Bureau Manager of the Department of Streets, and
25 the Department of Streets would like to offer the

1 4/4/02 RULES - BILL 020042

2 following testimony on Bill No. 020042.

3 This is not an Administration ordinance
4 but an ordinance requested by Mr. Alvera Costa,
5 Costa Homes, from South Hampton, Pennsylvania. The
6 purpose of this ordinance is to grant the legal
7 authority to place Brinton Street on the City Plan
8 for the development of 20 new homes.

9 This ordinance is supported by the
10 Department of Streets and is recommended to your
11 committee for favorable action.

12 COUNCILMAN KENNEY: Thank you very much.

13 MR. CHAPMAN: Good afternoon. Once
14 again for the Planning Commission, my name is
15 Thomas Chapman.

16 I really don't have much to Mr. Lonie's
17 testimony except that this development has been
18 reviewed and approved by the Planning Commission on
19 April 19, 2001 as part of the consideration of a
20 proposed subdivision.

21 COUNCILMAN KENNEY: Thank you very much.

22 Any questions for these witnesses?

23 (No questions.)

24 COUNCILMAN KENNEY: Anyone else to
25 testify on this? Please come forward.

1 4/4/02 RULES - BILL 020042

2 (Witness comes forward.)

3 COUNCILMAN KENNEY: Good afternoon.

4 Please identify yourself for the record.

5 MR. COVINGTON: Good afternoon. My name
6 is Ernest Covington, President of Independence Ford
7 Real Estate Development Company, and I'm here on
8 behalf of Alvera Costa and Costa Homes. And I'm
9 also a resident of Mt. Airy and the former
10 president of the East Mt. Airy Neighbors.

11 This lot that is being developed for a
12 long time -- at least as long as I've known it --
13 has been full of drug paraphernalia and City
14 Dumpster trash back in there. This is a win/win
15 for the community. We've had several community
16 meetings, all the near neighbors, and as best as we
17 could, to try to convince them and work with
18 Councilwoman Miller's office to develop this and
19 put 20 new houses on the tax rolls in Mt. Airy as
20 quality houses is a really big issue.

21 And we appreciate the support from your
22 committee and the rest of Council for this. Thank
23 you.

24 COUNCILMAN KENNEY: Thank you very much.
25 Councilmember DiCicco.

1 4/4/02 RULES - BILL 020042

2 COUNCILMAN DICICCO: This is the first
3 time you're building homes in the City?

4 MR. COVINGTON: Not the first time for
5 me personally. Mr. Costa's doing some stuff out in
6 the Northeast.

7 COUNCILMAN DICICCO: What is the average
8 sale price of these homes?

9 MR. COVINGTON: About \$139,000. And
10 there's 20 twins, nice spaces. They're going to be
11 about 1850 square feet. So it's for that market --
12 and if you know about real estate in Mt. Airy,
13 there's no houses left, and we're having a real
14 difficult time, and quality housing is an issue.

15 COUNCILMAN DICICCO: So it's low- and
16 moderate-income housing, market-rate housing.

17 MR. COVINGTON: It's market-based, no
18 subsidy in here at all.

19 COUNCILMAN DICICCO: Very good. Except
20 the ten-year abatement, right?

21 MR. COVINGTON: Yes.

22 COUNCILMAN DICICCO: Okay, thank you and
23 congratulations.

24 MR. COVINGTON: Thank you.

25 COUNCILMAN KENNEY: Anyone else?

1 4/4/02 RULES - BILL 020042

2 Please.

3 MS. THOMPSON: Good afternoon.

4 COUNCILMAN KENNEY: Good afternoon.

5 MS. THOMPSON: My name is Marlene

6 Thompson and I am the committee person in the 22nd
7 Ward, 22nd Division, and a resident of the block of
8 Brinton Street. I've grown up on that block, been
9 there since 1952, and it has always been vacant,
10 and we really look forward to having some housing
11 construction in that area.

12 And the neighbors want to work very
13 closely with the developer so that the residents
14 that are there are not hindered by the developer.
15 It's a very small, closed-in area, and we know that
16 there's going to be some changes in traffic. So we
17 do want to work very closely with the developer,
18 but we are very pleased that something is being
19 done with that lot.

20 Thank you very much.

21 COUNCILMAN KENNEY: Terrific, thank you.

22 Anyone else?

23 (No response.)

24 - - -

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1 4/4/02 RULES - BILL 020044

2 COUNCILMAN KENNEY: We will now move to
3 Bill No. 020044, an ordinance to amend the
4 Philadelphia zoning maps by changing the zoning
5 designations of certain areas of land located
6 within an area generally defined as the
7 intersection of Germantown Avenue and Gowan Avenue,
8 extending approximately 67 feet northwestwardly
9 along Germantown Avenue.

10 Please identify yourself for the record.

11 MR. CHAPMAN: Good afternoon. Once
12 again for the City Planning Commission, my name is
13 Thomas Chapman.

14 Bill No. 020044 amends the Philadelphia
15 zoning maps by changing the zoning designation of a
16 property known as 7402 Germantown Avenue to a
17 designation of C12 commercial. This property was
18 formerly used as an incidental dentist office. On
19 June 23, 1995, this property was granted a zoning
20 variance to be used as a restaurant. It was the
21 subject of a further variance on September 12, 2000
22 for the purpose of erecting several additions to
23 the structure.

24 The purpose of this is merely bill to
25 recognize the existing commercial land use of this

1 4/4/02 RULES - BILL 020044

2 property. And the Planning Commission, at its
3 meeting of February 20, 2002, recommended that Bill
4 No. 020044 be approved.

5 Mr. -- members of the committee, I'd
6 just like to note that we received a request, a
7 late request, from the Law Department to supply
8 different maps for this bill. The Law Department
9 felt that the maps that were included with the
10 introduction of this bill didn't give a good enough
11 picture of the property that was being designated.
12 So we've supplied you with bills that kind of put
13 the property that's being rezoned in a better
14 context, I guess you'd say, but it doesn't change
15 the --

16 COUNCIL PRESIDENT VERNA: These are the
17 maps that are being circulated?

18 MR. CHAPMAN: Yes, yes.

19 COUNCILMAN KENNEY: Is that it?

20 MR. CHAPMAN: That's it.

21 COUNCILMAN KENNEY: Thank you.

22 Anyone else to testify on this bill?
23 Please.

24 (Witness comes forward.)

25 MR. WEINSTEIN: Thank you for hearing

1 4/4/02 RULES - BILL 020044

2 this bill. My name is Ken Weinstein, owner of this
3 property Cottage Cafe, and also for the next piece
4 of legislation, 020045, is another one of our
5 restaurants, Trolley Car Diner.

6 We, in of the past five years, have
7 renovated both of these buildings that were
8 previously vacant and created 75 jobs in the
9 meantime, and we're very proud to be partners with
10 the community. These properties, for whatever
11 reason, have always been zoned residential and
12 should be zoned commercial. And I appreciate
13 you're hearing this bill.

14 COUNCILMAN KENNEY: Thank you for your
15 testimony and welcome back

16 Anyone else to testify on this bill?

17 (No response.)

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1 4/4/02 RULES - BILL 020045

2 COUNCILMAN KENNEY: Seeing none, we will
3 now move to Bill No. 020045, which is an ordinance
4 to amend the Philadelphia Zoning Maps by changing
5 the zoning designations of certain areas of land
6 located within an area bounded by Woodbrook Lane, a
7 railroad right-of-way, Rolford Street, and
8 Germantown Avenue. Let Mr. Weinstein's comments
9 apply to this bill also, and please identify
10 yourself for the record.

11 MR. CHAPMAN: Good afternoon. Once
12 again, Tom Chapman for the City Planning
13 Commission.

14 Bill No. 020045 amends the Philadelphia
15 Zoning Maps by changing the zoning designations of
16 an area bounded Woodbrook Lane, a rail
17 right-of-way, and Germantown Avenue from the zoning
18 designation of partly C7 commercial and partly R5
19 residential to a designation of C7 commercial.

20 This bill extends the area designated as
21 C7 to include an adjacent parcel. The property at
22 the northeast corner of Woodbrook Lane and
23 Germantown Avenue is currently used as a diner and
24 has recently acquired the adjacent parcel of land,
25 which is intended to be used as additional parking

1 4/4/02 RULES - BILL 020045

2 for the diner.

3 The purpose of this bill is to recognize
4 the existing acquisition and proposed commercial
5 land use of the property. The Planning Commission,
6 at its meeting of February 20, 2002, recommended
7 that Bill No. 020045 be approved.

8 And, once again, we were asked by the
9 Law Department to supply new maps that put the
10 property in a better context, and we've done that.

11 COUNCILMAN KENNEY: Thank you.

12 MR. CHAPMAN: Thank you.

13 COUNCILMAN KENNEY: Any questions?

14 (No questions.)

15 COUNCILMAN KENNEY: Anyone else to
16 testify on this bill?

17 (No response.)

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1 4/4/02 RULES - BILL 020119

2 COUNCILMAN KENNEY: Seeing none, we will
3 now move to Bill No. 020119, which is an ordinance
4 amending Section PM-309.0 of the Philadelphia Code,
5 entitled "Emergency Nuisance Abatement Program," by
6 adding the 25th, 31st, and 45th Wards to the
7 designated area in which properties must be located
8 in order to be eligible for participation in the
9 Emergency Nuisance Abatement Program, and by making
10 certain technical amendments, all under certain
11 terms and conditions.

12 Mr. Haigler, please identify yourself
13 for the record.

14 MR. HAIGLER: Good day Councilmembers
15 and members of the committee, I am Otis Haigler Jr,
16 Legislative Regulatory Affairs Manager for the
17 Department of Licenses and Inspections.

18 Today, I'm here to provide testimony on
19 Bill No. 020119, which, if enacted, will amend
20 Section PM-309 of the property maintenance code to
21 add wards or locations which will be subject to the
22 Emergency Nuisance Abatement Program.

23 With respect to Bill 020119, the
24 Department of Licenses and Inspections offers no
25 objections to the enactment of the proposed bill.

1 4/4/02 RULES - BILL 020119

2 Thank you.

3 COUNCILMAN KENNEY: That's what I love
4 about you, Mr. Haigler, succinct and to the point
5 always. Thank you

6 Any questions for Mr. Haigler?

7 (No questions.)

8 COUNCILMAN KENNEY: Anyone else to
9 testify on this bill?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing none, that
12 will conclude the public hearing.

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1 4/4/02 RULES - PUBLIC MEETING

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

4 The Chair recognizes Councilman Clarke
5 for a motion on Bill No. 020042. I suspect, since
6 we've had no requests for suspension, that these do
7 not need to be suspended? No suspension requested.

8 COUNCILMAN CLARKE: Thank you,
9 Mr. Chairman. Mr. Chairman, I'd like to offer --

10 COUNCILMAN KENNEY: This is just -- this
11 is Donna Miller's bill, just to get it out.

12 COUNCILMAN CLARKE: With this change in
13 the room, I have to get acclimated.

14 I move that Bill No. 020042 be reported
15 out of committee with a favorable recommendation.

16 (Duly seconded.)

17 COUNCILMAN KENNEY: Moved and seconded.

18 All in favor, aye.

19 There are none opposed.

20 Bill No. 020042 Will be reported out of
21 this committee favorably and a request will be made
22 for a rules suspension to allow for first reading
23 at our next Council session.

24 The Chair recognizes Councilmember
25 DiCicco for a motion on Bill No. 020044.

1 4/4/02 RULES - PUBLIC MEETING

2 COUNCILMAN DICICCO: Mr. Chairman, I
3 move that Bill No. 020044 --

4 COUNCIL PRESIDENT VERNA: Excuse me, an
5 amendment was submitted. I think that needs to be
6 approved first.

7 COUNCILMAN DICICCO: An amendment to 44?

8 MR. CHAPMAN: 44 and 45 were the bills
9 that had the maps.

10 COUNCILMAN KENNEY: The new maps require
11 an amendment? Okay, fine.

12 Then the Chair recognizes Councilmember
13 DiCicco for a motion to approve the amended map on
14 020044.

15 COUNCILMAN DICICCO: You just did that,
16 didn't you?

17 COUNCILMAN KENNEY: Yes. Well, you have
18 to do it again.

19 (Laughter.)

20 COUNCILMAN DICICCO: I move the approval
21 of the amendment to Bill No. 02044

22 (Duly seconded.)

23 COUNCILMAN KENNEY: Moved and seconded.

24 All in favor, aye.

25 There are none opposed.

1 4/4/02 RULES - PUBLIC MEETING

2 The amendment is approved.

3 The Chair recognizes Councilman DiCicco
4 on the amended bill.

5 COUNCILMAN DICICCO: I move that Bill
6 No. 020044, as amended, be reported out of this
7 committee with a favorable recommendation.

8 (Duly seconded.)

9 COUNCILMAN KENNEY: Moved and seconded.
10 All in favor, aye.

11 There are none opposed.

12 Bill No. 020044, as amended, will be
13 reported out of this committee favorably and a
14 request will be made for a rules suspension to
15 allow for first reading at our next Council
16 session.

17 The Chair recognizes Councilman DiCicco
18 for a motion on Bill No. 020045 for the approval of
19 the amendment.

20 COUNCILMAN DICICCO: I move that the
21 amendment to Bill No. 020045, as reported in the
22 testimony, be approved.

23 (Duly seconded.)

24 COUNCILMAN KENNEY: Moved and seconded.
25 All in favor, aye?

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2 There are None opposed.

3 The amendment to Bill No. 020045 is
4 approved.

5

6 COUNCILMAN DICICCO: I move that Bill
7 No. 020045, as amended, be reported out of this
8 committee with a favorable recommendation.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and second.

11 All in favor, aye?

12 There are none opposed.

13 Bill No. 020045, as amended, will be
14 reported out of this committee favorably.

15 The Chair recognizes Councilmember
16 DiCicco for a motion on Bill No. 020119.

17 COUNCILMAN DICICCO: I move that Bill
18 No. 020119 be reported out of this committee with a
19 favorable recommendation and a further questions
20 that its rules of Council be suspended.

21 (Duly seconded.)

22 COUNCILMAN KENNEY: Moved and second.

23 All in favor, aye?

24 There are none opposed.

25 Bill No. 020119 will be reported out of

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2 this committee favorably and a request will be made
3 for a rules suspension to allow for first reading
4 at our next Council session.

5 The Chair recognizes Councilmember
6 DiCicco to approve the amendment to Bill No.
7 020142. Please read the amendment into the record.

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

10 Bill No. 020142. I will read the
11 amendments into the record.

12 On Page 3, Section 2, I'll read the
13 entire section.

14 District boundaries. For the purposes
15 of this section, the North Delaware Avenue area
16 Special Services District Controls shall apply to
17 the area bounded by Vine Street, Second Street,
18 Wood Street, Fifth Street, Girard Avenue, Frankford
19 Avenue, Lehigh Avenue, and the Delaware River,
20 Spring Garden Street, and Second Street.

21 In section 3 (g) the expansion of
22 extensions of any use listed in a. through --
23 strike e, insert (F) above.

24 I move that the amendments to this bill
25 be approved.

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2 (Duly seconded.)

3 COUNCILMAN KENNEY: Moved and seconded.

4 All in favor, aye?

5 There are none opposed.

6 The amendments are approved.

7 The Chair recognizes Councilman DiCicco.

8 COUNCILMAN DICICCO: Thank you,

9 Mr. Chairman. I move that Bill No. 020142, as
10 amended, be reported out of this committee with a
11 favorable recommendation and a further
12 recommendation that the rules of Council be
13 suspended.

14 (Duly seconded.)

15 COUNCILMAN KENNEY: Moved and seconded.

16 All in favor, aye.

17 There are none opposed.

18 Bill No. 020142, as amended, will be
19 reported out of this committee favorably, and a
20 request will be made for a rules suspension to
21 allow for first reading at our next Council
22 session.

23 The Chair recognizes Councilmember
24 Clarke for a motion on the approval of the
25 amendment to 020150.

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2 COUNCILMAN CLARKE: Thank you,
3 Mr. Chairman.

4 The section of the amendments are as
5 follows on Bill No. 020150. Section 3 would delete
6 athletic -- I'm sorry, Section 3 b on the first
7 one. Section 3 j, after the medical centers, add
8 "of more than 4,000 square feet."

9 On Section 3 l, we want to delete
10 "restaurants, cafe, and coffee shops," and we also
11 wants to delete "primarily."

12 In Section 3, we're adding a new
13 section, new p, 3 p. We would like to add "food
14 markets of more than 2500 square feet."

15 COUNCILMAN KENNEY: Is that it?

16 COUNCILMAN CLARKE: That's it.

17 COUNCILMAN KENNEY: I would request that
18 a written copy be given to the stenographer so that
19 it's clear.

20 COUNCILMAN CLARKE: I'd like to move for
21 the adoption of these amendments to Bill No.
22 020150.

23 (Duly seconded.)

24 COUNCILMAN KENNEY: Moved and second.

25 All in favor?

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2 There are none opposed.

3 Bill No. 020150 will be amended
4 accordingly.

5 The Chair recognizes Councilmember
6 Clarke.

7 COUNCILMAN CLARKE: Thank you,
8 Mr. Chairman. I'd like to move on Bill No. 020150,
9 as amended, that it be reported out of committee
10 with a favorable recommendation and a request for a
11 suspension of the rules to allow for first reading
12 at our next session of Council.

13 (Duly seconded.)

14 COUNCILMAN KENNEY: Moved and seconded.

15 All in favor, aye?

16 There are none opposed.

17 Bill No. 020150, as amended, will be
18 reported out of this committee favorably and a
19 request will be made for a rules suspension to
20 allow for first reading at our next Council
21 session.

22 The Chair recognizes Councilmember
23 Clarke on Bill No. 020152.

24 COUNCILMAN CLARKE: Thank you,
25 Mr. Chairman. I move that Bill No. 02152 be

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2 reported out of committee with a favorable
3 recommendation and a request for a suspension of
4 the rules so as to allow for first reading at our
5 next session Council.

6 (Duly seconded.)

7 COUNCILMAN KENNEY: Moved and seconded.

8 All in favor, aye.

9 There are none opposed.

10 Bill No. 020152 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 That concludes the business of the Rules
15 Committee.

16 Thank you very much.

17 - - -

18 (Proceedings end at 3:25 p.m.)

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CERTIFICATE

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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 Rules of

Thursday, April 4, 2002, are contained fully and

accurately in the stenographic notes taken by me,

and that this is a true and correct transcript of

same.

RE: Ordinance No. 020044, 020045, 020119, 020142,

020150, 020152

_____,
Josephine Cardillo

Registered Professional Reporter
and Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction of the
same by any means, unless under the direct control
and/or supervision of the certifying reporter.)