

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 3, 2013
10:00 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN MARIAN B. TASCO

BILLS 130589, 130636, 130694, 130727, 130763,
130764, 130768, 130775, 130804, 130812,
130813, 130855, and 130856

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COUNCILMAN GREENLEE: Good morning, everyone. The public hearing will be commencing soon of the Rules Committee. I just want to make an announcement. The public meeting that is scheduled for Bill No. 130657 -- that is the RCO bill -- will be recessed until Wednesday, December 11th, 2013 at 9:30 a.m.

Thank you. And the Rules Committee hearing will begin soon. Thank you.

(Pause.)

COUNCILMAN GREENLEE: Good morning, everyone. This is the hearing on Committee on Rules. Can I have everybody's attention, please.

For the record, we have a quorum consisting of Councilman Goode, Councilman Green, Councilman Henon, and Councilwoman Bass.

We have a long agenda, so we want to get started right away. If I could ask everybody, if you're having

1 12/3/13 - RULES - 130589, etc.
2 conversations, you might think you're
3 talking low, but we hear you up here, and
4 this room wasn't exactly made great
5 acoustically. So if you have
6 conversations, if you could please take
7 them out in the hallway.

8 Ms. Marconi, will you please
9 read the title of the first bill before
10 us today.

11 THE CLERK: Bill No. 130589, an
12 ordinance to amend the Philadelphia
13 Zoning Maps by changing the zoning
14 designations of certain areas of land
15 located within an area bounded by Sepviva
16 Street, Butler Street, Aramingo Avenue,
17 Castor Avenue, Gaul Street, Westmoreland
18 Street, Tulip Street, and Castor Avenue.

19 William Kramer.

20 (Witness seated at witness
21 table.)

22 COUNCILMAN GREENLEE:
23 Mr. Kramer, please identify yourself and
24 proceed.

25 MR. KRAMER: Good morning,

1 12/3/13 - RULES - 130589, etc.
2 Chairman Greenlee and members of the
3 Rules Committee. I am William Kramer,
4 Division Director of the Development
5 Division of the Philadelphia City
6 Planning Commission. I am here today to
7 testify on Bill No. 130589, which was
8 introduced into City Council September
9 12th, 2013.

10 Bill No. 130589 amends the
11 Philadelphia Zoning Maps by changing the
12 zoning designations of certain parcels
13 within an area bounded by Sepviva Street,
14 Butler Street, Aramingo Avenue, Castor
15 Avenue, Gaul Street, Westmoreland Street,
16 Tulip Street, and Castor Avenue.

17 Bill No. 130589 proposes to
18 take the zoning from I-2 Medium
19 Industrial Districts to CA-2 Commercial
20 Auto District and ICMX Industrial
21 Commercial Mixed-Use District to
22 correctly zone the existing shopping
23 centers by changing the zoning
24 designations to match the current uses or
25 to match anticipated future uses along

1 12/3/13 - RULES - 130589, etc.

2 the Aramingo Avenue corridor.

3 At its meeting of October 15th,
4 2013, the Philadelphia City Planning
5 Commission recommended approval for Bill
6 No. 130589.

7 I'd be happy to answer any
8 questions you may have.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Any questions for Mr. Kramer on
12 this bill?

13 (No response.)

14 COUNCILMAN GREENLEE: Seeing
15 none, anyone else here to testify on Bill
16 130589?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, Ms. Marconi, our next bill.

20 THE CLERK: Bill No. 130727, an
21 ordinance to amend the Philadelphia
22 Zoning Maps by changing the zoning
23 designations of certain areas of land
24 located within an area bounded by Laurel
25 Street, Front Street, Delaware Avenue,

1 12/3/13 - RULES - 130589, etc.

2 Water Street, the Delaware River,
3 Christopher Columbus Boulevard, and
4 Oregon Avenue.

5 COUNCILMAN GREENLEE:

6 Mr. Kramer.

7 MR. KRAMER: Good morning,
8 Chairman Greenlee and members of the
9 Rules Committee. I am William Kramer,
10 Division Director of the Development
11 Division for the Philadelphia City
12 Planning Commission. I am here today to
13 testify on Bill No. 130727, which was
14 introduced into City Council October
15 24th, 2013 by Councilmember Squilla.

16 Bill No. 130727 rezones
17 properties along the Delaware Riverfront
18 from Laurel Street down to Oregon Avenue
19 to reflect existing and future land uses.
20 Much of the land is zoned I-2, medium
21 density industrial, which no longer
22 exists in many areas along the
23 waterfront. Bill No. 130727 will rezone
24 defunct industrial areas to CMX-3 to
25 allow for medium density, mid-rise,

1 12/3/13 - RULES - 130589, etc.
2 mixed-use development. In the southern
3 section of the waterfront, the bill will
4 rezone much of the area to CMX-3 and
5 CA-2, recognizing the significant amount
6 of commercial space now in the area. Any
7 existing industrial uses in the area will
8 remain zoned as either ICMX or I-2 to
9 support their continued use as industrial
10 parcels.

11 In discussion with the
12 sponsoring Councilman's staff, we
13 understand the Councilman wishes to amend
14 the bill to include another site south of
15 Reed Street, changing it from SP-ENT
16 Special Use Entertainment to CMX-3
17 Commercial Mixed Use 3.

18 These zoning changes will help
19 implement the Central Delaware Master
20 Plan adopted by the Planning Commission
21 on March 6th, 2012 and the Central
22 District Plan adopted by them on June
23 11th, 2013.

24 The Philadelphia City Planning
25 Commission at its meeting of November

1 12/3/13 - RULES - 130589, etc.
2 19th, 2013 recommended that Bill 130727
3 be approved as amended, if the Councilman
4 so desires.

5 That's my testimony. If
6 there's any questions, I'll be happy to
7 try to answer them.

8 COUNCILMAN GREENLEE: Thank
9 you, Mr. Kramer.

10 First of all, let the record
11 reflect Councilwoman Tasco, a member of
12 the Committee, is also present.

13 Mr. Kramer, just so we're
14 clear, we're talking about the amendments
15 I think that were just given out to us,
16 right?

17 MR. KRAMER: Yes, sir.

18 COUNCILMAN GREENLEE: And
19 they're the amendments the Planning
20 Commission agrees with?

21 MR. KRAMER: We're okay with
22 them, yes, sir.

23 COUNCILMAN GREENLEE: Good.
24 Good.

25 Any other questions for

1 12/3/13 - RULES - 130589, etc.

2 Mr. Kramer on this bill?

3 (No response.)

4 COUNCILMAN GREENLEE: Seeing
5 none, is there anyone else here who
6 wishes to testify on Bill No. 130727?

7 (No response.)

8 COUNCILMAN GREENLEE: Seeing
9 none, Ms. Marconi.

10 THE CLERK: Bill No. 130763, an
11 ordinance amending Section 14-506 of The
12 Philadelphia Code, entitled "/NCP North
13 Central Philadelphia Overlay District,"
14 by specifically amending Section
15 14-506(2)(c) entitled "Sunset Provision"
16 to extend the stated expiration date
17 until December 31st, 2016; all under
18 certain terms and conditions.

19 Mr. Kramer.

20 MR. KRAMER: Good morning,
21 Chairman Greenlee and members of the
22 Rules Committee. I am William Kramer,
23 Division Director of the Development
24 Division of the Philadelphia City
25 Planning Commission. I am here today to

1 12/3/13 - RULES - 130589, etc.
2 testify on Bill No. 130763, which was
3 introduced into City Council October
4 24th, 2013.

5 The purpose of Bill No. 130763
6 is to extend the expiration date of the
7 /NCP North Central Philadelphia Overlay
8 District by amending Section
9 14-506(2)(c). The current overlay was
10 set to expire December 21st of this year.
11 Bill No. 130763 will extend the time
12 period to December 21st, 2016.

13 The Philadelphia City Planning
14 Commission at its meeting of November
15 19th, 2013 recommended that Bill No.
16 130763 be approved as an item in accord
17 with previous policy.

18 That concludes my testimony.
19 If you have any questions, I'd be happy
20 to answer.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. Kramer.

23 First of all, any questions for
24 Mr. Kramer?

25 The record will reflect that

1 12/3/13 - RULES - 130589, etc.

2 Councilman Kenney, the Vice Chair of the
3 Committee, is present.

4 Councilman Green.

5 COUNCILMAN GREEN: Thank you.

6 What is the overlay
7 extension -- what does the overlay
8 provide for that is being extended? What
9 is the purpose of the overlay,
10 Mr. Kramer, for this property?

11 MR. KRAMER: I would have to
12 read the code to give you the fine
13 details on that.

14 Mr. Patterson, do you know
15 those specifics?

16 MR. PATTERSON: Sure.

17 Good morning, Councilman. I
18 can address that. My name is Ronald
19 Patterson, attorney with Klehr Harrison
20 law firm. I represent the Goldenberg
21 Group, who is the owner and developer --

22 COUNCILMAN GREENLEE: Ron,
23 speak a little bit more in the
24 microphone, please.

25 MR. PATTERSON: Sorry. Ron

1 12/3/13 - RULES - 130589, etc.

2 Patterson, attorney with Klehr Harrison
3 law firm. We represent the Goldenberg
4 Group, who is the developer and owner of
5 the property.

6 Back in 2009, an ordinance was
7 passed --

8 COUNCILMAN GREEN: I'm sorry,
9 Mr. Patterson. My question is very
10 simple. What does the overlay provide
11 for?

12 MR. PATTERSON: That's what I
13 was getting to. It makes some
14 adjustments in the code at the time to
15 allow for additional FAR for the
16 development, which I'm showing in the
17 front. It allows for the ability to have
18 up to four persons unrelated by blood,
19 marriage or adoption to allow for it to
20 be used for student housing. The project
21 started late. It's in Phase 1, which
22 Mr. Trapper can explain. We're going on
23 to Phase 2 and we're asking for an
24 extension of the ordinance so it allows a
25 bubble over the property to continue to

1 12/3/13 - RULES - 130589, etc.
2 operate under and develop under the
3 existing ordinance.

4 COUNCILMAN GREEN: Mr. Kramer,
5 if someone begins construction under
6 current zoning, then they don't need an
7 extension to continue that zoning as long
8 as they're building the project they
9 began construction with; is that correct?
10 Do I understand that correctly?

11 MR. KRAMER: That would
12 probably be correct, depending on whether
13 or not they had pulled permits for it,
14 but if there's changes to the project, it
15 could be reconsidered at a later date.

16 MR. PATTERSON: I can answer
17 what you're getting at. We pulled -- we
18 obtained the zoning permit for, we'll
19 call it, Phase 1 of the property. That's
20 what's currently under construction.
21 Phase 2 we did not have a zoning permit
22 for, and that's what we would need the
23 extension for so we can continue with
24 Phase 2. So we need a new zoning permit
25 for Phase 2 and a new building permit,

1 12/3/13 - RULES - 130589, etc.
2 and the ordinance expires at the end of
3 this month, which means we would revert
4 to the current provisions of the code,
5 which would require us to go to the
6 Zoning Board for the relief that we
7 already have.

8 COUNCILMAN GREEN: Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you, Councilman.

11 Mr. Patterson, before you
12 continue, first of all, let the record
13 reflect Councilwoman Reynolds Brown, a
14 member of the Committee, is present.

15 Just explain just again --
16 Mr. Patterson, maybe you could just go
17 into it just a little bit more.

18 And, Mr. Trapper, we have your
19 testimony. That will be made part of the
20 record. Okay?

21 I think the question was just
22 describe it just a little bit more.
23 Where exactly is it, what is it planned
24 for. One of the Committee members had a
25 question.

1 12/3/13 - RULES - 130589, etc.

2 MR. PATTERSON: I'm sorry.

3 Mr. Kenney?

4 COUNCILMAN KENNEY: I'm sorry I
5 was late. I was just interested in where
6 the location of the project is and what
7 the project entails.

8 MR. TRAPPER: Yes. Good
9 morning. Kevin Trapper, Senior Vice
10 President of the Goldenberg Group. As
11 Mr. Patterson said, we're the owner and
12 developer of the property.

13 The property is bounded by
14 Cecil B. Moore to the south, 11th Street,
15 12th Street, and West Montgomery Avenue,
16 basically a full City block, just over
17 four and a half acres.

18 The development that is and
19 construction that's going on right now as
20 you see in the photos here is Phase 1.
21 It's the north tower. It is along
22 Montgomery Avenue. That is the first
23 tower. It's set to be complete this
24 summer, and it's mainly residences for
25 students at Temple for occupancy fall of

1 12/3/13 - RULES - 130589, etc.

2 '14.

3 The other remaining two and a
4 half acres of the site are the future
5 phases of the development, which, as
6 Mr. Patterson said, we have not yet
7 designed. We have not yet pulled a
8 permit, either zoning and use or building
9 permit. So we're just requesting the
10 additional time to develop the rest of
11 the property.

12 COUNCILMAN KENNEY: Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 Any other questions for -- and
16 the record will reflect Councilman
17 O'Brien, a members of the Committee, is
18 also present. Also Councilwoman
19 Blackwell is present.

20 COUNCILMAN KENNEY: Committee
21 of the Whole.

22 COUNCILMAN GREENLEE: Yeah,
23 almost. We're overflowing here. See,
24 those that get here earlier get the good
25 comfortable chairs. The rest of you guys

1 12/3/13 - RULES - 130589, etc.

2 have to sit in the hard chairs.

3 Any other questions?

4 (No response.)

5 COUNCILMAN GREENLEE: Anybody
6 else here to testify on Bill No. 130763?

7 (No response.)

8 COUNCILMAN GREENLEE: Seeing
9 none, Ms. Marconi.

10 Thank you very much.

11 MR. PATTERSON: Thank you.

12 THE CLERK: Bill No. 130764, an
13 ordinance amending Title 14 of The
14 Philadelphia Code, entitled "Zoning and
15 Planning," by making technical and
16 clarifying changes, under certain terms
17 and conditions.

18 COUNCILMAN GREENLEE:
19 Mr. Kramer.

20 MR. KRAMER: Good morning,
21 Chairman Greenlee and members of the
22 Rules Committee. I am William Kramer,
23 Division Director of the Development
24 Division of the Philadelphia City
25 Planning Commission. I am here today to

1 12/3/13 - RULES - 130589, etc.
2 testify on Bill No. 130764, which was
3 introduced into City Council October
4 24th, 2013.

5 The purpose of Bill No. 130764
6 is to make the technical and clarifying
7 changes recommended in the "One-Year
8 Report Zoning Code Review."

9 Bill No. 130764 makes changes
10 to 18 subsections in the Philadelphia
11 Zoning Code, clarifying rules of
12 measurement, definitions, procedures,
13 making text edits, and clarifying
14 ambiguous text. These changes were
15 technical in nature only. The more
16 substantive changes are contained in Bill
17 No. 130804 introduced into City Council
18 on October 31st, 2013.

19 Some examples of the types of
20 amendments would be to add a definition
21 for store frontage as it is used in the
22 calculation of allowable signage. There
23 is also a clarification to allow lot
24 adjustments, provided such would not
25 increase an existing non-conformity.

1 12/3/13 - RULES - 130589, etc.

2 The Philadelphia City Planning
3 Commission at its meeting of November
4 19th, 2013 recommended that Bill No.
5 130764 be approved.

6 This concludes my testimony.
7 If you have any questions, I'd be happy
8 to answer.

9 COUNCILMAN GREENLEE: Thank
10 you, Mr. Kramer. Just for the record,
11 we'll be hearing testimony on 130804 in a
12 short period of time hopefully.

13 Any questions for Mr. Kramer on
14 this bill?

15 (No response.)

16 COUNCILMAN GREENLEE: Seeing
17 none, is there anyone else here to
18 testify on 130764?

19 I think there was somebody who
20 put their name in. What's the name, Ms.
21 Marconi?

22 THE CLERK: Charmie Cuthbert.

23 MS. CUTHBERT: I'm here for the
24 other bill, 130694.

25 COUNCILMAN GREENLEE: Okay.

1 12/3/13 - RULES - 130589, etc.

2 Fine. Thank you.

3 Anyone here to testify on
4 130764?

5 (No response.)

6 COUNCILMAN GREENLEE: Seeing
7 none, Ms. Marconi.

8 THE CLERK: Bill No. 130812, an
9 ordinance to amend the Institutional
10 (Special Purpose) District Master Plan of
11 the Philadelphia Presbytery Homes and
12 Services for the Aging for the
13 construction of an addition to the
14 Witherspoon Senior Apartments.

15 COUNCILMAN GREENLEE:
16 Mr. Kramer.

17 MR. KRAMER: Good morning,
18 Chairman Greenlee, members of the Rules
19 Committee. I am William Kramer, Division
20 Director of the Development Division of
21 the Philadelphia City Planning
22 Commission. I am here today to testify
23 on Bill No. 130812, which was introduced
24 into City Council October 31st, 2013.

25 The purpose of Bill No. 130812

1 12/3/13 - RULES - 130589, etc.

2 is to amend the Master Plan for the
3 Philadelphia Presbytery Homes and
4 Services for the Aging located at 2050
5 South 58th Street. This latest proposal
6 will allow for the construction of a
7 two-story, 73,122 square foot addition,
8 which will be used as 60 apartments for
9 low-income seniors. This would be in
10 addition to the 243 independent and
11 assisted living units already existing on
12 the site.

13 The Philadelphia City Planning
14 Commission at its meeting on October
15 15th, 2013 approved this Master Plan
16 amendment for the Philadelphia Presbytery
17 Homes and Services for the Aging.

18 The Philadelphia City Planning
19 Commission at its meeting of November
20 19th, 2013 recommended that Bill No.
21 130812 be approved as an item in accord
22 with previous policy.

23 I'd be happy to answer any
24 questions you may have.

25 COUNCILMAN GREENLEE: Thank

1 12/3/13 - RULES - 130589, etc.

2 you.

3 Any questions for Mr. Kramer on
4 this bill?

5 (No response.)

6 COUNCILMAN GREENLEE: Seeing
7 none, anyone else here to testify on Bill
8 No. 130812?

9 (No response.)

10 COUNCILMAN GREENLEE: Seeing
11 none, Ms. Marconi.

12 THE CLERK: Bill No. 130855, an
13 ordinance amending Title 14 of The
14 Philadelphia Code, entitled "Zoning and
15 Planning," by revising certain use
16 regulations relating to vehicle and
17 vehicular equipment sales and service
18 uses in certain commercial districts,
19 under certain terms and conditions.

20 COUNCILMAN GREENLEE:

21 Mr. Kramer.

22 MR. KRAMER: Good morning,
23 Chairman Greenlee, members of the Rules
24 Committee. I am William Kramer, Division
25 Director of the Development Division of

1 12/3/13 - RULES - 130589, etc.
2 the Philadelphia City Planning
3 Commission. I am here today to testify
4 on Bill No. 130855, which was introduced
5 into City Council November 14th, 2013 by
6 Councilmember Squilla.

7 Bill No. 130855 amends the
8 Philadelphia Zoning Code by changing the
9 uses allowed in commercial districts by
10 no longer permitting personal vehicle
11 repairs and maintenance in either a CA-1
12 or CA-2 Commercial Auto District.
13 Additionally, commercial and personal
14 vehicle sales and rentals as well as
15 vehicle equipment and supplies sales and
16 rentals will now require a special
17 exception in the CA-2 zoning designation.

18 The Philadelphia City Planning
19 Commission will be considering Bill No.
20 130855 at its meeting of December 10th,
21 2013.

22 That concludes my testimony.
23 I'd be happy to answer questions if you
24 have them.

25 COUNCILMAN GREENLEE: Thank

1 12/3/13 - RULES - 130589, etc.

2 you, Mr. Kramer.

3 Any questions?

4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, anyone else here to testify on Bill
7 No. 130855?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, Ms. Marconi, I think we're going to
11 call two bills at one time, correct?

12 THE CLERK: Right. Bill No.
13 130768, an ordinance amending Title 14 of
14 The Philadelphia Code, entitled "Zoning
15 and Planning," by revising certain
16 provisions relating to definitions of
17 certain industrial use categories and
18 regulations; and

19 Bill No. 130813, an ordinance
20 to amend the Philadelphia Zoning Maps by
21 changing the zoning designations of
22 certain areas of land located within an
23 area bounded by Lindbergh Boulevard, 84th
24 Street, Cobbs Creek, Springfield Avenue,
25 and 54th Street.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREENLEE:

3 Mr. Kramer, why don't you give testimony
4 on both bills at the same time.

5 MR. KRAMER: Yes, sir. I will
6 do that.

7 Good morning, Chairman
8 Greenlee, members of the Rules Committee.
9 I am William Kramer, Division Director of
10 the Development Planning Division of the
11 Philadelphia City Planning Commission. I
12 am here today to testify on both Bill No.
13 130768 and 130813, which were introduced
14 into City Council October 31st, 2013 by
15 Councilmember Johnson.

16 Bill No. 130768 amends the
17 Philadelphia Zoning Code by amending
18 Section 14-600 of the code, entitled
19 "Uses Regulations." The legislation
20 would remove the following uses as
21 permitted uses in the ICMX Industrial
22 Commercial Mixed-Use Districts: personal
23 vehicle sales and rental, personal
24 vehicle repair and maintenance,
25 commercial vehicle sales and rental,

1 12/3/13 - RULES - 130589, etc.

2 commercial vehicle repair and
3 maintenance, vehicle paint finishing
4 shop, and vehicle equipment and supplies
5 sales and rental.

6 The Bill No. 130813 rezones the
7 area bounded by Lindbergh Boulevard, 84th
8 Street, Cobbs Creek, Springfield Avenue,
9 and 54th Street. The bill primarily
10 focuses on rezoning I-2 Medium Industrial
11 District properties to ICMX Industrial
12 Commercial Mixed-Use District properties.
13 This would allow for more appropriate use
14 of the property adjacent to residential
15 districts and allow for more development
16 options for the reuse of vacant land.

17 The reason these are combined
18 is, the rezoning is in connection with
19 the change in the zoning classification.
20 It is intended to make the existing uses
21 more compatible with existing residential
22 components in there.

23 In both cases, the Philadelphia
24 City Planning Commission considered Bill
25 No. 130768 at its meeting of November

1 12/3/13 - RULES - 130589, etc.

2 19th, 2013 and it is the recommendation
3 of the Planning Commission that the bill
4 be approved with the amendment that the
5 personal vehicle sales and rental,
6 personal vehicle repair and maintenance,
7 and vehicle equipment and supplies sales
8 be retained as a matter of right in ICMX
9 Industrial Commercial Mixed-Use
10 Districts. They believe that the current
11 provisions of the bill are too
12 restrictive for the auto-oriented uses.
13 It further considered Bill No. 130813 and
14 did recommend that that bill be approved.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Councilman Kenney.

18 COUNCILMAN KENNEY: Thank you,
19 Mr. Chairman.

20 Mr. Kramer, in the second bill
21 you testified on, what are the uses that
22 would be prohibited and what are the most
23 appropriate uses relative to residential?

24 MR. KRAMER: In this instance,
25 what they were trying to do is get rid of

1 12/3/13 - RULES - 130589, etc.

2 the auto sales lots, the auto sales of
3 the equipment, the R&S Strausses of the
4 world, and auto repair facilities, the
5 body and paint shops, owing to the nature
6 of the residential community surrounding
7 this industrial strip in, I want to call
8 it, the Southwest portion of the City.

9 COUNCILMAN KENNEY: Are there
10 many that exist today?

11 MR. KRAMER: It is my
12 understanding they're all in a
13 transitional period, so there's a lot of
14 vacancy and they're trying to regenerate
15 in there. I don't know specifically how
16 many.

17 COUNCILMAN KENNEY: They would
18 need a special provision?

19 MR. KRAMER: I'm sorry?

20 COUNCILMAN KENNEY: They would
21 need a variance in order to do that?

22 MR. KRAMER: Yes, sir.

23 COUNCILMAN KENNEY: Thank you.

24 COUNCILMAN GREENLEE:

25 Councilman Henon.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN HENON: Mr. Kramer,
3 the designation ICMX, is that to add as a
4 buffer? Is it like a buffer to a
5 transition from --

6 MR. KRAMER: Yes, sir.

7 COUNCILMAN HENON: --
8 industrial to residential?

9 MR. KRAMER: The ICMX came into
10 the new code and it translated from what
11 used to be the L-4 and L-5 districts,
12 both of which recognize that there were
13 industrial uses that weren't necessarily
14 the industrial uses that you'd have, like
15 glass furnaces and outdoor storage of
16 materials and the like. They were always
17 intended as a transitional zoning
18 classification that was used. That's
19 where this is now being further amended
20 to take the vehicular sales out of it to
21 allow of the consideration of a more
22 compatible use that goes in. It could be
23 where you're assembling parts. You're a
24 furniture maker and you're having the
25 parts come into your facility and you're

1 12/3/13 - RULES - 130589, etc.

2 taking the parts from a supplier and then
3 putting them together to get a final
4 product. It's that type of use, is what
5 they're talking about doing here.

6 COUNCILMAN HENON: Okay.

7 COUNCILMAN GREENLEE: Before I
8 recognize Councilman Green, just so I'm
9 clear on this, on 130768, Mr. Kramer, the
10 Planning Commission is recommending this
11 amendment because they feel the bill is
12 too restrictive. My understanding -- has
13 there been conversation with Councilman
14 Johnson?

15 MR. KRAMER: I do not believe
16 so.

17 COUNCILMAN GREENLEE: And my
18 understanding is there is no amendment
19 being offered by the Councilman.

20 MR. KRAMER: That is correct.

21 COUNCILMAN GREENLEE: Okay.

22 Thank you.

23 Councilman Green.

24 COUNCILMAN GREEN: Thank you.

25 Do you have a copy of the

1 12/3/13 - RULES - 130589, etc.

2 amendment you'd like to see?

3 MR. KRAMER: I do not have one
4 with me here, no, sir. I was led to
5 believe that would be handled through the
6 Law Department, would then be forwarding
7 that too, and in such a case, this would
8 just be changing the chart.

9 COUNCILMAN GREEN: To whom
10 would they be forwarding the amendment?

11 MR. KRAMER: They would forward
12 that through the Mayor's Legislative
13 Office.

14 COUNCILMAN GREEN: So just to
15 be clear, without an amendment, the
16 Planning Commission is opposed to 130768?

17 MR. KRAMER: Correct. Yes,
18 sir.

19 COUNCILMAN GREEN: Okay. And
20 your basic objection, if I understand it,
21 is while the restrictions may be correct
22 for this particular piece of land, ICMX,
23 if that's how the Councilman and the
24 community agree; however, it is not
25 appropriate to create these restrictions

1 12/3/13 - RULES - 130589, etc.
2 on a citywide basis?

3 MR. KRAMER: That is
4 essentially what the Commission was
5 saying, yes, sir.

6 COUNCILMAN GREEN: So have you
7 talked to Councilmember Johnson about an
8 overlay or some other different way of
9 addressing his concern for the
10 neighborhood without changing the code on
11 a citywide basis, which I don't agree
12 with.

13 MR. KRAMER: I have not. I
14 have not had -- this was handled by
15 others on my staff, and this one I don't
16 know if that discussion was held or not.
17 Excuse me just --

18 COUNCILMAN GREEN: It seems to
19 me that's a fairly simple way to resolve
20 this dispute. Councilmember Johnson gets
21 what he wants for the community he
22 represents and it doesn't restrict ICMX
23 throughout the entire city where these
24 uses are likely appropriate in many
25 places.

1 12/3/13 - RULES - 130589, etc.

2 MR. KRAMER: You certainly make
3 a valid point. My problem is that at the
4 meetings that were held with Councilman
5 Johnson and my staff -- or I should say
6 the staff of the Planning Commission did
7 attend several meetings with the
8 Councilman and his staff, and this is
9 what they came up with. What I can't
10 answer for you is, I don't know if the
11 idea of creating an overlay was put on
12 the table and discussed at that point.
13 They may have done that. I can't answer
14 as to why they would or would not have
15 gone down that path. I don't know the
16 answer to that.

17 COUNCILMAN GREEN: It kind of
18 leaves us in a difficult situation.

19 MR. KRAMER: I concur, yes,
20 sir. I wish I had known the answer to
21 that, but I do not.

22 COUNCILMAN GREENLEE: I will
23 say, I was just told for the record that
24 Councilman Johnson is not interested in
25 putting in any amendment. So he wishes

1 12/3/13 - RULES - 130589, etc.
2 this bill -- it's his wishes for the bill
3 to go through as it's written here. I
4 guess a possibility, if I could throw out
5 a possibility, is, Councilman Green, your
6 suggestion about -- I guess that would
7 have to be a separate bill.

8 COUNCILMAN GREEN: Right.

9 COUNCILMAN GREENLEE: Maybe a
10 discussion about a separate bill with
11 that. But I think, if I could guess what
12 Councilman Johnson is thinking of, he
13 right now is concerned about his area
14 where this seems to be an acute problem
15 and he's trying to address it now, and
16 maybe in the future there could be some
17 discussion about a bill that could be
18 specific to that area.

19 COUNCILMAN GREEN:
20 Mr. Chairman, I wonder if we could hold
21 both these bills until next Wednesday
22 when we're going to get together anyway
23 so that there's potentially the chance to
24 see if we can get an overlay done and a
25 compromise rather than changing the

1 12/3/13 - RULES - 130589, etc.

2 entire City Zoning Code for one piece of
3 property in the City.

4 COUNCILMAN GREENLEE: I
5 understand Councilman Johnson is on his
6 way, so we could have that discussion.
7 Obviously we have a time issue. I think
8 the idea is to try to get this bill
9 passed by next Thursday. So I don't know
10 if we could accommodate that, but why
11 don't we -- I think, Ms. Gordon, you
12 wanted to testify too.

13 Are there any other questions
14 for Mr. Kramer first?

15 (No response.)

16 COUNCILMAN GREENLEE: Why don't
17 we have Ms. Gordon testify, and then I
18 think Councilman Johnson will be coming
19 and maybe we can explore this a little
20 further.

21 Ms. Gordon, if you could come
22 forward, please.

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN GREENLEE: Good

1 12/3/13 - RULES - 130589, etc.

2 morning. If you could please identify
3 yourself for the record and proceed.

4 MS. GORDON: Good morning.

5 COUNCILMAN GREENLEE: Good
6 morning.

7 MS. GORDON: My name is Tracy
8 Gordon. I represent Southwest Concerned
9 Citizens. I live in Southwest
10 Philadelphia, 2nd Council District, as a
11 homeowner for over 20 years, about 30
12 years in total.

13 I'd like to thank Councilman
14 Johnson for introducing this bill. It's
15 been a year -- this is actually the year
16 anniversary of a meeting that we had that
17 I never seen where a meeting where people
18 from different areas of Southwest came
19 for one particular issue. And this was
20 happening in our area, and the quality of
21 life is what these auto repair shops or
22 they're taking like garages like on the
23 corner of a residential block and they're
24 just opening up an auto repair shop. And
25 like one block, like the whole block,

1 12/3/13 - RULES - 130589, etc.
2 they have like abandoned cars where
3 they're taking parts and salvaging and
4 tires everywhere. We got loads of tires
5 going into the creek.

6 A couple years ago under the
7 administration of Anna Verna, Essington
8 Avenue is where mostly the auto salvage
9 shops are and where you can buy new cars,
10 and they really cleaned that area up
11 really, really nice. I mean, it looks
12 nice. It seems like now in our
13 residential neighborhood on a regular
14 block with kids running around,
15 businesses are opening, which maybe they
16 were zoned maybe years ago, they are
17 opening up auto repair shops and they are
18 just doing anything. It's so much
19 dumping. It looks horrible on a block.

20 If you go on the 6300 block --
21 and I'm sorry. I had photos, but my
22 house is being remodeled, so I can't find
23 my photos. I can't get to it.

24 But if you go on the 6300 block
25 of Paschall, this used to be an auto -- I

1 12/3/13 - RULES - 130589, etc.
2 guess it was zoned for auto, and you
3 should see what this man has done to a
4 residential neighborhood. It's right
5 across the street from the -- I'm sure
6 some of you might have been there.
7 What's that, the region --

8 COUNCILMAN KENNEY: American
9 Legion?

10 MS. GORDON: American Legion,
11 yeah. And actually destroyed a block.
12 Actually all you see is parts, oil, oil
13 dumping, cars.

14 We're not adverse to business.
15 If you look on Woodland Avenue business
16 corridor, it's booming. What we are
17 adverse to is when these shops are
18 opening up on residential and business
19 blocks, they are actually parking cars on
20 pavements. We just did a
21 multi-million-dollar bike trail, and we
22 have an auto repair shop that has ten
23 cars on there that is blocking access to
24 a multi-million-dollar bike trail, which
25 is a hazard, because kids and families

1 12/3/13 - RULES - 130589, etc.

2 are going to have to ride around in the
3 street. We have had this problem for a
4 really long time.

5 So, for instance, like in
6 Southwest Philly, a lot of us have
7 garages, and so what they're doing is,
8 some of these garages maybe 30 years ago,
9 the way they did business was probably
10 better, but now like they open up a
11 garage in the middle of 63rd and Windsor
12 and all you see -- if you go over the
13 bridges, all you will see is cars parked
14 all along the pavement, which is illegal.
15 We finally are getting the 12th District
16 to address them and ticket them.

17 So we're not adverse to
18 business growth. We are not adverse to
19 an R&S Strauss, an Auto Zone. We don't
20 have any really problems with them. We
21 have problems with just the amount of
22 garages that are doing business in
23 Southwest Philadelphia.

24 COUNCILMAN GREENLEE: And right
25 in the middle of what is a residential

1 12/3/13 - RULES - 130589, etc.

2 area basically.

3 MS. GORDON: In the middle of
4 our block.

5 COUNCILMAN GREENLEE: If I
6 could interrupt one second.

7 Mr. Kramer -- and you may not
8 know this -- is this an unusual situation
9 in the City where this zoning is in
10 pretty much of an otherwise residential
11 area or is this something that goes on,
12 if you're aware, in other areas of the
13 City?

14 MR. KRAMER: What I will tell
15 you is that when the initial zoning maps
16 were done way back when, the world was a
17 different place, and in this particular
18 instance, a lot of the properties that
19 she's discussing at this point were in
20 fact zoned General Industrial, which
21 would allow a lot more heinous uses than
22 even what she's currently experiencing.
23 We have also seen this same type of thing
24 happen in South Philadelphia where at the
25 time of the inception of the zoning maps,

1 12/3/13 - RULES - 130589, etc.

2 it was a garage, and according to what
3 the code uses were at the time, you
4 rezoned it or you zoned it at that point
5 to a General Industrial use to permit the
6 existing auto repair facility. Times
7 changed, operations changed, and then it
8 became a real problem even in parts of
9 South Philadelphia wherein point of fact
10 row houses were on either side exactly of
11 these same type things. So it's not
12 unusual that this --

13 COUNCILMAN GREENLEE: And has
14 that been rectified in any way?

15 MR. KRAMER: In many instances,
16 it has. I can't say that we've been a
17 hundred percent successful.

18 COUNCILMAN GREENLEE: In what
19 way, if I could ask?

20 MR. KRAMER: Well, a lot of
21 times these uses have gone away, and then
22 some of the changes have been put in
23 place to rezone them from G-2 General
24 Industrial to a different classification,
25 not all of which were L-4, L-5. In this

1 12/3/13 - RULES - 130589, etc.

2 instance, that's one of the steps we're
3 doing, is to take the existing industrial
4 classifications that are there and rezone
5 them to Industrial Commercial Mixed-Use
6 that would allow for more of a commercial
7 use in these properties.

8 Most of the ones that are in
9 question ran basically along a rail line,
10 which is why they were initially
11 instituted as General Industrial. And
12 I've been told that there was certainly
13 discussion with the Councilman about
14 creating this as an overlay district and
15 that that wasn't on the table. So it was
16 discussed that we could do that, and for
17 whatever reason, that wasn't going to
18 move forward. So we did the next best
19 thing. And this particular bill did go
20 to the Commission with a staff
21 recommendation of approval, and it was
22 the Commission's determination that they
23 thought it was too restrictive and wanted
24 to pull it out.

25 In reality, there are a number

1 12/3/13 - RULES - 130589, etc.
2 of other classifications in the code that
3 you could rezone a property to to permit
4 these uses, if that's appropriate for
5 that location. So the code does allow
6 these uses, but it's a matter of placing
7 the right classification on it. In this
8 instance to try to facilitate the
9 commercial uses given the existing
10 residential components around them, it
11 was figured that the ICMX was the
12 designation to go with, but the ICMX had
13 this hole in it that said you could also
14 have the very types of uses that this
15 lady has put forth in her testimony that
16 have caused such a problem. And it's the
17 behavioral thing out from the operator's
18 point of view. I've seen many of these
19 at the Zoning Board of Adjustment, tires
20 being stored outside, and it was a very
21 common proviso with the Zoning Board of
22 Adjustment to provide that all work be
23 done inside the building to get rid of
24 people parking on the sidewalks.

25 COUNCILMAN GREENLEE: But you

1 12/3/13 - RULES - 130589, etc.

2 can't do that now because they're already
3 existing, right?

4 MR. KRAMER: Correct.

5 COUNCILMAN GREENLEE: In
6 Ms. Gordon's problem, you can't do that
7 now. You could do it in the future,
8 right?

9 MR. KRAMER: Right.

10 COUNCILMAN GREENLEE: But the
11 ones that exist now --

12 MR. KRAMER: This is trying to
13 anticipate what will come down the line.
14 Unfortunately, the zoning is not the
15 strongest tool in the world to use. It's
16 not something that will get rid of a
17 problem for you overnight.
18 Unfortunately, I wish it could, but it
19 does not have that capacity.

20 COUNCILMAN GREENLEE:
21 Councilman Green and then Councilman
22 Kenney.

23 COUNCILMAN GREEN: Thank you.

24 Mr. Kramer, to be clear, with
25 respect to properties that are currently

1 12/3/13 - RULES - 130589, etc.

2 in that use, changing the zoning will not
3 change their use. They will still stay
4 and have the right to stay.

5 MR. KRAMER: Correct, making
6 the assumption they are legally there to
7 start with. I can't change the zoning
8 classification and get rid of them. That
9 won't -- it will prohibit them from
10 expanding. It will prohibit them or at
11 least without having going through the
12 Zoning Board of Adjustment.

13 COUNCILMAN GREEN: Okay. Thank
14 you.

15 Ms. Gordon, the concerns you --
16 you're a great advocate for your
17 community.

18 MS. GORDON: Thank you.

19 COUNCILMAN GREEN: You're
20 always here fighting for them, and I
21 certainly appreciate that. The concerns
22 you express are real. They affect your
23 neighborhood, and I don't disagree with
24 anything you said and I'd like to be
25 supportive of the restrictions you'd like

1 12/3/13 - RULES - 130589, etc.

2 placed there, but I don't want to change
3 the entire City Zoning Code just to help
4 you with your particular problem.

5 Do you have -- I assume if we
6 were somehow able to figure out how to
7 add a map, for example, to the current
8 amendment, to the current 130768, that
9 specifically provided for these changes
10 in the area in your neighborhood, you
11 would be satisfied with that, because
12 there are many neighborhoods where ICMX
13 as it currently is are appropriate.

14 MS. GORDON: Well, that's --
15 I'm here to testify for the 2nd Council
16 District, my area. I can't really speak
17 on other areas because I don't know the
18 seriousness of their issues. However, I
19 would imagine if they are operating the
20 way they're operating in our Council
21 district, then I would imagine every
22 Councilperson is having those same
23 complaints.

24 COUNCILMAN GREEN: And each
25 Councilperson will, when they do the

1 12/3/13 - RULES - 130589, etc.
2 remapping and rezoning, will determine
3 what they would like in their areas, but
4 I'm certainly committed to trying to do
5 what I can to fix it for your
6 neighborhood.

7 MS. GORDON: And I would like
8 the City Planning to come and actually
9 look and visit. If they seen or --
10 matter of fact, along the rail lines
11 where they are persistent, you will see
12 tires, half cars. On one corner of a
13 block, it's like you would really cry for
14 the children in that neighborhood what
15 they have done with -- it's like in the
16 middle of a residential neighborhood, you
17 have piles and piles and piles of
18 abandoned cars there. For the future, we
19 don't know what that's -- that's going to
20 be a Superfund problem right there. We
21 don't know what the air quality is with
22 all those cars being there, the oil
23 dropping, kids are walking by back and
24 forth to go to school there, the oil is
25 upon the bottom of -- it has to be fixed.

1 12/3/13 - RULES - 130589, etc.

2 It really has to be fixed for our area,
3 and I would attest that any Councilperson
4 will fight for their area if they see
5 what's going on in our area. It's just
6 unbelievable. It really is bringing down
7 our quality of life and property values
8 in our neighborhood.

9 COUNCILMAN GREEN: Well, thank
10 you for your advocacy.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Councilman Kenney, then
14 Councilman Johnson, then Councilwoman
15 Blackwell.

16 COUNCILMAN KENNEY: Thank you,
17 Mr. Chairman.

18 First of all, Southwest Philly
19 has been suffering with this forever. I
20 mean, it is a Superfund site in some way.
21 I mean, you go out Lindbergh Boulevard,
22 out Island Avenue, I mean, it is just
23 nothing but junkyards and chop shops and
24 a mess. So I totally understand the
25 reason why you are so strongly for this,

1 12/3/13 - RULES - 130589, etc.
2 but as I travel through the City, I see
3 it everywhere. I see it in Northwest
4 Philadelphia. I see it in South Philly.
5 I see it in West Philadelphia, where
6 these are not the R&S Strausses and Auto
7 Zones. Those are big national companies
8 who have the wherewithal to get a
9 variance. It's these guys who want to
10 open up their one-man operation in the
11 middle of a block or on the corner of a
12 street that need to be stopped, and they
13 should have to go to the Zoning Board to
14 get a variance to open up a business like
15 that, because it affects the neighbors
16 directly. R&S Strauss, Auto Zones are
17 generally in a strip mall. They're in an
18 area where there's a McDonald's and a gas
19 station and those things, but the guy who
20 wants to open up to change oil, remove
21 gas tanks, take off tires, do all that
22 stuff in the middle of a neighborhood
23 needs to go to the Zoning Board, as far
24 as I'm concerned, and I don't think
25 that's a big burden to put upon them.

1 12/3/13 - RULES - 130589, etc.

2 And it is happening in every part of the
3 City that I travel through. I see them
4 popping up all over the place.

5 So I have no problem in
6 requiring that individual who wants to do
7 that kind of business in a residential
8 setting to go the extra step to get a
9 zoning variance. So I'd be supportive of
10 this bill as is.

11 MS. GORDON: And, God forbid,
12 if someone opens up a tire repair shop
13 around your neighborhood, tires are going
14 to be dumped all over, and because we
15 approved of the City not picking up
16 tires, that has become tire hell in our
17 city now, because they don't pick them
18 up. Now, we've made some sort of
19 adjustment through the Administration
20 where we are able to call certain
21 sanitation people to come pick up tires,
22 but when that first -- I don't know if it
23 was a bill, but decision that was made by
24 Streets and Sanitation, that became a
25 quality-of-life issue for us, because

1 12/3/13 - RULES - 130589, etc.

2 what they're saying is somebody can come
3 and dump a tire in front of your house.

4 COUNCILMAN KENNEY: On your
5 fire hydrant.

6 MS. GORDON: And you say, Well,
7 I didn't dump it there, but you have to
8 move it. You can get a fine.

9 So what the City is saying is,
10 Well, then you have to put it in your car
11 and bring it to a designated location.
12 Like who is going to do that except me?
13 And I can't keep putting them tires in
14 the back of -- so it's really been a
15 problem.

16 COUNCILMAN GREENLEE: We
17 understand.

18 Councilman Johnson, did you
19 want to -- please.

20 COUNCILMAN JOHNSON: Thank you.

21 The idea for the resolution
22 came as a result of several community
23 meetings out in the Southwest part of the
24 area where there's a proliferation of
25 these, I call them, chop shops/salvage

1 12/3/13 - RULES - 130589, etc.
2 yards/renegade auto shops that just
3 totally brings down the quality of life,
4 not only in that particular area but all
5 throughout the Philadelphia area. So
6 somebody posed a question about the issue
7 of an overlay from the beginning, and
8 obviously in preliminary conversations
9 with the Planning Commission, it was
10 expressed that they have also received
11 complaints from various District
12 Councilpeople, with all due respect to
13 at-large people. District Councilpeople
14 have already reached out to the Planning
15 Commission regarding such issue. I think
16 my staff made sure that individuals did
17 get the information prior to.

18 But this initial conversation
19 for this particular issue revolved around
20 the proliferation of the junk/chop shops
21 in the Southwest part of our community,
22 and we wanted to make sure that we
23 aggressively get a hold on it. At the
24 end of the day, rather it's Southwest
25 Philadelphia, South Philly or citywide,

1 12/3/13 - RULES - 130589, etc.
2 it really just requires you to get a
3 variance, to go in front of the
4 community, rather you be R&S Strauss or
5 the neighborhood Pep Boys, still if
6 you're in a residential community and
7 you're operating one of these types of
8 businesses. Because even the most
9 professional businesses don't always take
10 care of their outside property the way
11 they would depending on one neighborhood
12 to the next neighborhood. And I can
13 point to various degrees of how
14 businesses operate, rather it's
15 Washington Avenue, Point Breeze, to Broad
16 Street, to the middle of Point Breeze, to
17 parts of Southwest or even the Northeast.

18 And so this just requires, from
19 the zoning standpoint, the responsibility
20 of that business owner to get community
21 input and get signed off as it relates to
22 moving forward.

23 If there are individual
24 district councilmanic concerns, I don't
25 mind having that conversation as well.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREENLEE: Okay.

3 Thank you, Councilman.

4 Councilwoman Blackwell and
5 then -- before Councilwoman Blackwell,
6 just so I'm clear, this bill, if it takes
7 effect, would affect future applications.
8 So the ones that are there now, even the
9 problem ones maybe we can deal with in
10 other ways, but they would still remain.
11 So you're not putting anybody out of
12 business by doing this, correct? I think
13 we want to make that clear.

14 COUNCILMAN JOHNSON: That is
15 clear. I'm also business sensitive as
16 well, Mr. Chairman, but also even for
17 those businesses that will be
18 grandfathered in -- because a lot of this
19 also resulted out of by-right, having the
20 opportunity of by-right open up your
21 business. And as soon as I arrived as a
22 Councilperson, I know I wrote letters in
23 opposition of a couple of the businesses
24 on behalf of the community. The new
25 Zoning Code came in and next thing you

1 12/3/13 - RULES - 130589, etc.

2 know, I get a phone call saying, We
3 totally opposed this particular project.
4 We got a -- I mean, not project. We
5 totally opposed this particular business
6 from opening in this area. The new
7 Zoning Code come in, by-right the
8 business have an opportunity to open, and
9 next thing you know, you have this
10 business that's opened up in the area.
11 So this was another way to get a hold on
12 it, but even with businesses that are
13 already grandfathered in, we're working
14 with L&I through the L&I Task Force to
15 aggressively monitor those situations as
16 well.

17 COUNCILMAN GREENLEE: Because
18 there could be other ways you could get
19 at those.

20 COUNCILMAN JOHNSON: Yes.
21 That's correct.

22 COUNCILMAN GREENLEE:
23 Councilwoman Blackwell and then
24 Councilman Green again.

25 COUNCILWOMAN BLACKWELL: Thank

1 12/3/13 - RULES - 130589, etc.

2 you very much.

3 Certainly I support my
4 colleague Councilman Johnson and
5 certainly the community, Tracy Gordon
6 representing them. My question is, and
7 I'm hoping we can do it, in the title of
8 the bill, they have -- after Springfield
9 Avenue, if it had a period, I'd be okay,
10 but 54th is the 3rd District. Now, the
11 maps don't go to my district, just the
12 wording in the title of the bill, and
13 that's an issue, because it's not in the
14 3rd. It's in the 2nd District.

15 COUNCILMAN GREENLEE: What
16 takes precedence, Mr. Kramer, the map or
17 the --

18 MR. KRAMER: The map takes
19 precedence.

20 COUNCILMAN GREENLEE: That's
21 what I thought.

22 MR. KRAMER: And the 54th
23 Street is in there as a means of creating
24 a boundary, and it has to close,
25 according to the Law Department. So if

1 12/3/13 - RULES - 130589, etc.

2 it doesn't come as a box, then we get a
3 different legal problem.

4 COUNCILMAN GREENLEE: So as
5 long as the map is not touching into the
6 3rd District, it does not affect the 3rd
7 District; is that correct?

8 MR. KRAMER: That is correct,
9 yes.

10 COUNCILMAN GREENLEE:
11 Councilwoman.

12 COUNCILWOMAN BLACKWELL: I
13 don't know that that's the Charter.
14 According to us, our rules say the title
15 has to be what the bill is. If 54th is
16 taken out, then it's not in my district.
17 And I support them. It's not that -- I'm
18 only talking about what's technically
19 correct, because I support the concept
20 and the intent of the bill. It's just
21 that I don't know what happens later with
22 the two districts.

23 COUNCILMAN GREENLEE: I'm not
24 clear on all the geography down there.
25 Is there any other way to make the

1 12/3/13 - RULES - 130589, etc.

2 boundary except 54th Street? I mean, I
3 don't know. I'm just asking.

4 COUNCILWOMAN BLACKWELL: If it
5 didn't have 54th on it, we're fine.

6 COUNCILMAN GREENLEE: But I'm
7 saying is there another way to word that?
8 I don't know if there is.

9 MR. KRAMER: I've been told we
10 can amend the body of the bill
11 notwithstanding -- to make certain that
12 it's clear that it does not include the
13 3rd District. We can make that amendment
14 happen.

15 COUNCILWOMAN BLACKWELL: That
16 won't do it. If you don't take out 54th
17 Street in the title, we're stuck. We've
18 just been through this with Jim Kenney
19 and his bill, on another bill, where you
20 reintroduced something because of the
21 title.

22 So, I mean, I'm happy since now
23 we're at the public hearing part of this
24 discussion that maybe we could correct it
25 now.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREENLEE: Well, if
3 you can't amend the title, I guess then
4 the question is, does the title -- does
5 the title supersede anything else, and
6 I'm not real clear on that.

7 COUNCILWOMAN BLACKWELL: That's
8 what I'm told. Maybe the Law Department
9 or somebody --

10 COUNCILMAN GREENLEE: Maybe we
11 can try to get a -- and I guess my other
12 question, Councilwoman, do you know, that
13 54th Street, would that be affected by
14 this bill? Is there something there that
15 would be affected?

16 COUNCILWOMAN BLACKWELL: I'm
17 not so sure -- I don't believe there's
18 any -- this is just a technical issue. I
19 don't believe that -- we support the
20 Councilman and we support Tracy Gordon.
21 We support the community, and I don't
22 believe the community over there thinks
23 any differently than the community
24 further Southwest. So we're all in sync,
25 except being technically correct by the

1 12/3/13 - RULES - 130589, etc.

2 law.

3 Now, if the Committee feels
4 that if this law changes, then -- I don't
5 know. I don't know, unless somehow you
6 want to include me some other way. I
7 don't know how you do it.

8 COUNCILMAN GREENLEE: You mean
9 not include you some other way, you mean.

10 All right. Let's have some
11 discussion on that.

12 Councilman Green.

13 COUNCILMAN GREEN: Thank you,
14 Mr. Chairman.

15 With respect to that,
16 Councilmember Blackwell, just looking
17 quickly at Bill 130813 that has the
18 language that you're concerned about, I
19 believe you could add to the end of
20 Section 1 that this applies only in the
21 2nd District.

22 COUNCILWOMAN BLACKWELL: Well,
23 you know, I don't know what the Law
24 Department says. I will trust your legal
25 mind. I don't know. I only have in my

1 12/3/13 - RULES - 130589, etc.

2 head --

3 COUNCILMAN GREEN: I
4 understand. I'm just saying that is one
5 possibility.

6 Mr. Kramer, it seems to me that
7 we have not a problem with the Zoning
8 Code but a problem with the
9 classification you're trying to put in
10 this neighborhood. In other words, the
11 whole purpose of a new Zoning Code is to
12 remap neighborhoods so that there's an
13 appropriate classification given the
14 residential area and everything else.
15 And so my question is why we're choosing
16 ICMX as opposed to CMX, which
17 grandfathers all these existing
18 businesses, but only permits uses that
19 the neighborhood would be happy with in
20 the future. Do you understand my
21 question? In other words, why change
22 ICMX, which is appropriate in many places
23 that aren't exactly as close to
24 neighborhoods as this is, that can go in
25 places where the District Councilperson

1 12/3/13 - RULES - 130589, etc.
2 says, Okay, there's not a lot of nearby
3 neighbors, that's an appropriate use for
4 a Jiffy Lube or a Strauss or a Pep Boys,
5 et cetera. Why say ICMX instead of CMX,
6 which would clearly solve all of
7 Ms. Gordon's problems and be responsive
8 to Councilmember Johnson and the
9 neighborhood?

10 MR. KRAMER: Let me turn this
11 over to Eleanor Sharpe of the Planning
12 Commission staff who was involved
13 directly in the discussions with that,
14 and she advises me she may be able to
15 answer that question for you.

16 COUNCILMAN GREEN: That's the
17 purpose of remapping, to put the
18 appropriate new section of the Zoning
19 Code there.

20 COUNCILMAN GREENLEE:
21 Ms. Sharpe, why don't you identify
22 yourself for the record and try to --

23 COUNCILMAN KENNEY: Mr.
24 Chairman?

25 COUNCILMAN GREENLEE: While

1 12/3/13 - RULES - 130589, etc.

2 you're doing that, Councilman Kenney.

3 COUNCILMAN KENNEY: Just one
4 addendum to the question. My
5 understanding relative to the remapping
6 is the length of time it's taking to
7 remap and that during the course of the
8 period of the remapping process, people
9 are starting businesses, doing things
10 before the actual area is remapped. I
11 mean, and I'm not blaming the Planning
12 Commission, because I know the staff is
13 kind of thin and it's a big city. In the
14 meantime, there's kind of like a
15 netherworld or a limbo where people can
16 do what they want to do before it's
17 remapped, and I think that's what I'm
18 concerned about, is that during the
19 remapping process, people start opening
20 up businesses that are not in compliance
21 or make sense in a particular
22 neighborhood, and then it's remapped and
23 it's too late.

24 COUNCILMAN GREEN: Right.

25 MS. SHARPE: Eleanor Sharpe,

1 12/3/13 - RULES - 130589, etc.
2 Director of Legislative Affairs, Planning
3 Commission.

4 So I think our goal -- we
5 worked closely with the Councilman's
6 office staff to figure out the
7 appropriate methodology to address the
8 issues they were facing, and we shied
9 away from overlays, as you know, and
10 partially because we thought this was an
11 issue that affected larger areas of the
12 City, not just specific to his. We had
13 heard other concerns from Councilmembers
14 about similar issues in their district.
15 So we weren't particularly opposed that
16 this would have a major negative impact
17 citywide.

18 When it came to the ICMX
19 specifically for 813, a lot of those uses
20 were going from industrial to ICMX. So
21 that was just a step down that we thought
22 was appropriate. Perhaps not. But that
23 was the methodology, because there's
24 also --

25 COUNCILMAN GREEN: What new

1 12/3/13 - RULES - 130589, etc.

2 section of the Zoning Code is more
3 appropriate to address Ms. Gordon's
4 concern?

5 MS. SHARPE: You might be
6 right, sir.

7 COUNCILMAN GREEN: What?

8 MS. SHARPE: What section is
9 it?

10 COUNCILMAN GREEN: Right. I
11 don't have the Zoning Code memorized. I
12 apologize.

13 MS. SHARPE: I don't either.

14 COUNCILMAN GREEN: But I
15 figured the Planning Commission might --

16 MS. SHARPE: People do.
17 Unfortunately I'm not one of them. So
18 that's something we can look at if
19 there's a more appropriate designation
20 for the areas that he's concerned with.

21 COUNCILMAN GREEN: But, I mean,
22 you're zoning it ICMX --

23 MS. SHARPE: Because we --

24 COUNCILMAN GREEN: -- today and
25 changing ICMX rather than zoning it CMX,

1 12/3/13 - RULES - 130589, etc.
2 which addresses all of her concerns,
3 which doesn't require a citywide change
4 to ICMX. That's the point.

5 MS. SHARPE: Okay. I hear
6 that.

7 COUNCILMAN GREEN: So why do
8 that? Why not zone it CMX, which much
9 more further restricts the growth of the
10 businesses that are objectionable to the
11 neighborhood and also promotes the kind
12 of business growth that the neighborhood
13 would be much happier with? I mean, why
14 are we here? This doesn't make sense.
15 The whole purpose of --

16 COUNCILMAN JOHNSON: Excuse me.
17 Point of information. Point of
18 information, correct?

19 COUNCILMAN GREENLEE: Hold on.
20 Councilman Johnson, you have a point of
21 information.

22 COUNCILMAN JOHNSON: When you
23 say further restricts the growth of the
24 businesses, right, so you're assuming on
25 the premise that when this business wants

1 12/3/13 - RULES - 130589, etc.
2 to open, the community will not be
3 supportive of it if they're just applying
4 for a variance? Would that be maybe the
5 restrictive component?

6 COUNCILMAN GREEN: No. They'd
7 have to apply for a variance under CMX or
8 with the changes to ICMX.

9 COUNCILMAN JOHNSON: So when
10 you say the word "restrictive" --

11 COUNCILMAN GREEN: I'm talking
12 about existing businesses, not new
13 businesses. It's equally restrictive or
14 more restrictive for new businesses, but
15 in terms of the ability to expand and
16 other things for businesses that
17 Ms. Gordon has concern, CMX would --

18 COUNCILMAN JOHNSON: When you
19 say "more restrictive for new
20 businesses," just clarify.

21 COUNCILMAN GREENLEE: I
22 don't -- if you could -- I don't want to
23 debate here, because otherwise we'll go
24 back and forth.

25 COUNCILMAN JOHNSON: I'm just

1 12/3/13 - RULES - 130589, etc.
2 getting clarity.

3 COUNCILMAN GREENLEE: No. I
4 understand. I understand.

5 COUNCILMAN GREEN: Thank you,
6 Councilmember.

7 So let's just talk specifically
8 about IRMX. Why was that use not
9 appropriate as opposed to ICMX?

10 MS. SHARPE: That allows for
11 residential use as well, and I'm not sure
12 that's the direction that the Councilman
13 wanted to go in.

14 COUNCILMAN GREEN: But it's
15 more restrictive in the industrial uses
16 that are permitted and also allows for
17 some small commercial use.

18 MS. SHARPE: Yes, it is. To
19 your point, we considered ICMX, and the
20 others are valid to consider as well.

21 COUNCILMAN GREEN: But it's
22 just concerning to me that we're changing
23 a citywide code provision instead of
24 applying the appropriate designation
25 which exists in the code.

1 12/3/13 - RULES - 130589, etc.

2 MS. SHARPE: Well, that was
3 because we were under the impression that
4 this was a citywide issue, and we could
5 be wrong on that, because we had heard
6 from other Council offices that this was
7 also a concern that impacted certain
8 districts.

9 COUNCILMAN GREEN: How many --

10 MS. SHARPE: Three or four.

11 COUNCILMAN GREEN: How many
12 properties in the City are ICMX today?
13 You're making this property ICMX. It's
14 not ICMX today.

15 MS. SHARPE: No. It's
16 industrial today. The properties we're
17 looking at are industrial.

18 COUNCILMAN GREEN: Right. So
19 you're making it ICMX and changing ICMX
20 instead of making it CMX without having
21 to change it or making it IRMX without
22 having to change it.

23 MS. SHARPE: Correct.

24 COUNCILMAN GREEN: Well, I
25 think that's really poor planning, to be

1 12/3/13 - RULES - 130589, etc.

2 quite honest. And I don't know if this
3 has to be done by a certain date or --

4 COUNCILMAN JOHNSON: No.

5 COUNCILMAN GREEN: -- whether
6 we could make this a zoning use that the
7 neighborhood would be far happier with
8 than ICMX even with the restrictions
9 that are being proposed.

10 MS. SHARPE: Are you suggesting
11 not changing the ICMX requirements and
12 just focus on the neighborhood and do a
13 remapping for them?

14 COUNCILMAN GREEN: I'm
15 suggesting choosing the appropriate
16 Zoning Code provision for that
17 neighborhood, IRMX or CMX --

18 MS. SHARPE: Okay.

19 COUNCILMAN GREEN: -- as
20 opposed to changing a designation which
21 will work in many places in the City.

22 MS. SHARPE: We also thought
23 ICMX would work, but that's okay. We'll
24 take a look at it.

25 COUNCILMAN GREEN: Well, it

1 12/3/13 - RULES - 130589, etc.

2 doesn't work unless you make changes to
3 it, right?

4 MS. SHARPE: Correct.

5 COUNCILMAN GREEN: Okay. Thank
6 you.

7 COUNCILWOMAN TASCO:
8 Mr. Chairman?

9 COUNCILMAN GREENLEE: Yes.
10 Councilwoman Tasco.

11 COUNCILWOMAN TASCO: Listening
12 to the discussion leads me to be
13 concerned that this kind of thing --
14 while I don't have a lot of industrial
15 areas in my district, but if it gives
16 someone the right to take a property and
17 convert it to an auto repair or
18 something, if you have gotten questions
19 from other Councilmembers, District
20 Councilpeople, I think you ought to look
21 at that issue as to how do you rectify
22 and clarify that, because if I see an
23 auto shop opening up, I don't have any
24 right to shut them down.

25 MS. SHARPE: Okay.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILWOMAN TASCO: You see
3 what I'm saying? So you look at the
4 problem citywide, because it's not just
5 going to be in that area. It's going to
6 be all over the City where people think
7 they can do that. So I think you ought
8 to -- and I'm interested in you trying to
9 find a solution to address the issue of
10 having these businesses just pop up in a
11 residential area without going to the
12 Zoning Board for a variance.

13 MS. SHARPE: Got it.

14 COUNCILMAN GREENLEE: Thank
15 you.

16 COUNCILMAN JOHNSON: Just real
17 quickly.

18 COUNCILMAN GREENLEE:
19 Councilman Johnson.

20 COUNCILMAN JOHNSON: I just
21 want to piggyback on what my good
22 Councilwoman from the Great Northwest
23 just talked about. The primary concern
24 with this legislation -- and we're not in
25 a rush, because we want to get it done

1 12/3/13 - RULES - 130589, etc.

2 right. The main issue is these shops
3 just popping up, and you look up the next
4 day and you have some zoning neighborhood
5 groups that don't do their due diligence
6 to let the neighborhood know that the
7 project is about to be voted on and then
8 you just have -- you look up the next day
9 and you'll see two, three, four of these
10 shops in the neighborhood. And really
11 getting a hold on it, rather it be CMX or
12 industrial, residential use, the primary
13 purpose is really not having these
14 renegade shops opening up.

15 COUNCILMAN GREENLEE: If I
16 could, though, I just want to make clear,
17 Councilman, you're willing because of
18 this confusion with the boundary to hold
19 up these two bills; is that correct?

20 COUNCILMAN JOHNSON: And also
21 my colleague and neighbor from the 3rd
22 Councilmanic District, I think whatever
23 the answer was from the Planning
24 Commission as to the borderline --

25 MS. SHARPE: To close the

1 12/3/13 - RULES - 130589, etc.
2 boundary.

3 COUNCILMAN JOHNSON: -- in the
4 3rd Councilmanic District versus 2nd
5 Councilmanic District, and I think we do
6 work back and forth cross district-wise,
7 but for the respect of respecting the 3rd
8 Councilmanic District and the 2nd
9 Councilmanic District, I'm willing to
10 hold the bill for discussion, one, to
11 address Councilwoman Jannie Blackwell's
12 issue as well, but also to get further
13 clarity and make sure that when we pass
14 this bill on final passage regarding the
15 zoning, the zoning usage, we'll get it
16 done right. So we're not in a rush, but
17 we want to make sure it gets done right
18 and stay on top of it.

19 COUNCILMAN GREENLEE: So we're
20 talking about holding both at this
21 present time. So at the appropriate
22 time, we'll say it's held to the call of
23 the Chair, and then when you work all
24 this out, we'll reschedule the bill.

25 Councilman Kenney.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN KENNEY: Just for
3 the record, I'm kind of mystified as to
4 why a business that wants to take off gas
5 tanks, change oil, cut up cars, store
6 tires, and do all the things that these
7 shops do wouldn't need a variance. I
8 mean, I think the neighborhood protection
9 that's necessary is in the variance,
10 because they're such an intrusive type of
11 business that could -- we've had in South
12 Philadelphia or in the 2nd Street area,
13 we had an operation that actually set the
14 building on fire because it was on the
15 second floor of a warehouse. I mean,
16 this is like -- it's an industrial use.
17 You can change the code to call it what
18 you want, but chopping up cars and
19 changing oil and taking off gas tanks is
20 an industrial use, and I don't see why a
21 variance is that big of a hurdle for any
22 type of company like that that's in
23 someone's neighborhood.

24 COUNCILMAN GREENLEE: And,
25 again, I think that from just doing some

1 12/3/13 - RULES - 130589, etc.

2 discussion here, that's a majority

3 opinion, but I think we want to work out

4 this whole boundary line thing and also

5 we're not --

6 COUNCILMAN JOHNSON: Mr. Chair.

7 COUNCILMAN GREENLEE: Yes,

8 Councilman Johnson.

9 COUNCILMAN JOHNSON: But also

10 just piggyback on my Councilman, my

11 colleague, my former professor from South

12 Philadelphia, 13th and Tasker, I'm on

13 18th and --

14 COUNCILMAN GREENLEE: Oh, is he

15 the reason for you? Okay.

16 COUNCILMAN JOHNSON: Well, you

17 know, yeah.

18 But just for the record,

19 though, my primary position has been and

20 it will aggressively still be, no matter

21 how we address the issue moving forward,

22 that those type of businesses will be

23 required to apply for a variance.

24 COUNCILMAN GREENLEE: All

25 right. I understand.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN JOHNSON: So it
3 won't just be a by-right situation. If
4 you're in a residential area, your
5 residents will have a say so if they want
6 this type of business inside their
7 district.

8 COUNCILMAN GREENLEE: So if you
9 let us know, let me know when you're
10 ready after the discussion.

11 COUNCILMAN JOHNSON: We will.

12 COUNCILMAN GREENLEE: I
13 appreciate it.

14 I'd like to kind of end it,
15 because we have a lot, but Councilman
16 Green and then I'd like to move on,
17 please.

18 COUNCILMAN GREEN: Thank you.

19 Just for the record, the
20 current zoning for the area in question
21 is industrial.

22 MS. SHARPE: Correct.

23 COUNCILMAN GREEN: That is why
24 this use is permitted.

25 MS. SHARPE: Correct.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREEN: If we change
3 the zoning of the area to CMX or IRMX,
4 more appropriate for the neighborhood
5 than ICMX based on testimony, would that
6 prevent all of the concerns that
7 Councilman Kenney and Ms. Gordon and
8 Councilmember Johnson raised --

9 MS. SHARPE: I don't believe --

10 COUNCILMAN GREEN: -- with
11 respect to future development?

12 MS. SHARPE: Yeah. I don't
13 believe those uses are allowed by-right
14 under those designated --

15 COUNCILMAN GREENLEE: Speak a
16 little bit more --

17 MS. SHARPE: Sorry. I don't
18 believe those uses are allowed by-right
19 in those designations.

20 COUNCILMAN GREEN: Thank you
21 very much.

22 COUNCILMAN GREENLEE: All
23 right.

24 Sir, you want to say -- if I
25 could ask you to be very brief, please.

1 12/3/13 - RULES - 130589, etc.

2 And we're going to have another hearing
3 on this. We're going to continue this,
4 so I would really ask everybody else, we
5 have a lot of bills here, that we could
6 move on.

7 Sir, again, Ms. Gordon
8 explained the problem in the area. I
9 think we agree with you on that. But if
10 you'd like to identify yourself, and
11 please if I could ask you to be brief.

12 MR. JONES: Yeah. I'm a
13 ten-year resident of Southwest
14 Philadelphia. My name is Maurice Jones.
15 I think what we aren't looking at and
16 giving the perspective of a neighborhood
17 person is that this is a different mode
18 of operation. It's not a regular repair
19 shop that we would take our cars to.
20 These are salvage vehicles that these
21 people are taking parts from and shipping
22 them overseas, et cetera. So this is
23 something different and out of the
24 ordinary in this particular neighborhood,
25 being residential. And you know our

1 12/3/13 - RULES - 130589, etc.

2 beautiful city has a long history, and
3 just down the street from here used to be
4 yards where they had live animals, et
5 cetera, and I'm pretty sure that we don't
6 want to have that again. As time
7 changes, neighborhoods change, and that's
8 where our contention is, is that we want
9 to make sure our neighborhood still
10 becomes a viable residential community.
11 It's not industrial anymore. That time
12 has gone. The railroad tracks are still
13 there, but we have residents there and we
14 don't want those type of things in the
15 community.

16 So it's just a different time,
17 and that's what we're looking for you to
18 follow the time that we are presently and
19 how we live presently. And that's what
20 our contention is. Nothing other than
21 that.

22 Thank you.

23 COUNCILMAN GREENLEE: We
24 understand the problem down there. You
25 certainly have a legitimate problem down

1 12/3/13 - RULES - 130589, etc.

2 there.

3 COUNCILMAN JOHNSON: Mr. Chair.

4 COUNCILMAN GREENLEE: Yes,
5 Councilman.

6 COUNCILMAN JOHNSON: Last
7 comment. And I want to thank the
8 individuals who took time out of your
9 schedule. This has been an issue prior
10 to me even becoming a Councilman. This
11 has been an issue for a long period of
12 time. It just so happened after I got
13 elected, it's one of the issues that the
14 advocates in that area have approached me
15 about issues and concerns. But I do know
16 I wrote a couple letters in opposition of
17 a couple of these same type businesses.

18 If you go to 54th and
19 Kingsessing, if you're an at-large member
20 and you want to get out to the various
21 parts of the City and do some --

22 COUNCILMAN GREENLEE: We get
23 out, Councilman, trust me.

24 COUNCILMAN JOHNSON: You want
25 to get out in my part, I ask you just to

1 12/3/13 - RULES - 130589, etc.
2 visit the 61, 62 -- no; 6200 block of
3 Kingsessing and you take a look at that
4 particular block across from Mt. Moriah
5 Cemetery and you'll get a better idea, or
6 the 5800 block of Grays, right, that
7 whole strip and look at those two
8 businesses, you'll get more clarity on
9 why this is such an important issue.

10 COUNCILMAN GREENLEE: No. I'm
11 familiar with that area, and like I said,
12 it's clear that it's definitely a problem
13 down there, and I believe it's a problem
14 at least in other parts of the City too.

15 All right. So these two bills
16 will be held to the call of the Chair.

17 Ms. Marconi, could we have the
18 title of the next bill, please.

19 (Witness approached witness
20 table.)

21 COUNCILMAN GREENLEE: Mr.
22 Schelter, we're going to hold the bill,
23 so I really would like to move on, unless
24 you have something -- I don't want to
25 keep debating this, because what we're

1 12/3/13 - RULES - 130589, etc.

2 going to bring up could be different --
3 what you bring up could be different than
4 what we get to.

5 MR. SCHELTER: Two minutes.
6 Two minutes.

7 COUNCILMAN GREENLEE: Please be
8 brief, please. Because we're going to
9 have another hearing on this bill.

10 MR. SCHELTER: I understand,
11 but we were the ones that raised this
12 issue --

13 COUNCILMAN GREENLEE: First,
14 identify yourself for the record.

15 MR. SCHELTER: My name is Craig
16 Schelter, head of the Development
17 Workshop. We raised this issue with the
18 Planning Commission. We're totally
19 supportive of the remapping bill that
20 Councilman Johnson was looking to
21 achieve, but we also raised the issue
22 that if you have companies like Jiffy
23 Lube, Pep Boys, Enterprise Car Rental,
24 Midas, auto glass replacement places,
25 precluding those kind of uses under this

1 12/3/13 - RULES - 130589, etc.
2 new zoning category did not make sense to
3 us on a citywide basis and that,
4 therefore, that part of the bill, which
5 you're going to reconsider, is an
6 appropriate thing to do, because we think
7 in those areas, it's economic development
8 in those neighborhoods. It's job in
9 those neighborhoods. And some of those
10 uses go into places that were formerly
11 chop shops.

12 We totally agree. We aren't in
13 any way trying to support chop shops, but
14 there are publicly traded, good, solid
15 companies and employers that we think
16 would be useful in this area.

17 COUNCILMAN GREENLEE: And,
18 again, this isn't stopping them. They
19 would just have to go to the Zoning Board
20 and have the community discussion; that's
21 all.

22 Councilman Kenney.

23 COUNCILMAN KENNEY: So this
24 publicly traded reputable company that
25 provides jobs in the neighborhoods would

1 12/3/13 - RULES - 130589, etc.

2 easily get a variance.

3 MR. SCHELTER: Right. And
4 there are mechanisms in the code, either
5 special exceptions or review by the
6 District Councilperson, that will allow
7 for that kind of subtlety to happen.
8 That's all we're saying.

9 COUNCILMAN GREENLEE: All
10 right.

11 Councilman Green.

12 COUNCILMAN GREEN: Mr.
13 Schelter, I think the point I'm making is
14 different than the point you're making,
15 and so I just want to be clear. The
16 point I'm making is, there's no reason to
17 use ICMX in this area in order to
18 achieve -- there are other provisions of
19 the code that achieve everything that the
20 neighborhood wants, like CMX or IRMX, and
21 that perhaps the appropriate solution
22 here is to give the neighborhood
23 everything it wants rather than change a
24 provision of the code that will be
25 applicable in some areas.

1 12/3/13 - RULES - 130589, etc.

2 MR. SCHELTER: I agree with
3 you.

4 COUNCILMAN GREEN: Thank you.

5 COUNCILMAN GREENLEE: Again,
6 these two bills will be held to the call
7 of the Chair and hopefully we can work
8 out any disagreements.

9 Ms. Marconi, next bill, please.

10 THE CLERK: Bill No. 130775, an
11 ordinance approving a new plan, estimated
12 costs and proposed method of assessment
13 of the Old City Special Services District
14 for and concerning business improvements
15 and administrative services to the Old
16 City area of the City of Philadelphia and
17 authorizing a change to the registered
18 office address of the Old City Special
19 Services District, all under certain
20 terms and conditions.

21 Karen Fegely, Graham Copeland,
22 and Harvey Spear.

23 COUNCILMAN GREENLEE: You can
24 all come forward. Ms. Fegely, if you
25 want to go first. And Mr. Copeland and

1 12/3/13 - RULES - 130589, etc.

2 Mr. Spear, we have your written
3 testimony, so if you could just
4 summarize. You don't have to read that
5 into the record. We have it.

6 (Witnesses approached witness
7 table.)

8 COUNCILMAN GREENLEE:

9 Ms. Fegely, if you could go first,
10 please.

11 MS. FEGELY: Sure. Good
12 morning, Mr. Chairman, members of the
13 Rules Committee. My name is Karen
14 Fegely. I'm the Director of the Office
15 of Neighborhood Economic Development for
16 the Philadelphia Commerce Department. I
17 am here to testify on behalf of the
18 Administration in support of Bill No.
19 130775, which approves a new five-year
20 plan for services and improvements for
21 the Old City District, including
22 estimated costs and the method of
23 assessing property owners.

24 The property owner and business
25 people of Old City came together in 1998

1 12/3/13 - RULES - 130589, etc.
2 to create a business improvement district
3 to provide sidewalk litter removal and to
4 beautify the District.

5 In recent years, the Old City
6 District has successfully adapted to
7 trends affecting Old City by placing
8 increased emphasis on nighttime security
9 and activities such as marketing Old City
10 and business attraction. These services
11 and activities have played a critical
12 role in helping Old City adapt and
13 continue to be a desired location for
14 independent retailers, restaurants,
15 technology businesses, and new residents.

16 The District is to be commended
17 for their efforts to gather input from
18 Old City property owners and businesses
19 during the development of this plan and
20 for creating a plan that responds to
21 current needs in a cost-effective manner.
22 The efforts of the Old City District to
23 keep Old City competitive and successful
24 continue to be critical to the future of
25 this important area in Philadelphia.

1 12/3/13 - RULES - 130589, etc.

2 This worthwhile effort deserves our
3 support.

4 Thank you, and I will be happy
5 to answer any questions you have.

6 COUNCILMAN GREENLEE: Just a
7 quick question. There's no legal problem
8 with moving this forward right away,
9 right?

10 MS. FEGELY: No.

11 COUNCILMAN GREENLEE: I know
12 sometimes with BIDs, but there isn't?
13 Okay.

14 MS. FEGELY: No.

15 COUNCILMAN GREENLEE: Please,
16 and then if there's any questions.
17 Again, we have your written testimony, so
18 if you could just make your comments.
19 Thank you.

20 MR. COPELAND: Chairman
21 Greenlee, members of the Rules Committee,
22 I'm Graham Copeland, Executive Director
23 of the Old City District. Rather than
24 read from this, I'd like to just quickly
25 summarize the process that we went

1 12/3/13 - RULES - 130589, etc.
2 through, which is a formal process
3 prescribed by the Municipal Authorities
4 Act of Pennsylvania. So that requires us
5 to go out to the public, to notify around
6 the meetings, to do a mailing, to
7 calculate an estimated charge for every
8 benefiting property in the District, to
9 hold the public hearing, and to draft the
10 legislation. I'm happy to say that we
11 received zero objections to our plan from
12 1,082 property owners. Not one single
13 property owner who pays an assessment
14 into the District had filed an objection.

15 COUNCILMAN GREENLEE: I don't
16 think I ever heard that one before.
17 That's very good. Thank you.

18 MR. COPELAND: We were very
19 happily surprised to hear that.

20 So I just wanted to say thank
21 you for your consideration and for the
22 support of Councilman Squilla and his
23 staff. We've had a wonderful working
24 relationship with the Councilman over the
25 years that I've been here. And I'm

1 12/3/13 - RULES - 130589, etc.

2 available for any questions.

3 Thank you.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 Mr. Spear, and then if we have
7 any questions.

8 MR. SPEAR: My name is Harvey
9 Spear. I'm former Chairman of the Old
10 City District. I'm now Vice Chairman,
11 head of Clean and Safe, and I want to
12 thank you for your cooperation.

13 We are successful in the fact
14 that we hired a new security company. We
15 require big-belly trash cans, and we are
16 involved with economic development, and
17 we have been working with the local
18 businesses and property owners to improve
19 their buildings and their facades, in
20 addition to a number of other things.

21 Thank you. Any questions, feel
22 free to ask.

23 COUNCILMAN GREENLEE: Any
24 questions from the Committee?

25 (No response.)

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREENLEE: I think
3 you folks are doing a good job down
4 there. Thank you. Thank you.

5 MR. COPELAND: Thank you.

6 COUNCILMAN GREENLEE: Anyone
7 else here to testify on Bill No. 130775?
8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, Ms. Marconi, our next bill, please.

11 THE CLERK: Bill No. 130804, an
12 ordinance amending Title 14 of The
13 Philadelphia Code, entitled "Zoning and
14 Planning," by revising certain
15 provisions, including provisions relating
16 to definitions, civic design review, the
17 Center City Overlay District, East Falls
18 Neighborhood Commercial Overlay District,
19 use categories and regulations, certain
20 residential district dimensional
21 standards, and parking and loading
22 regulations for certain residential and
23 commercial districts, all under certain
24 terms and conditions.

25 COUNCILMAN GREENLEE: Mr.

1 12/3/13 - RULES - 130589, etc.

2 Kramer, you're back.

3 MR. KRAMER: Yes, sir, I am.

4 Good morning, Chairman Greenlee
5 and members of the Rules Committee. I am
6 William Kramer, Division Director of the
7 Development Division of the Philadelphia
8 City Planning Commission. I am here
9 today to testify on Bill No. 130804,
10 which was introduced into City Council
11 October 31st, 2013 by Councilmember
12 Greenlee on behalf of the Administration.

13 Bill No. 130804 contains a
14 number of changes to the new Zoning Code,
15 which went into effect August 22nd, 2013.
16 It is the product of a comprehensive
17 one-year review of the code by the
18 Department of License and Inspections,
19 City Planning Commission, Zoning Board of
20 Adjustment, Department of Commerce, Law
21 Department, and other agencies and
22 stakeholders, as required by City Council
23 in the new code's enacting legislation.
24 A report summarizing the major findings
25 and recommendations of the one-year

1 12/3/13 - RULES - 130589, etc.
2 report was delivered to City Council
3 August 22nd, 2013.

4 The ordinance amends 12
5 subsections of the Zoning Code relating
6 to definitions, civic design review, the
7 Center City Overlay District, the East
8 Falls Neighborhood Commercial Overlay
9 District, use categories and regulations,
10 certain residential district dimensional
11 standards, and parking and loading
12 regulations for certain residential and
13 commercial districts. These changes were
14 recommended through the one-year review
15 process in accordance with the stated
16 purpose of the Zoning Code, which is to
17 promote sound planning principles,
18 sustainable and environmentally
19 responsible practices, positive
20 development, and fair and consistent
21 procedures. For reference, we have
22 provided a fact sheet that described each
23 of these changes in more detail.

24 At its meeting of November
25 19th, 2013, the Philadelphia City

1 12/3/13 - RULES - 130589, etc.
2 Planning Commission recommended approval
3 for Bill No. 130804. Philadelphia City
4 Planning Commission has subsequently
5 received comments from various community
6 groups and professional organizations,
7 including the Development Workshop, the
8 Building Industry Association of
9 Philadelphia, Society Hill Civic
10 Association, Center City Residents
11 Association, and Logan Square
12 Neighborhood Association. These
13 stakeholders have expressly supported
14 many of the changes provided by Bill No.
15 130804; specifically, the inclusion of
16 driveways and easements in the
17 calculation of open area; the exclusion
18 of rezoning of master plan districts and
19 projects smaller than 25,000 square feet
20 or 25 new dwelling units from civic
21 design review; the addition of special
22 parking rules for movie theatres in
23 Center City; and the simplification of
24 the rear yard depth standard in RSA-5 and
25 RM-1 districts to 9 feet.

1 12/3/13 - RULES - 130589, etc.

2 The stakeholders also expressed
3 concerns over other provisions of Bill
4 No. 130804. We have prepared amendments
5 in response to these concerns and
6 respectfully submit them for your
7 consideration.

8 In summary, the amendments
9 would remove the East Falls Overlay curb
10 cut maximum width of 20 feet and allow
11 the citywide standard to apply, which
12 requires Streets Department Committee of
13 Highway Supervisors review starting at 30
14 feet; eliminate the proposed changes to
15 14-803(1)(d) regarding above-ground
16 parking structures in RMX-3, CMX-4, and
17 CMX-5 districts, and maintain the
18 existing code's requirements for special
19 exception approval for above-ground
20 garages in these districts; and increase
21 the minimum threshold for required
22 loading for residential uses in
23 commercial districts to 100,000 square
24 feet.

25 This concludes my testimony.

1 12/3/13 - RULES - 130589, etc.

2 I'd be happy to answer any questions you
3 may have.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. Kramer. Just for the record, in
6 those areas that are affected,
7 particularly I see East Falls mentioned,
8 Center City, have the District
9 Councilpeople been involved in
10 discussions on those --

11 MR. KRAMER: I believe that's
12 correct, yes, sir.

13 COUNCILMAN GREENLEE: And I was
14 told that they are in support of these
15 changes. Is that correct?

16 MR. KRAMER: To my knowledge,
17 yes, sir.

18 COUNCILMAN GREENLEE: All
19 right. Thank you.

20 Any questions for Mr. Kramer?

21 (No response.)

22 COUNCILMAN GREENLEE: Seeing
23 none, thank you.

24 Anyone else here to testify on
25 130804? Ms. Fadullon, Mr. -- please come

1 12/3/13 - RULES - 130589, etc.
2 forward, please, both of you at the same
3 time.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN GREENLEE: Please,
7 identify yourself for the record and
8 proceed.

9 MS. FADULLON: My name is Anne
10 Fadullon. I'm President of the Building
11 Industry Association, which represents
12 the region's residential home builders,
13 residential contractors, and suppliers.
14 We'd like to thank the Planning
15 Commission and Chairman Greenlee for
16 offering Bill No. 130804 and the
17 amendments which make various changes to
18 the new Zoning Code, and we appreciate
19 the opportunity to testify on this
20 legislation before the Rules Committee.

21 We are in agreement with almost
22 everything that's in the bill and the
23 proffered amendments, except for one
24 item, which is Section 14-803 regarding
25 motor vehicle parking standards; (1)(c),

1 12/3/13 - RULES - 130589, etc.
2 which is additional regulations for
3 RSA-5, RM-1, CMX-2, and CMX-2.5
4 districts. We would like to see that
5 language remain as is in the current code
6 as opposed to being changed or amended.

7 We also have several other
8 things that we'd like to see amended in
9 the code based on the one-year review,
10 but we are going to work with the
11 Planning Commission and various City
12 Councilpeople and probably offer some
13 type of amendment bill in the spring. So
14 we appreciate that opportunity to
15 continue to work with you all.

16 Thank you.

17 COUNCILMAN GREENLEE: Thank you
18 for the work you do on this.

19 Please, Mr. Schelter, go ahead.

20 MR. SCHELTER: Good morning,
21 Chairman Greenlee and members of the
22 Rules Committee. My name is Craig
23 Schelter. I'm here today representing
24 the Development Workshop, a 501(c)(4)
25 trade organization dedicated to improving

1 12/3/13 - RULES - 130589, etc.

2 Philadelphia's development climate,
3 increasing its tax base, and improving
4 its neighborhoods.

5 Over the past four years, we
6 have followed closely and participated in
7 the evolution of the former Zoning Code
8 to the new code, which went into effect
9 following the Zoning Code's four-year
10 effort to rewrite the code and its
11 ultimate approval by this City Council.

12 Today, we want to go on record
13 as supporting a number of the specific
14 changes recommended by the Planning
15 Commission in their original draft
16 legislation and including the amendments
17 which Mr. Kramer just mentioned suggested
18 by Commission staff here this morning,
19 which partly came out of recent
20 discussions that we've had with the
21 Planning Commission staff.

22 Among those changes were
23 simplifying the Civic Design Review (CDR)
24 process both by removing the lowest
25 review threshold, which was 25 housing

1 12/3/13 - RULES - 130589, etc.
2 units or 25,000 square feet of
3 development, removing the CDR requirement
4 for rezoning for master plan districts.
5 We strongly support the amendments which
6 remove the maximum parking limits in
7 density developed areas of the City zoned
8 RMX-3, CMX-4, CMX-5. In certain areas
9 where there is market demand, a developer
10 should be able to provide sufficient
11 parking to meet the demand, specifically
12 with high-end mixed-use commercial and
13 residential projects. We also strongly
14 support the clarifications of off-street
15 parking and loading and curb cut access
16 to those functions, putting them more
17 under the jurisdiction of the Streets
18 Department.

19 However, there are also
20 numerous changes proposed by BIA in their
21 testimony that Anne did not go into the
22 specifics, but I've listed them here. I
23 don't think I have to go over them
24 today --

25 COUNCILMAN GREENLEE: That will

1 12/3/13 - RULES - 130589, etc.

2 all be made part of the record.

3 MR. SCHELTER: -- that we
4 support and that we've had an e-mail from
5 Natalie Shieh at the Planning Commission
6 saying their willingness to work with us
7 and BIA on these.

8 I also wanted to suggest that
9 we think this could be accomplished
10 within 30 or 45 days so we do not have to
11 wait through to the entire end of the
12 Council session in June, because it seems
13 to me your big priority is the budget and
14 we think we can have something back in 30
15 to 45 days.

16 Finally, it bears remembering
17 that when City Council approved the new
18 Zoning Code in December 2011, it required
19 the Planning Commission and Licenses and
20 Inspections to provide a one-year report
21 on how the new code fostered more
22 predictable development to both encourage
23 and facilitate investment in Philadelphia
24 and protect neighborhoods. The
25 importance of those reports are not yet

1 12/3/13 - RULES - 130589, etc.
2 diminished and should continue to be a
3 City Council requirement. At the same
4 time, the process for zoning remapping
5 the City has barely begun. It is already
6 becoming clear that the wholesale changes
7 in certain industrial and waterfront
8 districts needs to have some process for
9 posting the areas in question so that
10 landowners can be sufficiently aware of
11 the zoning changes of their property.
12 The process needs to be informed by
13 yearly reports by Licenses and
14 Inspections and the Planning Commission
15 that monitor zoning variances and special
16 exceptions to the code. And this year
17 that was done on simply a numbers basis,
18 and we think that what it shows is that
19 there's going to be an ongoing need for
20 variances no matter what the code says,
21 and we want those reflected in a report
22 to City Council. We think that's a very
23 useful thing to have.

24 Also, in a technical nature, a
25 more user-friendly printed code for

1 12/3/13 - RULES - 130589, etc.

2 regular code users would be extremely
3 helpful. And I realize this is not
4 something before City Council, but the
5 old Zoning Code used a regular yearly
6 update to the code, including all Council
7 amendments. The format was a large ring
8 binder and specific new page inserts to
9 keep the code up to date. At the same
10 time, it conveniently lies flat on one's
11 desk, thereby allowing easy flipping back
12 and forth through the various chapters of
13 the code.

14 In contrast, the new code is a
15 bound volume that literally requires
16 purchasing a new volume every year to
17 stay current and does not allow a
18 flexible way to reference the various
19 chapters. We can all look at it on a
20 computer, but if you're a regular user of
21 it, when you flip back and forth between
22 the various chapters, it's very
23 cumbersome.

24 The Workshop has also
25 recommended that the new code include an

1 12/3/13 - RULES - 130589, etc.
2 index to assist code users. The new code
3 does not allow one to pick out -- does
4 allow one to pick out key words on the
5 electronic online version, but does not
6 provide the same assistance in the hard
7 copy version.

8 As always, the Development
9 Workshop remains interested in working
10 with City Council and Planning Commission
11 to make needed updates as we all discover
12 the complexity of issues embodied in the
13 new code.

14 COUNCILMAN GREENLEE: Thank
15 you.

16 Any questions?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, thank you.

20 Anyone else here to testify on
21 Bill No. 130804?

22 (No response.)

23 COUNCILMAN GREENLEE: Seeing
24 none, Ms. Marconi, next bill, please.

25 THE CLERK: Bill No. 130856, an

1 12/3/13 - RULES - 130589, etc.
2 ordinance amending Title 14 of The
3 Philadelphia Code, entitled "Zoning and
4 Planning," by providing for and
5 regulating accessory Digital News Ticker
6 Signs in the Market Street East
7 Advertising District and adding
8 definitions, all under certain terms and
9 conditions.

10 COUNCILMAN GREENLEE:

11 Mr. Kramer, you're back.

12 MR. KRAMER: Good morning,
13 Chairman Greenlee and members of the
14 Rules Committee. I am William Kramer,
15 Division Director of the Development
16 Division of the Philadelphia City
17 Planning Commission. I am here today to
18 testify on Bill No. 130856, which was
19 introduced into City Council on November
20 14th by Councilmember Squilla.

21 Bill No. 130856 amends the
22 Philadelphia Zoning Code by changing
23 certain sections of the code to allow for
24 Digital News Ticker Signs in the Market
25 Street East Advertising District. The

1 12/3/13 - RULES - 130589, etc.

2 bill places certain restrictions for
3 approval. The sign must be accessory to
4 a permitted business use involving the
5 collection or dissemination of news and
6 information. The sign would not be
7 permitted to exceed 5 feet in height and
8 not be located more than 50 feet above
9 street level and cannot exceed the length
10 of the property's linear frontage along
11 any public street. The bill also
12 provides that a News Ticker sign shall
13 not be counted against the maximum square
14 footage of signs permitted by the code.

15 The Philadelphia City Planning
16 Commission will be considering Bill No.
17 130856 at its meeting of December 10th,
18 2013.

19 I'd be happy to answer whatever
20 questions you may have.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. Kramer. It seems to me that
23 could add a little more life to where we
24 want to add a little more life down
25 there.

1 12/3/13 - RULES - 130589, etc.

2 Any questions for Mr. Kramer on
3 this?

4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, is there anyone else here to
7 testify on Bill 130856?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, moving right along. Ms. Marconi.

11 THE CLERK: Bill No. 130636, an
12 ordinance amending Title 14 of The
13 Philadelphia Code, entitled "Zoning and
14 Planning," by amending Section 14-503 to
15 change the geographic boundaries of the
16 North Delaware Avenue Neighborhood
17 Commercial Area Overlay District by
18 amending Section 14-802 to repeal the
19 special parking controls for the Delaware
20 River Waterfront, all under certain terms
21 and conditions.

22 COUNCILMAN GREENLEE:
23 Mr. Kramer.

24 MR. KRAMER: Good morning,
25 Chairman Greenlee and members of the

1 12/3/13 - RULES - 130589, etc.
2 Rules Committee. I am William Kramer,
3 Division Director of the Development
4 Division of the Philadelphia City
5 Planning Commission. I am here today to
6 testify on Bill No. 130636, which was
7 introduced into City Council September
8 19th, 2013 by Councilmember Squilla.

9 Bill No. 130636, as introduced,
10 amends the Zoning Code to reduce the
11 geographic extent of the North Delaware
12 Avenue Neighborhood Commercial Overlay
13 District and repeals the special parking
14 controls for the Delaware River
15 Waterfront. These changes would promote
16 more mixed-use development and a
17 pedestrian-friendly activity at the
18 waterfront and are consistent with the
19 recommendations of the Master Plan for
20 the Central Delaware Waterfront as
21 adopted by the Philadelphia City Planning
22 Commission in March of 2012.

23 At its meeting of November
24 19th, 2013, the Philadelphia City
25 Planning Commission recommended approval

1 12/3/13 - RULES - 130589, etc.
2 for Bill No. 130636. We understand that
3 amendments have been prepared that
4 focuses the extent of the changes to the
5 North Delaware Avenue Overlay District,
6 the Delaware River Waterfront parking
7 overlay to a more specific geographic
8 area located in the vicinity of Delaware
9 Avenue and Frankford Avenue. The bill,
10 as amended, remains consistent with the
11 recommendations of the Master Plan for
12 the Central Delaware Waterfront.

13 This concludes my testimony.
14 I'd be happy to answer whatever questions
15 you may have.

16 COUNCILMAN GREENLEE: Before we
17 have any other testimony, any questions
18 for Mr. Kramer?

19 (No response.)

20 COUNCILMAN GREENLEE: Seeing
21 none, sir, please identify yourself for
22 the record and proceed.

23 MR. BONI: Thank you. My name
24 is Paul Boni. I'm a land use attorney
25 here in the City of Philadelphia and I'm

1 12/3/13 - RULES - 130589, etc.

2 also a resident of the City. Thank you,

3 Mr. Chair and members of the Committee.

4 I have --

5 COUNCILMAN GREENLEE:

6 Mr. Kramer, just stay there just in case.

7 Please.

8 MR. BONI: I represent two

9 households on the 100 block of Allen

10 Street in Fishtown. My clients are about

11 300 feet from the proposed project which

12 is the focus of this bill. I'm here to

13 represent their opposition to this bill.

14 I'll also note that I have -- I

15 understand there's some sort of amendment

16 to the bill. I have not seen that

17 amendment. If it is available, I would

18 appreciate seeing a copy.

19 COUNCILMAN GREENLEE: I believe

20 it might be up on the table, sir.

21 MR. BONI: I didn't see it

22 there in the beginning.

23 COUNCILMAN GREENLEE: If not,

24 we'll get it. Go ahead.

25 MR. BONI: Thank you very much.

1 12/3/13 - RULES - 130589, etc.

2 First, a little bit of history.

3 In the early '90s, as many of you know,
4 due to the proliferation of nightclubs
5 along the North Delaware Avenue corridor,
6 the immediate neighbors experienced
7 significant incidents of crime. This
8 reached crisis proportions. Murders,
9 rapes, muggings, and generally disorderly
10 conduct were commonplace. Newspaper
11 stories were written, indeed front page
12 cover stories, declaring this,
13 quote/unquote, Hellaware Avenue.

14 There were two responses
15 generally from the City. One was law
16 enforcement and the other was
17 legislative. The law enforcement was the
18 creation of a special Delaware Avenue
19 police task force, and this helped. The
20 other response was from this Council,
21 City Council, and it culminated in the
22 enactment of a zoning overlay known as
23 the North Delaware Avenue Special
24 Controls Overlay, which prohibited
25 nightclubs and places of assembly. This

1 12/3/13 - RULES - 130589, etc.

2 too worked, and over time the clubs began
3 to close and the crimes and nuisance
4 behavior subsided. It worked well, and
5 the police task force was ultimately
6 disbanded.

7 Now comes a developer who wants
8 to put a 3,000-person venue at Delaware
9 and Frankford. This would not just be
10 for live concerts, but also for DJ and
11 rave shows. And there is, frankly,
12 insufficient parking being provided, 500
13 spaces perhaps.

14 The proposal also would include
15 or included a Toby Keith Bar and a sports
16 bar, also with the same amount of
17 parking, which is woefully insufficient.
18 These uses are prohibited by the Zoning
19 Code, and so L&I refused the proposals.
20 And then the developer went to the Zoning
21 Board, where approvals were granted. All
22 zoning approvals have been granted for
23 this project. But my clients exercised
24 their rights to appeal, and so we've
25 appealed the case to the Court of Common

1 12/3/13 - RULES - 130589, etc.

2 Pleas, where the case is currently
3 pending and being briefed. Meanwhile, I
4 hear that the Toby Keith Bar is no longer
5 part of the project. To my knowledge,
6 the sports bar had never signed on. So
7 we really don't know what kinds of
8 nightclubs and places of assembly would
9 be here other than the 3,000-person
10 venue.

11 So that's, members of the
12 Committee, with all due respect, what
13 this spot zoning bill is meant to do, to
14 allow one landowner to build this project
15 to the detriment of the immediate
16 community to try and moot our court
17 appeal.

18 There is opposition to this
19 bill. CDAG, Central Delaware Advocacy
20 Group, is opposed to it, I believe.
21 That's my understanding. I also believe
22 that Fishtown Neighbors Association is
23 not in favor of this bill. I know they
24 convened one meeting where largely remote
25 neighbors voted to support the project.

1 12/3/13 - RULES - 130589, etc.

2 That was one meeting, and those were
3 largely remote neighbors. The local vote
4 was actually 14 to 8. Only 22 people
5 showed up at that meeting, and I recall
6 Councilman Johnson's testimony earlier
7 today about sometimes civic groups doing
8 a good job, getting the word out about a
9 project and getting good attendance at a
10 meeting and sometimes not.

11 Fishtown Neighbors also, by the
12 way, voted to oppose one of the
13 properties contained in this development
14 proposal.

15 Unfortunately, this little
16 pocket of neighborhood is not well known
17 and is not well represented by any of the
18 neighborhood groups. Many people don't
19 even know that there's this great little
20 neighborhood between I-95 and the river.

21 And in closing, I've handed up
22 a petition that my clients have
23 circulated with, at least by my count, 72
24 signers. And if you look at the front
25 map, you can see exactly what the area in

1 12/3/13 - RULES - 130589, etc.

2 question is. The proposed project is
3 orange and the area of the signers is in
4 yellow. The lower area is where my
5 clients live, and it is this particular
6 pocket area. You can see I-95 on the
7 north and then the river and actually the
8 casino across Delaware Avenue. So there
9 is this little residential pocket. This
10 was the focus of all of the crime and
11 disorderly conduct during the unfortunate
12 years of the '90s when we had this big
13 crime problem due to all the nightclubs.

14 So we ask that you please don't
15 allow the return of Hellaware Avenue, but
16 we ask you please support the existing
17 reasonable conditions and to not advance
18 this bill.

19 I thank you very much for your
20 attention and for your good work.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 Councilman Kenney.

24 COUNCILMAN KENNEY: Thank you,
25 Mr. Chairman.

1 12/3/13 - RULES - 130589, etc.

2 Mr. Boni, you've testified here
3 a number of times going to back to the
4 bad old casino conversation days. I
5 remember some of your testimony had to do
6 with crime and bad things that were going
7 to happen as a result of the
8 establishment of the casino.

9 How has the casino been
10 relative to crime in the neighborhood?
11 Has it been the -- has it turned out to
12 be the big concern that you expressed
13 back in those days?

14 MR. BONI: Sure. I'll give you
15 a two-part response. My remarks about
16 crime during the casino licensing and
17 indeed the current casino licensing
18 process was never focused on muggings and
19 thievery at the premises itself. My
20 testimony --

21 COUNCILMAN KENNEY: No. It was
22 neighborhood prostitution and car theft
23 and robberies in the community.

24 MR. BONI: Not my testimony. I
25 know that it is a common fear of people

1 12/3/13 - RULES - 130589, etc.
2 that those types of things are attended
3 to to casinos, and I can relate that a
4 member of my -- a fellow resident of
5 Society Hill related to me just the other
6 day that she spoke to one of the police
7 captains about what sort of crime
8 SugarHouse was propagating and what might
9 be expected at, let's say, 8th and Market
10 or Broad and Callowhill and whatnot.
11 From what I understand from her -- and
12 this is secondhand or thirdhand -- is
13 that the police captain says, you know,
14 it's basically people waiting outside for
15 people that they believe have cash and
16 that they follow them off the property.
17 So --

18 COUNCILMAN KENNEY: So how have
19 they been as a neighbor?

20 MR. BONI: Excuse me?

21 COUNCILMAN KENNEY: How would
22 you rate them as a neighbor? Have they
23 been a bad neighbor, a good neighbor?

24 MR. BONI: Well, I know that in
25 my work on this case at the Zoning Board,

1 12/3/13 - RULES - 130589, etc.

2 we presented -- I went to the police
3 captain, Captain Korn, and his assistant,
4 and they helped me pull out a police
5 report that showed that in the entire
6 calendar year of -- well, it was in one
7 calendar year. I think it was in the
8 calendar year of 2012 that I think almost
9 a thousand police calls were generated
10 for SugarHouse Casino. Now, that's not
11 arrests. That's the police being called.
12 And that may result in an arrest; it may
13 not. It may be drunken behavior or
14 whatnot. And that the state police, I
15 believe they -- the state police actually
16 report on their arrests. That's how
17 their website works. And they had, I
18 think, 142 arrests.

19 But going back to my -- so
20 that's my second -- my first and main
21 point has always been and continues to be
22 that the mainstay of the revenue for
23 casinos comes from addicted and problem
24 gamblers. In fact, in the research that
25 I've shown show that more than half of

1 12/3/13 - RULES - 130589, etc.

2 the revenues for slot players come from
3 problem gamblers. And when you have
4 problem gamblers and addicted gamblers,
5 addiction yields crime. What kind of
6 crime? Fraud, embezzlement, anything
7 that -- bad check-writing, credit card
8 fraud, insurance fraud. That's the type
9 of crime I believe which is most heinous
10 when it comes to crimes of addiction.

11 COUNCILMAN KENNEY: So their
12 existence there has not created a crime
13 problem in the surrounding community as
14 far as physical crime against persons?

15 MR. BONI: So --

16 COUNCILMAN KENNEY: So, I mean,
17 it's not what was purported to be is my
18 point.

19 MR. BONI: Rather than qualify
20 it, I think -- it's a thousand calls last
21 year and 142 arrests by the state police.
22 We can say that's a lot, we can say
23 that's a little. That's an opinion, but
24 those are the numbers and the facts.

25 Now, what you have at

1 12/3/13 - RULES - 130589, etc.

2 SugarHouse, of course, is you have an
3 incredible security force, both internal
4 security, and you have a state police
5 unit that is dedicated to that. So I
6 don't know why we're --

7 COUNCILMAN KENNEY: My point
8 is, the Armageddon that was expected
9 didn't happen. So when you talk about
10 Hellaware Avenue again, I got to harken
11 back to the Armageddon that didn't happen
12 on the casino. I think generally they've
13 been a very good corporate community
14 organization and have supported many,
15 many good works in the community and
16 employ an awful lot of people. So, I
17 mean, my point is that your doom and
18 gloom of SugarHouse never materialized.

19 MR. BONI: If it's okay with
20 you, I would like to agree to disagree.

21 COUNCILMAN KENNEY: Fine.

22 MR. BONI: I hear your points,
23 and I hope you hear mine, and I think we
24 can agree to disagree.

25 COUNCILMAN GREENLEE: Any other

1 12/3/13 - RULES - 130589, etc.

2 questions for either Mr. Boni or
3 Mr. Kramer?

4 MR. BONI: But in conclusion,
5 just to make one final point. We don't
6 have to look at expectations or studies
7 or anything. We know what happened on
8 Delaware Avenue in the '90s. We know the
9 crime that was committed, and this City
10 Council passed an overlay with findings
11 of fact or legislative findings. And so
12 this is not -- you don't have to take my
13 opinion for it. This is a documented
14 crisis that occurred in the '90s, and we
15 want to prevent that from happening, and
16 we think this bill would undo the good
17 protective work that the City Council has
18 done.

19 So thank you for all your
20 questions.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 Any other questions?

24 (No response.)

25 COUNCILMAN GREENLEE: Seeing

1 12/3/13 - RULES - 130589, etc.

2 none, anyone else here to testify on Bill
3 130636?

4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, our final bill today.

7 THE CLERK: Bill No. 130694, an
8 ordinance amending Title 14 of The
9 Philadelphia Code, entitled "Zoning and
10 Planning," by adding provisions
11 permitting and regulating the erection of
12 non-accessory advertising on School
13 District of Philadelphia property, under
14 certain terms and conditions.

15 COUNCILMAN GREENLEE: Before we
16 proceed, first of all, is the School
17 District represented here? There you
18 are. We're going to hear from them
19 first, but before we do that,
20 Councilwoman Reynolds Brown, who is the
21 sponsor of the bill, would like some
22 comments.

23 Councilwoman.

24 (Witnesses approached witness
25 table.)

1 12/3/13 - RULES - 130589, etc.

2 COUNCILWOMAN BROWN: Thank you,
3 Mr. Chairman, to you and members of the
4 Rules Committee. Today we're gathering
5 testimony on Bill No. 130694, which will
6 add provisions permitting and regulating
7 the erection of non-accessory advertising
8 on School District of Philadelphia
9 property to generate additional revenue
10 for the School District of Philadelphia.

11 So imagine like in California,
12 West Philadelphia football field paid for
13 by Nike, or in San Diego, a girls high
14 school gym paid for by Skechers.

15 Allowing for the placement of
16 non-accessory advertising on the School
17 District of Philadelphia property will
18 raise much-needed revenue for the School
19 District. The School District
20 experienced a \$304 million budget deficit
21 for this fiscal year. Since mid
22 November, it has received 112 million,
23 but only 17 million of that total is in
24 recurring funds. This measure will prove
25 to be another way to raise new additional

1 12/3/13 - RULES - 130589, etc.

2 dollars for the School District.

3 Currently, in Pennsylvania in
4 Bucks County in the Pennsbury District or
5 Chadds Ford in Chester County now are
6 pursuing this new revenue stream. In New
7 York City alone last year, the city
8 raised nearly 6 million with its
9 transportation fleet alone, advertising
10 on transportation fleet alone.

11 For sure there are varying
12 views around the thorny issue of children
13 and advertising. However, the record
14 needs to reflect that already young
15 people are exposed to advertising during
16 their commutes back and forth to school,
17 listening to radio, watching television,
18 and of course the Internet. I would ask
19 that members and viewers of this hearing
20 see the value of this measure and support
21 it with a favorable recommendation out of
22 the committee.

23 Today's hearing is a first step
24 in the broader conversation about how to
25 provide new additional dollars for the

1 12/3/13 - RULES - 130589, etc.
2 School District. And your materials that
3 you received in advance shows that at
4 least a dozen school districts around the
5 country are already actively using
6 advertising, strategic advertising,
7 meaning not inappropriate -- well,
8 inappropriate is a value statement.
9 Alcohol and tobacco are prohibited.

10 With that, Mr. Chairman.

11 COUNCILMAN GREENLEE: Thank
12 you, Councilwoman. Thank you for the
13 work you've done on this.

14 Ms. Burns, please. Nice to see
15 you again. Please identify yourself and
16 proceed.

17 MS. BURNS: Sure. Good
18 morning, Chairman Greenlee and members of
19 the Committee on Rules. My name is Fran
20 Burns and I am the Chief Operating
21 Officer for the School District of
22 Philadelphia, and I'm joined by Assistant
23 General Counsel Susan Fetterman to my
24 right. I want to thank Councilwoman
25 Blondell Reynolds Brown for the

1 12/3/13 - RULES - 130589, etc.
2 invitation to testify before this
3 committee on Bill No. 130694 regarding
4 non-accessory signs on School District of
5 Philadelphia property.

6 The School District of
7 Philadelphia will work with Council to
8 explore the ability to generate
9 additional revenue from advertising on
10 School District property. While we
11 remain impartial to how revenue is
12 generated, we acknowledge this idea as a
13 way to generate income from non-tax
14 revenue. The School District will be
15 supportive and cooperative in fully
16 exploring the possibilities presented
17 through Bill No. 130694.

18 Some of the work ahead includes
19 performing a private-use analysis of each
20 building in the District. Since the
21 majority of School District of
22 Philadelphia properties were financed by
23 tax-exempt bonds, the District has been
24 careful to avoid entering into for-profit
25 arrangements where more than 10 percent

1 12/3/13 - RULES - 130589, etc.
2 of the use becomes private use in order
3 to avoid losing our tax-exempt status and
4 facing IRS penalties. Additionally, the
5 current bill as drafted provides a
6 minimum standard to regulate size and
7 prohibit alcohol and tobacco messaging,
8 and part of the continuing discussion
9 would be around more stringent standards
10 when considering the school climate and
11 the community. Lastly, the adoption of
12 any revenue generation idea, this
13 included, requires consideration and
14 approval from the School Reform
15 Commission.

16 Given the reasons outlined,
17 passage of the bill will give the
18 District the ability to explore the
19 generation of revenue through advertising
20 of non-accessory signage on School
21 District property, but passage will not
22 guarantee execution.

23 Again, I would like to thank
24 Councilman Greenlee, Councilwoman
25 Blondell Reynolds Brown, members of the

1 12/3/13 - RULES - 130589, etc.
2 Committee, and City Council for allowing
3 me the opportunity to come before you
4 today on this topic. It is my hope that
5 we can continue to work together on this
6 idea and others in support of revenue
7 generation for the School District of
8 Philadelphia.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Ma'am, did you want to testify
12 too?

13 MS. BURNS: She's just here in
14 case there's some questions on the
15 private use side that I might need some
16 help with.

17 COUNCILMAN GREENLEE: All
18 right. If I could just start out. Have
19 you looked at these other cities that
20 Councilwoman Reynolds Brown has
21 referenced as far as what they're doing?

22 MS. BURNS: I know we have
23 talked with staff about getting the
24 analysis, but I haven't seen it yet.

25 COUNCILMAN GREENLEE: Okay.

1 12/3/13 - RULES - 130589, etc.

2 Because I guess one of my concerns -- and
3 you certainly want to do your due
4 diligence and obviously so does the
5 School Reform Commission, but I guess we
6 don't -- if this bill moves forward,
7 obviously we'd like to see things happen.
8 We don't want it studied to death either.
9 We want to kind of -- I think it would be
10 the desire of Council if we're moving
11 this forward to get it done.

12 Now, again, I'm not saying you
13 do it overnight, but that's why I said
14 kind of any kind of preparatory work
15 you've done already I think is important,
16 because this has been out there as an
17 idea for a while.

18 MR. BURNS: We definitely have
19 some work and opinions around the
20 private-use analysis. So that is
21 something that as this moves forward and
22 we talk about -- we look at the staff
23 work and what other cities have done,
24 that we're prepared to share that in a
25 more concrete way.

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREENLEE: Ideally,
3 do you have any goal, a timeframe when
4 you would like to see this? Saying this
5 moves forward, it hasn't yet, but if it
6 moves forward, have you thought about
7 when you would like to actually see this
8 implemented?

9 MR. BURNS: Well, at this point
10 I'm prepared to say that we want to
11 continue to work on what this might look
12 like, and without jumping ahead to the
13 conclusions on what the private-use
14 analysis will result in, I really can't
15 provide a timeline.

16 COUNCILMAN GREENLEE: Okay. I
17 guess I would just urge, again, if we're
18 doing this, obviously I don't have to
19 tell you, the School District needs
20 money. Councilman Jones likes to use the
21 phrase "paralysis by analysis." So we
22 want to get it right, but we don't want
23 to study it to death either. So I just
24 throw that out there as a comment more
25 than anything else.

1 12/3/13 - RULES - 130589, etc.

2 MS. BURNS: Sure.

3 COUNCILMAN GREENLEE:

4 Councilwoman Tasco.

5 COUNCILWOMAN TASCO: Since most
6 of the schools are in neighborhoods as
7 well as the recreation centers, wouldn't
8 it be helpful if the neighborhoods decide
9 if they wanted a sign rather than we
10 decide or the School District decides
11 that a sign can go on a school?
12 Certainly I think the community could
13 make that decision, and if they feel that
14 it's going to be helpful to the rec
15 center or to the school, may be
16 supportive of that. And then you don't
17 have to worry about you making the
18 decision. It was the neighborhood
19 decision.

20 MR. BURNS: Well, I think that
21 any way we would move forward, that there
22 would be community involvement.

23 COUNCILMAN GREENLEE: Any other
24 questions for the School District? Any
25 other questions?

1 12/3/13 - RULES - 130589, etc.

2 (No response.)

3 COUNCILMAN GREENLEE: Seeing
4 none, thank you both.

5 I think we have some other
6 people who would like to testify. Why
7 don't you just come forward to the table
8 and identify yourself.

9 Other than these two witnesses,
10 is there anyone else here that wishes to
11 testify on 130694?

12 (No response.)

13 (Witnesses approached witness
14 table.)

15 COUNCILMAN GREENLEE: Seeing
16 none, please identify yourself for the
17 record and proceed. I think we have your
18 written testimony, so if you could just
19 summarize, both of you, I'd appreciate
20 it.

21 MS. CUTHBERT: My name is
22 Charmie Cuthbert. I'm the Community
23 Health Director for the American Heart
24 Association. I'm here on behalf of the
25 American Heart Association and Jonathan

1 12/3/13 - RULES - 130589, etc.

2 Kirch, our Government Relations Director,
3 who prepared the written testimony that
4 you have before you.

5 Our 2020 impact goal is to
6 reduce cardiovascular diseases for all
7 Americans by 20 percent by 2020, and that
8 includes children. So put succinctly, we
9 ask that the Council add an additional
10 restriction similar to the tobacco and
11 alcohol restriction that includes -- a
12 restriction against the unhealthy foods
13 that cannot already be sold in the
14 school. So similar to the federal Health
15 and Hungry-Free Kids Act of 2010 and
16 other restrictions here in the
17 Commonwealth, we'd appreciate an
18 additional restriction on those items.

19 COUNCILMAN GREENLEE: That's
20 it? Okay.

21 MS. CUTHBERT: Yes. Thank you.

22 COUNCILMAN GREENLEE: Very
23 good.

24 Any questions, comments?

25 (No response.)

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREENLEE: Seeing
3 none, thank you very much.

4 I want to make a reference that
5 letters from The Food Trust and from
6 Public Citizen raising some, I guess best
7 way to say it is, concerns will be made
8 part of the record also. Thank you.

9 I'm sorry. I thought you were
10 together. I'm sorry.

11 MS. MORA: No, not together.

12 COUNCILMAN GREENLEE: Oh, I'm
13 sorry. Please. I'm sorry.

14 MS. MORA: No, no. Thank you.
15 Wonderful. Thank you for the opportunity
16 and for the invitation to testify this
17 afternoon. My name is Gabriella Mora and
18 I'm the Policy and Government Affairs
19 Manager at The Food Trust. We are a
20 Philadelphia-based non-profit working to
21 improve access to affordable, nutritious
22 foods, and I'm here today to offer some
23 recommendations to the proposed
24 amendment, Bill No. 130694, by
25 Councilwoman Reynolds Brown and to allow

1 12/3/13 - RULES - 130589, etc.
2 for the erection of non-accessory
3 advertising on School District of
4 Philadelphia property.

5 First, we would absolutely like
6 to thank Councilwoman Reynolds Brown and
7 City Council for their commitment to the
8 health of young Philadelphians and for
9 their longstanding national leadership in
10 combatting childhood obesity. It was
11 this Council that laid a lot of the
12 foundation for initiatives that had been
13 scaled nationally, including the
14 Pennsylvania Fresh Food Financing
15 Initiative to bring supermarket and
16 full-service food retail to underserved
17 neighborhoods, as well as initiatives
18 around soda, sugary-sweetened beverages,
19 as well as trans fats and menu labeling.

20 The Food Trust recommends that
21 the Council refine the proposed amendment
22 to prohibit food advertising,
23 specifically unhealthy food advertising,
24 on any School District of Philadelphia
25 property. We are absolutely supportive

1 12/3/13 - RULES - 130589, etc.
2 of efforts to raise much-needed revenue
3 for the School District, but we do know
4 that creating healthy environments for
5 kids is one of the most important
6 strategies in preventing childhood
7 obesity and ensuring that the healthy
8 choice is made the easy choice. In
9 partnership with the Philadelphia
10 Department of Public Health and through
11 the Get Healthy Philly initiative, our
12 ongoing work with community schools,
13 corner stores, and farmers really strives
14 to change how we're thinking about
15 healthy food and increase its
16 availability throughout the City, and at
17 the same time, we are working within the
18 School District in over 100 schools
19 reaching tens of thousands of students
20 each year to teach them about the
21 importance of healthy eating, good
22 nutrition, and physical activity. And
23 we're doing this not only for children,
24 but for parents and caregivers as well as
25 their teachers.

1 12/3/13 - RULES - 130589, etc.

2 We do know that food marketing
3 directed towards children and youth has a
4 powerful impact on their food preferences
5 and eating behaviors. It negatively
6 influences their diet, weight, and
7 health, as most food marketing dollars
8 are directed towards unhealthy foods,
9 those high in fat, sugar, calories and/or
10 sodium. And it's done in an increasing
11 number of strategic ways, not only
12 through television but online games
13 called "advergames" as well as through
14 social media and smart phone apps.
15 Comparatively, healthy food advertising
16 pales in comparison. Dollars available
17 to advertise for milk or low-fat milk,
18 bottled water, fruits and vegetables is a
19 fraction of the dollars spent on
20 unhealthy food advertising.

21 This, of course, presents a
22 public health challenge. However, we
23 know that it's possible to pass and
24 implement a policy to raise revenue
25 without undermining the mission of the

1 12/3/13 - RULES - 130589, etc.

2 School District of Philadelphia or our
3 collective efforts to promote good health
4 and habits among students.

5 Philadelphia is a national
6 leader in the fight against childhood
7 obesity, and we believe that refining
8 this amendment to exclude food
9 advertising on school property will
10 strengthen our ongoing commitment of
11 promoting healthy environments for our
12 kids.

13 Thank you.

14 COUNCILMAN GREENLEE: Thank
15 you. Thank you very much. Sorry. I
16 thought you were both together there.
17 But your full letter will be made part of
18 the record, as will, as I said
19 previously, the Public Citizen and the
20 American Heart Association will all be
21 made part of the record.

22 Any questions, comments?

23 Councilman O'Brien.

24 COUNCILMAN O'BRIEN: Thank you,
25 Mr. Chairman.

1 12/3/13 - RULES - 130589, etc.

2 I would vote no at this point
3 on this bill. One, because I think the
4 focus has to be in a more generalized way
5 on the lack of funding from Harrisburg,
6 and that funding formula issue has to be
7 fundamentally addressed. I think this
8 Council has shown leadership under
9 President Clarke and the individual
10 members of Council in finding Band-Aid
11 approaches to what was created by an
12 underfunding process in Harrisburg.

13 There is a hundred million
14 dollars a year simply -- I can go through
15 all of the issues as to how we got into
16 this problem, and certainly the City of
17 Philadelphia and this Council owns the
18 issues that we're responsible for, but
19 Harrisburg really has to own the other
20 part of this conversation. And I'm going
21 to vote no because of that reason and
22 also because I'm just concerned about the
23 increased sensory overload for some of
24 our special needs students that are going
25 to attend these schools, and I'd like to

1 12/3/13 - RULES - 130589, etc.

2 have a more focused attention on those
3 issues before I move forward using School
4 District property for that purpose.

5 I'm for raising revenues for
6 the schools. I believe that's a
7 wonderful purpose, and I congratulate the
8 Councilperson for bringing this forward,
9 but first and foremost, Harrisburg has to
10 continue to address this issue in a more
11 comprehensive way, and, two, I'm
12 concerned about the sensory overload for
13 some of our special needs students.

14 COUNCILMAN GREENLEE: Thank
15 you, Councilman.

16 Anyone else wishes to...

17 (No response.)

18 COUNCILMAN GREENLEE: Again,
19 one more time. Anyone else here to
20 testify on Bill 130694?

21 (No response.)

22 COUNCILMAN GREENLEE: Seeing
23 none, that concludes our public hearing.
24 And, again, just for the record, Bill No.
25 130768 and 130813 will be held to the

1 12/3/13 - RULES - 130589, etc.

2 call of the Chair.

3 We will now go into our public
4 meeting. Again, we have a quorum. I'll
5 again state for the record the public
6 meeting for Bill No. 130657, the RCO
7 bill, is recessed until Wednesday,
8 December 11th, 2013 at 9:30 a.m. where
9 there will be a vote by the Committee.

10 Now, for the bills that we just
11 heard, the Chair recognizes Councilman
12 Kenney on Bill 130589.

13 COUNCILMAN KENNEY: Thank you,
14 Mr. Chairman. I move that Bill No.
15 130589 be reported out of this Committee
16 favorably and a request made for rules
17 suspension to allow first reading at our
18 next Council session.

19 (Duly seconded.)

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

22 All in favor?

23 (Aye.)

24 COUNCILMAN GREENLEE: Opposed?

25 (No response.)

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREENLEE: Hearing
3 none, Bill No. 130589 reported out of
4 this committee favorably with a rules
5 suspension.

6 Councilman Kenney, amendment
7 for Bill 130727.

8 COUNCILMAN KENNEY:
9 Mr. Chairman, I move that Bill No. 130 --
10 I'm sorry. What's the number again?

11 COUNCILMAN GREENLEE: 130727,
12 the amendment.

13 COUNCILMAN KENNEY: The
14 amendment to Bill No. 130727 be approved.
15 (Duly seconded.)

16 COUNCILMAN GREENLEE: It's been
17 moved and seconded.

18 All in favor?
19 (Aye.)

20 COUNCILMAN GREENLEE: Opposed?
21 (No response.)

22 COUNCILMAN GREENLEE: Hearing
23 none, 130727 is amended.

24 Councilman Kenney.

25 COUNCILMAN KENNEY:

1 12/3/13 - RULES - 130589, etc.

2 Mr. Chairman, I move that Bill No.
3 130727, as amended, be reported out of
4 this Committee with a favorable
5 recommendation and a request made for
6 rules suspension to allow first reading
7 at our next Council session.

8 (Duly seconded.)

9 COUNCILMAN GREENLEE: It's been
10 moved and seconded.

11 All in favor?

12 (Aye.)

13 COUNCILMAN GREENLEE: Opposed?

14 (No response.)

15 COUNCILMAN GREENLEE: Hearing
16 none, Bill No. 130727, as amended,
17 reported out of this committee favorably
18 with a rules suspension.

19 Councilman Kenney, Bill No.
20 130763.

21 COUNCILMAN KENNEY:

22 Mr. Chairman, I move that Bill No. 130763
23 be reported out of this Committee
24 favorably and a request made for rules
25 suspension to allow first reading at our

1 12/3/13 - RULES - 130589, etc.

2 next Council session.

3 (Duly seconded.)

4 COUNCILMAN GREENLEE: It's been
5 moved and seconded.

6 All in favor?

7 (Aye.)

8 COUNCILMAN GREENLEE: Opposed?

9 (No response.)

10 COUNCILMAN GREENLEE: Hearing
11 none, Bill No. 130763 is reported out of
12 this committee favorably with a rules
13 suspension.

14 Councilman Kenney, Bill No.
15 130764.

16 COUNCILMAN KENNEY: Thank you,
17 Mr. Chairman. I move that Bill No.
18 130764 be reported out of this Committee
19 favorably and a request made for rules
20 suspension to allow first reading at our
21 next Council session.

22 (Duly seconded.)

23 COUNCILMAN GREENLEE: It's been
24 moved and seconded.

25 All in favor?

1 12/3/13 - RULES - 130589, etc.

2 (Aye.)

3 COUNCILMAN GREENLEE: Opposed?

4 (No response.)

5 COUNCILMAN GREENLEE: Hearing

6 none, Bill No. 130764 reported out of

7 this committee favorably with a rules

8 suspension.

9 Councilman Kenney, 130812.

10 COUNCILMAN KENNEY: Thank you,

11 Mr. Chairman. I move that Bill 130812 be

12 reported out of this committee favorably

13 and a request made for rules suspension

14 to allow first reading at our next

15 Council session.

16 (Duly seconded.)

17 COUNCILMAN GREENLEE: It's been

18 moved and seconded.

19 All in favor?

20 (Aye.)

21 COUNCILMAN GREENLEE: Opposed?

22 (No response.)

23 COUNCILMAN GREENLEE: Hearing

24 none, Bill 130812 reported out of this

25 committee favorably with a rules

1 12/3/13 - RULES - 130589, etc.

2 suspension.

3 Councilman Kenney, 130855.

4 COUNCILMAN KENNEY: Thank you,

5 Mr. Chairman. I move that Bill No.

6 130855 be reported out of this committee

7 favorably and a request made for rules

8 suspension to allow first reading at our

9 next Council session.

10 (Duly seconded.)

11 COUNCILMAN GREENLEE: It's been

12 moved and seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN GREENLEE: Opposed?

16 (No response.)

17 COUNCILMAN GREENLEE: Hearing

18 none, Bill 130855 is reported out of this

19 committee favorably with a rules

20 suspension.

21 Councilman Kenney, 130775.

22 COUNCILMAN KENNEY: Thank you,

23 Mr. Chairman. I move that Bill No.

24 130775 be reported out of this committee

25 with a favorable recommendation and a

1 12/3/13 - RULES - 130589, etc.

2 request made for rules suspension to
3 allow first reading at our next Council
4 session.

5 (Duly seconded.)

6 COUNCILMAN GREENLEE: It's been
7 moved and seconded.

8 All in favor?

9 (Aye.)

10 COUNCILMAN GREENLEE: Opposed?

11 (No response.)

12 COUNCILMAN GREENLEE: Hearing
13 none, Bill No. 130775 is reported out of
14 this committee favorably with a rules
15 suspension.

16 Councilman Kenney, amendment
17 for Bill 130804.

18 COUNCILMAN KENNEY: Thank you,
19 Mr. Chairman. I move that the amendment
20 to Bill No. 130804 be approved as
21 circulated to the Committee.

22 (Duly seconded.)

23 COUNCILMAN GREENLEE: It's been
24 moved and seconded the amendment be
25 approved.

1 12/3/13 - RULES - 130589, etc.

2 All in favor?

3 (Aye.)

4 COUNCILMAN GREENLEE: Opposed?

5 (No response.)

6 COUNCILMAN GREENLEE: Hearing

7 none, the bill is amended.

8 Councilman Kenney.

9 COUNCILMAN KENNEY: Thank you,

10 Mr. Chairman. I move that Bill No.

11 130804, as amended, be reported out of

12 this committee favorably and a request

13 made for rules suspension to allow for

14 first reading at our next Council

15 session.

16 (Duly seconded.)

17 COUNCILMAN GREENLEE: It's been

18 moved and seconded.

19 All in favor?

20 (Aye.)

21 COUNCILMAN GREENLEE: Opposed?

22 (No response.)

23 COUNCILMAN GREENLEE: Hearing

24 none, Bill No. 130804, as amended,

25 reported out of this committee favorably

1 12/3/13 - RULES - 130589, etc.

2 with a rules suspension.

3 Councilman Kenney, 130856.

4 COUNCILMAN KENNEY: Thank you,

5 Mr. Chairman. I move that Bill No.

6 130856 be reported out of this committee

7 with a favorable recommendation and a

8 request made for rules suspension to

9 allow first reading at our next Council

10 session.

11 (Duly seconded.)

12 COUNCILMAN GREENLEE: It's been

13 moved and seconded.

14 All in favor?

15 (Aye.)

16 COUNCILMAN GREENLEE: Opposed?

17 (No response.)

18 COUNCILMAN GREENLEE: Hearing

19 none, Bill No. 130856 reported out of

20 this committee favorably with a rules

21 suspension.

22 Councilman Kenney, amendment

23 for 130636.

24 COUNCILMAN KENNEY: Thank you,

25 Mr. Chairman. I move that the amendment

1 12/3/13 - RULES - 130589, etc.
2 to Bill No. 130636 be approved by the
3 Committee.

4 (Duly seconded.)

5 COUNCILMAN GREENLEE: It's been
6 moved and seconded.

7 All in favor?

8 (Aye.)

9 COUNCILMAN GREENLEE: Opposed?
10 (No response.)

11 COUNCILMAN GREENLEE: Hearing
12 none, the bill is amended.

13 Councilman Kenney.

14 COUNCILMAN KENNEY: Thank you,
15 Mr. Chairman. I move that Bill No.
16 130636, as amended, be reported out of
17 this committee favorably and a request
18 made for rules suspension to allow first
19 reading at our next Council session.

20 (Duly seconded.)

21 COUNCILMAN GREENLEE: All in
22 favor?

23 (Aye.)

24 COUNCILMAN GREENLEE: Opposed?

25 (No response.)

1 12/3/13 - RULES - 130589, etc.

2 COUNCILMAN GREENLEE: Hearing
3 none, Bill No. 130636, as amended, is
4 reported out of this committee favorably
5 with a rules suspension.

6 (Councilman Green left Council
7 Chambers.)

8 COUNCILMAN GREENLEE:
9 Councilman Kenney, 130694, the amendment
10 first.

11 COUNCILMAN KENNEY:
12 Mr. Chairman, I move that the amendment
13 to Bill No. 130 --

14 COUNCILMAN GREENLEE: Pardon
15 me. Just one second.

16 (Pause.)

17 COUNCILMAN KENNEY:
18 Mr. Chairman, I move that Bill No. 130694
19 be reported out of this committee
20 favorably and a request made for rules
21 suspension to allow first reading at our
22 next Council session.

23 (Duly seconded.)

24 COUNCILMAN GREENLEE: It's been
25 moved and seconded.

1 12/3/13 - RULES - 130589, etc.

2 All in favor?

3 (Aye.)

4 COUNCILMAN GREENLEE: Opposed?

5 COUNCILMAN O'BRIEN: No.

6 COUNCILMAN GREENLEE: The

7 record will reflect Councilman O'Brien

8 voted in the negative. Bill No. 130694

9 is reported out of this committee

10 favorably with a rules suspension.

11 There being no further business
12 before this committee, that concludes our
13 meeting for today.

14 Thank you all very much.

15 (Committee on Rules concluded
16 at 12:10 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
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of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

A	adding 106:7 123:10 addition 20:13 21:7,10 91:20 95:21 additional 12:15 16:10 99:2 124:9,25 125:25 127:9 134:9,18 Additionally 23:13 128:4 address 11:18 34:15 39:16 64:7 65:3 72:9 74:11 76:21 86:18 141:10 addressed 140:7 addresses 66:2 addressing 32:9 adjacent 26:14 adjustment 43:19 43:22 45:12 50:19 93:20 adjustments 12:14 18:24 administration 37:7 50:19 87:18 93:12 administrative 86:15 adopted 7:20,22 109:21 adoption 12:19 128:11 advance 116:17 126:3 advergames 138:13 adverse 38:14,17 39:17,18 advertise 138:17 advertising 106:7 106:25 123:12 124:7,16 125:9 125:13,15 126:6 126:6 127:9 128:19 136:3,22	136:23 138:15 138:20 139:9 advises 62:14 advocacy 48:10 114:19 advocate 45:16 advocates 81:14 Affairs 64:2 135:18 affect 45:22 54:7 57:6 affordable 135:21 afternoon 135:17 agencies 93:21 agenda 2:23 aggressively 52:23 55:15 76:20 Aging 20:12 21:4 21:17 ago 37:6,16 39:8 agree 31:24 32:11 79:9 84:12 86:2 121:20,24 agreement 98:21 agrees 8:20 ahead 99:19 111:24 127:18 131:12 air 47:21 alcohol 126:9 128:7 134:11 Allen 111:9 allow 6:25 12:15 12:19 18:23 21:6 26:13,15 29:21 40:21 42:6 43:5 85:6 96:10 104:17 105:3,4 106:23 114:14 116:15 135:25 142:17 144:6,25 145:20 146:14 147:8 148:3 149:13 150:9 151:18 152:21	allowable 18:22 allowed 23:9 78:13,18 allowing 104:11 124:15 129:2 allows 12:17,24 68:10,16 ambiguous 18:14 amend 3:12 5:21 7:13 20:9 21:2 24:20 58:10 59:3 amended 8:3 29:19 99:6,8 110:10 143:23 144:3,16 149:7 149:11,24 151:12,16 152:3 amending 9:11,14 10:8 17:13 22:13 24:13 25:17 92:12 106:2 108:12,14 108:18 123:8 amendment 21:16 27:4 30:11,18 31:2 31:10,15 33:25 46:8 58:13 99:13 111:15,17 135:24 136:21 139:8 143:6,12 143:14 148:16 148:19,24 150:22,25 152:9 152:12 amendments 8:14 8:19 18:20 96:4 96:8 98:17,23 100:16 101:5 104:7 110:3 amends 4:10 23:7 25:16 94:4 106:21 109:10 American 38:8,10 133:23,25 139:20	Americans 134:7 amount 7:5 39:21 113:16 analysis 127:19 129:24 130:20 131:14,21 and/or 138:9 154:22 animals 80:4 Anna 37:7 Anne 98:9 101:21 anniversary 36:16 announcement 2:6 answer 5:7 8:7 10:20 13:16 19:8 21:23 23:23 33:10,13 33:16,20 62:15 73:23 89:5 97:2 107:19 110:14 anticipate 44:13 anticipated 4:25 anybody 17:5 54:11 anymore 80:11 anyway 34:22 apartments 20:14 21:8 apologize 65:12 appeal 113:24 114:17 appealed 113:25 applicable 85:25 applications 54:7 applies 60:20 apply 67:7 76:23 96:11 154:20 applying 67:3 68:24 appreciate 45:21 77:13 98:18 99:14 111:18 133:19 134:17 approached 35:23 81:14
----------	--	--	--	---

82:19 87:6 98:4 123:24 133:13 approaches 140:11 appropriate 26:13 27:23 31:25 32:24 43:4 46:13 61:13,22 62:3 62:18 64:7,22 65:3,19 68:9,24 70:15 74:21 78:4 84:6 85:21 approval 5:5 42:21 95:2 96:19 100:11 107:3 109:25 128:14 approvals 113:21 113:22 approved 8:3 10:16 19:5 21:15,21 27:4 27:14 50:15 102:17 143:14 148:20,25 151:2 approves 87:19 approving 86:11 apps 138:14 Aramingo 3:16 4:14 5:2 area 3:15 4:13 5:24 7:4,6,7 24:23 26:7 34:13,18 36:20 37:10 40:2,11 46:10,16 48:2,4 48:5 49:18 51:24 52:4,5 55:6,10 61:14 63:10 72:5,11 75:12 77:4,20 78:3 79:8 81:14 82:11 84:16 85:17 86:16 88:25 95:17 108:17 110:8	115:25 116:3,4 116:6 areas 3:14 5:23 6:22,24 24:22 36:18 40:12 46:17 47:3 64:11 65:20 71:15 84:7 85:25 97:6 101:7,8 103:9 Armageddon 121:8,11 arrangements 127:25 arrest 119:12 arrests 119:11,16 119:18 120:21 arrived 54:21 asking 12:23 58:3 assembling 29:23 assembly 112:25 114:8 assessing 87:23 assessment 86:12 90:13 assist 105:2 assistance 105:6 assistant 119:3 126:22 assisted 21:11 Association 95:8 95:10,11,12 98:11 114:22 133:24,25 139:20 assume 46:5 assuming 66:24 assumption 45:6 attend 33:7 140:25 attendance 115:9 attended 118:2 attention 2:18 116:20 141:2 attest 48:3 attorney 11:19 12:2 110:24	attraction 88:10 at-large 52:13 81:19 August 93:15 94:3 Authorities 90:3 authorizing 86:17 auto 4:20 23:12 28:2,2,4 36:21 36:24 37:8,17 37:25 38:2,22 39:19 41:6 49:6 49:16 52:2 71:17,23 83:24 auto-oriented 27:12 availability 137:16 available 91:2 111:17 138:16 Avenue 3:16,17 3:18 4:14,15,16 5:2,25 6:4,18 15:15,22 24:24 26:8 37:8 38:15 48:22 53:15 56:9 108:16 109:12 110:5,9 110:9 112:5,13 112:18,23 116:8 116:15 121:10 122:8 avoid 127:24 128:3 aware 40:12 103:10 awful 121:16 Aye 142:23 143:19 144:12 145:7 146:2,20 147:14 148:9 149:3,20 150:15 151:8,23 153:3 a.m 1:7 2:10 142:8	B 1:15 15:14 back 12:6 40:16 47:23 51:14 67:24 74:6 93:2 102:14 104:11 104:21 106:11 117:3,13 119:19 121:11 125:16 bad 117:4,6 118:23 120:7 Band-Aid 140:10 bar 113:15,16 114:4,6 barely 103:5 base 100:3 based 78:5 99:9 basic 31:20 basically 15:16 40:2 42:9 118:14 basis 32:2,11 84:3 103:17 Bass 1:10 2:22 bears 102:16 beautiful 80:2 beautify 88:4 becoming 81:10 103:6 began 13:9 113:2 beginning 52:7 111:22 begins 13:5 begun 103:5 behalf 54:24 87:17 93:12 133:24 behavior 113:4 119:13 behavioral 43:17 behaviors 138:5 believe 27:10 30:15 31:5 59:17,19,22 60:19 78:9,13 78:18 82:13 97:11 111:19 114:20,21	118:15 119:15 120:9 139:7 141:6 benefiting 90:8 best 42:18 135:6 better 39:10 82:5 beverages 136:18 BIA 101:20 102:7 BIDs 89:12 big 49:7,25 63:13 75:21 102:13 116:12 117:12 big-belly 91:15 bike 38:21,24 bill 1:12 2:7,8 3:9 3:11 4:7,10,17 5:5,12,15,19,20 6:13,16,23 7:3 7:14 8:2 9:2,6 9:10 10:2,5,11 10:15 17:6,12 18:2,5,9,16 19:4 19:14,24 20:8 20:23,25 21:20 22:4,7,12 23:4,7 23:19 24:6,12 24:19 25:12,16 26:6,9,24 27:3 27:11,13,14,20 30:11 34:2,2,7 34:10,17 35:8 36:14 42:19 50:10,23 54:6 56:8,12 57:15 57:20 58:10,19 58:19 59:14 60:17 74:10,14 74:24 82:18,22 83:9,19 84:4 86:9,10 87:18 92:7,10,11 93:9 93:13 95:3,14 96:3 98:16,22 99:13 105:21,24 105:25 106:18 106:21 107:2,11 107:16 108:7,11
--	--	---	---	---

109:6,9 110:2,9 111:12,13,16 114:13,19,23 116:18 122:16 123:2,6,7,21 124:5 127:3,17 128:5,17 130:6 135:24 140:3 141:20,24 142:6 142:7,12,14 143:3,7,9,14 144:2,16,19,22 145:11,14,17 146:6,11,24 147:5,18,23 148:13,17,20 149:7,10,24 150:5,19 151:2 151:12,15 152:3 152:13,18 153:8 bills 1:16 24:11 25:4 34:21 73:19 79:5 82:15 86:6 142:10 binder 104:8 bit 11:23 14:17,22 78:16 112:2 Blackwell 1:11 16:19 48:15 54:4,5 55:23,25 57:12 58:4,15 59:7,16 60:16 60:22 Blackwell's 74:11 blaming 63:11 block 15:16 36:23 36:25,25 37:14 37:19,20,24 38:11 40:4 47:13 49:11 82:2,4,6 111:9 blocking 38:23 blocks 38:19 Blondell 1:14 126:25 128:25 blood 12:18	Board 14:6 43:19 43:21 45:12 49:13,23 72:12 84:19 93:19 113:21 118:25 BOBBY 1:12 body 28:5 58:10 bonds 127:23 Boni 110:23,24 111:8,21,25 117:2,14,24 118:20,24 120:15,19 121:19,22 122:2 122:4 booming 38:16 borderline 73:24 bottled 138:18 bottom 47:25 Boulevard 6:3 24:23 26:7 48:21 bound 104:15 boundaries 108:15 boundary 56:24 58:2 73:18 74:2 76:4 bounded 3:15 4:13 5:24 15:13 24:23 26:7 box 57:2 Boys 53:5 62:4 83:23 Breeze 53:15,16 bridges 39:13 brief 78:25 79:11 83:8 briefed 114:3 bring 51:11 83:2 83:3 136:15 bringing 48:6 141:8 brings 52:3 Broad 53:15 118:10 broader 125:24	Brown 1:14 14:13 123:20 124:2 126:25 128:25 129:20 135:25 136:6 bubble 12:25 Bucks 125:4 budget 102:13 124:20 buffer 29:4,4 build 114:14 builders 98:12 building 13:8,25 16:8 43:23 75:14 95:8 98:10 127:20 buildings 91:19 burden 49:25 Burns 126:14,17 126:20 129:13 129:22 130:18 131:9 132:2,20 business 38:14,15 38:18 39:9,18 39:22 49:14 50:7 53:20 54:12,15,21 55:5,8,10 66:12 66:25 75:4,11 77:6 86:14 87:24 88:2,10 107:4 153:11 businesses 37:15 53:8,9,14 54:17 54:23 55:12 61:18 63:9,20 66:10,24 67:12 67:13,14,16,20 72:10 76:22 81:17 82:8 88:15,18 91:18 Butler 3:16 4:14 buy 37:9 by-right 54:19,20 55:7 77:3 78:13 78:18	C c 98:25 calculate 90:7 calculation 18:22 95:17 calendar 119:6,7 119:8 California 124:11 call 13:19 24:11 28:7 50:20 51:25 55:2 74:22 75:17 82:16 86:6 142:2 called 119:11 138:13 Callowhill 118:10 calls 119:9 120:20 calories 138:9 cans 91:15 capacity 44:19 captain 118:13 119:3,3 captains 118:7 car 51:10 83:23 117:22 card 120:7 cardiovascular 134:6 care 53:10 careful 127:24 caregivers 137:24 cars 37:2,9 38:13 38:19,23 39:13 47:12,18,22 75:5,18 79:19 case 31:7 111:6 113:25 114:2 118:25 129:14 cases 26:23 cash 118:15 casino 116:8 117:4,8,9,16,17 119:10 121:12 casinos 118:3 119:23 Castor 3:17,18	4:14,16 categories 24:17 92:19 94:9 category 84:2 caused 43:16 CA-1 23:11 CA-2 4:19 7:5 23:12,17 CDAG 114:19 CDR 100:23 101:3 Cecil 15:14 Cemetery 82:5 center 92:17 94:7 95:10,23 97:8 132:15 centers 4:23 132:7 Central 7:19,21 9:13 10:7 109:20 110:12 114:19 certain 3:14 4:12 5:23 9:18 17:16 22:15,18,19 24:15,17,22 50:20 58:11 69:7 70:3 86:19 92:14,19,22,23 94:10,12 101:8 103:7 106:8,23 107:2 108:20 123:14 certainly 33:2 42:12 45:21 47:4 56:3,5 80:25 130:3 132:12 140:16 CERTIFICATE 154:2 certification 154:19 CERTIFY 154:3 certifying 154:23 cetera 62:5 79:22 80:5 Chadds 125:5
--	--	--	--	---

Chair 1:10 11:2 74:23 76:6 81:3 82:16 86:7 111:3 142:2,11 Chairman 4:2 6:8 9:21 17:21 20:18 22:23 25:7 27:19 34:20 48:17 54:16 60:14 62:24 71:8 87:12 89:20 91:9,10 93:4 98:15 99:21 106:13 108:25 116:25 124:3 126:10,18 139:25 142:14 143:9 144:2,22 145:17 146:11 147:5,23 148:19 149:10 150:5,25 151:15 152:12 152:18 chairs 16:25 17:2 challenge 138:22 Chambers 152:7 chance 34:23 change 26:19 45:3 45:7 46:2 49:20 61:21 66:3 69:21,22 75:5 75:17 78:2 80:7 85:23 86:17 108:15 137:14 changed 41:7,7 99:6 changes 7:18 13:14 17:16 18:7,9,14,16 41:22 46:9 60:4 67:8 71:2 80:7 93:14 94:13,23 95:14 96:14 97:15 98:17 100:14,22 101:20 103:6,11	109:15 110:4 changing 3:13 4:11,23 5:22 7:15 23:8 24:21 31:8 32:10 34:25 45:2 65:25 68:22 69:19 70:11,20 75:19 106:22 chapters 104:12 104:19,22 charge 90:7 Charmie 19:22 133:22 chart 31:8 Charter 57:13 check-writing 120:7 Chester 125:5 Chief 126:20 childhood 136:10 137:6 139:6 children 47:14 125:12 134:8 137:23 138:3 choice 137:8,8 choosing 61:15 70:15 chop 48:23 51:25 84:11,13 chopping 75:18 Christopher 6:3 CINDY 1:10 circulated 115:23 148:21 cities 129:19 130:23 Citizen 135:6 139:19 Citizens 36:9 city 1:2,6 4:5,8 5:4 6:11,14 7:24 9:24 10:3,13 15:16 17:24 18:3,17 19:2 20:21,24 21:13 21:18 23:2,5,18	25:11,14 26:24 28:8 32:23 35:2 35:3 40:9,13 46:3 47:8 49:2 50:3,15,17 51:9 63:13 64:12 69:12 70:21 72:6 80:2 81:21 82:14 86:13,16 86:16,18 87:21 87:25 88:5,7,9 88:12,18,22,23 89:23 91:10 92:17 93:8,10 93:19,22 94:2,7 94:25 95:3,10 95:23 97:8 99:11 100:11 101:7 102:17 103:3,5,22 104:4 105:10 106:16,19 107:15 109:4,7 109:21,24 110:25 111:2 112:15,21 122:9 122:17 125:7,7 129:2 136:7 137:16 140:16 citywide 32:2,11 52:25 64:17 66:3 68:23 69:4 72:4 84:3 96:11 civic 92:16 94:6 95:9,20 100:23 115:7 clarification 18:23 clarifications 101:14 clarify 67:20 71:22 clarifying 17:16 18:6,11,13 clarity 68:2 74:13 82:8 Clarke 140:9	classification 26:19 29:18 41:24 43:7 45:8 61:9,13 classifications 42:4 43:2 Clean 91:11 cleaned 37:10 clear 8:14 30:9 31:15 44:24 54:6,13,15 57:24 58:12 59:6 73:16 82:12 85:15 103:6 clearly 62:6 CLERK 3:11 5:20 9:10 17:12 19:22 20:8 22:12 24:12 86:10 92:11 105:25 108:11 123:7 clients 111:10 113:23 115:22 116:5 climate 100:2 128:10 close 56:24 61:23 73:25 113:3 closely 64:5 100:6 closing 115:21 clubs 113:2 CMX 61:16 62:5 65:25 66:8 67:7 67:17 69:20 70:17 73:11 78:3 85:20 CMX-2 99:3 CMX-2.5 99:3 CMX-3 6:24 7:4 7:16 CMX-4 96:16 101:8 CMX-5 96:17 101:8 Cobbs 24:24 26:8	code 9:12 11:12 12:14 14:4 17:14 18:8,11 22:14 23:8 24:14 25:17,18 29:10 32:10 35:2 41:3 43:2,5 46:3 54:25 55:7 61:8,11 62:19 65:2,11 68:23 68:25 70:16 75:17 85:4,19 85:24 92:13 93:14,17 94:5 94:16 98:18 99:5,9 100:7,8 100:10 102:18 102:21 103:16 103:20,25 104:2 104:5,6,9,13,14 104:25 105:2,2 105:13 106:3,22 106:23 107:14 108:13 109:10 113:19 123:9 code's 93:23 96:18 100:9 colleague 56:4 73:21 76:11 collection 107:5 collective 139:3 Columbus 6:3 combatting 136:10 combined 26:17 come 29:25 35:21 44:13 47:8 50:21 51:2 55:7 57:2 86:24 97:25 120:2 129:3 133:7 comes 113:7 119:23 120:10 comfortable 16:25 coming 35:18 commencing 2:4
--	--	--	--	--

commended 88:16	8:12 9:22 11:3 14:14,24 16:17	Comparatively 138:15	concur 33:19	104:10
comment 81:7 131:24	16:20 17:22 20:19 22:24	comparison 138:16	conditions 9:18 17:17 22:19	conversation 30:13 52:18
comments 89:18 95:5 123:22 134:24 139:22	25:8 60:3 87:13 89:21 91:24 93:5 96:12	compatible 26:21 29:22	86:20 92:24 106:9 108:21 116:17 123:14	53:25 117:4 125:24 140:20
Commerce 87:16 93:20	98:20 99:22 106:14 109:2 111:3 114:12	competitive 88:23	conduct 112:10 116:11	conversations 3:2 3:6 52:8
commercial 4:19 4:21 7:6,17 22:18 23:9,12 23:13 25:22,25 26:2,12 27:9 42:5,6 43:9 68:17 92:18,23 94:8,13 96:23 101:12 108:17 109:12	124:4 125:22 126:19 127:3 129:2 142:9,15 143:4 144:4,17 144:23 145:12 145:18 146:7,12 146:25 147:6,19 147:24 148:14 148:21 149:12 149:25 150:6,20 151:3,17 152:4 152:19 153:9,12 153:15	complaints 46:23 52:11	confusion 73:18	convert 71:17
Commission 4:6 5:5 6:12 7:20,25 8:20 9:25 10:14 17:25 19:3 20:22 21:14,19 23:3,19 25:11 26:24 27:3 30:10 31:16 32:4 33:6 42:20 52:9,15 62:12 63:12 64:3 65:15 73:24 83:18 93:8,19 95:2,4 98:15 99:11 100:15,18 100:21 102:5,19 103:14 105:10 106:17 107:16 109:5,22,25 128:15 130:5	common 43:21 113:25 117:25	complete 15:23	congratulate 141:7	cooperation 91:12
Commission's 42:22	commonplace 112:10	complexity 105:12	connection 26:18	cooperative 127:15
commitment 136:7 139:10	Commonwealth 134:17	compliance 63:20	consider 68:20	Copeland 86:21 86:25 89:20,22 90:18 92:5
committed 47:4 122:9	community 28:6 31:24 32:21 45:17 51:22 52:21 53:4,6,20 54:24 56:5 59:21,22,23 67:2 80:10,15 84:20 95:5 114:16 117:23 120:13 121:13 121:15 128:11 132:12,22 133:22 137:12	component 67:5	consideration 29:21 90:21 96:7 128:13	copy 30:25 105:7 111:18
committee 1:3 2:5 2:12,17 4:3 6:9	commutes 125:16	components 26:22 43:10	considered 26:24 27:13 68:19	corner 36:23 47:12 49:11 137:13
	companies 49:7 83:22 84:15	comprehensive 93:16 141:11	considering 23:19 107:16 128:10	corporate 121:13
	company 75:22 84:24 91:14	compromise 34:25	consistent 94:20 109:18 110:10	correct 13:9,12 24:11 30:20 31:17,21 44:4 45:5 54:12 55:21 57:7,8,19 58:24 59:25 66:18 69:23 71:4 73:19 77:22,25 97:12 97:15 154:8
		computer 104:20	consisting 2:20	correctly 4:22 13:10
		concept 57:19	construction 13:5 13:9,20 15:19 20:13 21:6	corridor 5:2 38:16 112:5
		concern 32:9 65:4 67:17 69:7 72:23 117:12	contained 18:16 115:13 154:5	costs 86:12 87:22
		concerned 34:13 36:8 49:24 60:18 63:18 65:20 71:13 140:22 141:12	contains 93:13	cost-effective 88:21
		concerning 68:22 86:14	contention 80:8 80:20	Council 1:2 4:8 6:14 10:3 18:3 18:17 20:24 23:5 25:14 36:10 46:15,20 69:6 93:10,22 94:2 100:11 102:12,17 103:3 103:22 104:4,6
		concerns 45:15,21 53:24 64:13 66:2 78:6 81:15 96:3,5 130:2 135:7	continue 12:25 13:7,23 14:12 79:3 88:13,24 99:15 103:2 129:5 131:11 141:10	
		concerts 113:10	continued 7:9	
		concluded 153:15	continues 119:21	
		concludes 10:18 19:6 23:22 96:25 110:13 141:23 153:12	continuing 128:8	
		conclusion 122:4	contractors 98:13	
		conclusions 131:13	contrast 104:14	
		concrete 130:25	control 154:22	
			controls 108:19 109:14 112:24	
			convened 114:24	
			conveniently	

105:10 106:19 109:7 112:20,21 122:10,17 127:7 129:2 130:10 134:9 136:7,11 136:21 140:8,10 140:17 142:18 144:7 145:2,21 146:15 147:9 148:3 149:14 150:9 151:19 152:6,22 Councilman 1:10 1:11,12,12,13 1:13,14 2:2,15 2:20,21,21 3:22 5:9,14,18 6:5 7:13 8:3,8,18,23 9:4,8 10:21 11:2 11:4,5,17,22 12:8 13:4 14:8,9 14:10 15:4 16:12,13,16,20 16:22 17:5,8,18 19:9,16,25 20:6 20:15 21:25 22:6,10,20 23:25 24:5,9 25:2 27:15,17 27:18 28:9,17 28:20,23,24,25 29:2,7 30:6,7,8 30:13,17,19,21 30:23,24 31:9 31:14,19,23 32:6,18 33:4,8 33:17,22,24 34:5,8,9,12,19 35:4,5,16,18,25 36:5,13 38:8 39:24 40:5 41:13,18 42:13 43:25 44:5,10 44:20,21,21,23 45:13,19 46:24 48:9,11,13,14 48:16 51:4,16	51:18,20 54:2,3 54:14 55:17,20 55:22,24 56:4 56:15,20 57:4 57:10,23 58:6 59:2,10,20 60:8 60:12,13 61:3 62:16,20,23,25 63:2,3,24 64:25 65:7,10,14,21 65:24 66:7,16 66:19,20,22 67:6,9,11,18,21 67:25 68:3,5,12 68:14,21 69:9 69:11,18,24 70:4,5,14,19,25 71:5,9 72:14,16 72:18,19,20 73:15,17,20 74:3,19,25 75:2 75:24 76:6,7,8,9 76:10,14,16,24 77:2,8,11,12,15 77:18,23 78:2,7 78:10,15,20,22 80:23 81:3,4,5,6 81:10,22,23,24 82:10,21 83:7 83:13,20 84:17 84:22,23 85:9 85:11,12 86:4,5 86:23 87:8 89:6 89:11,15 90:15 90:22,24 91:4 91:23 92:2,6,9 92:25 97:4,13 97:18,22 98:6 99:17 101:25 105:14,18,23 106:10 107:21 108:5,9,22 110:16,20 111:5 111:19,23 115:6 116:21,23,24 117:21 118:18 118:21 120:11	120:16 121:7,21 121:25 122:21 122:25 123:5,15 126:11 128:24 129:9,17,25 131:2,16,20 132:3,23 133:3 133:15 134:19 134:22 135:2,12 139:14,23,24 141:14,15,18,22 142:11,13,20,24 143:2,6,8,11,13 143:16,20,22,24 143:25 144:9,13 144:15,19,21 145:4,8,10,14 145:16,23 146:3 146:5,9,10,17 146:21,23 147:3 147:4,11,15,17 147:21,22 148:6 148:10,12,16,18 148:23 149:4,6 149:8,9,17,21 149:23 150:3,4 150:12,16,18,22 150:24 151:5,9 151:11,13,14,21 151:24 152:2,6 152:8,9,11,14 152:17,24 153:4 153:5,6,7 councilmanic 53:24 73:22 74:4,5,8,9 Councilman's 7:12 64:5 Councilmember 6:15 23:6 25:15 32:7,20 60:16 62:8 68:6 78:8 93:11 106:20 109:8 Councilmembers 64:13 71:19 Councilpeople	52:12,13 71:20 97:9 99:12 Councilperson 46:22,25 48:3 54:22 61:25 85:6 141:8 Councilwoman 1:10,11,14,15 2:22 8:11 14:13 16:18 48:14 54:4,5 55:23,25 57:11,12 58:4 58:15 59:7,12 59:16 60:22 71:7,10,11 72:2 72:22 74:11 123:20,23 124:2 126:12,24 128:24 129:20 132:4,5 135:25 136:6 Counsel 126:23 count 115:23 counted 107:13 country 126:5 County 125:4,5 couple 37:6 54:23 81:16,17 course 63:7 121:2 125:18 138:21 court 113:25 114:16 cover 112:12 Craig 83:15 99:22 create 31:25 88:2 created 120:12 140:11 creating 33:11 42:14 56:23 88:20 137:4 creation 112:18 credit 120:7 creek 24:24 26:8 37:5 crime 112:7 116:10,13 117:6 117:10,16 118:7	120:5,6,9,12,14 122:9 crimes 113:3 120:10 crisis 112:8 122:14 critical 88:11,24 cross 74:6 cry 47:13 culminated 112:21 cumbersome 104:23 curb 96:9 101:15 current 4:24 10:9 13:6 14:4 27:10 46:7,8 77:20 88:21 99:5 104:17 117:17 128:5 currently 13:20 40:22 44:25 46:13 114:2 125:3 cut 75:5 96:10 101:15 Cuthbert 19:22 19:23 133:21,22 134:21
D				
date 9:16 10:6 13:15 70:3 104:9 day 52:24 73:4,8 118:6 days 102:10,15 117:4,13 deal 54:9 death 130:8 131:23 debate 67:23 debating 82:25 December 1:7 2:9 9:17 10:10,12 23:20 102:18 107:17 142:8				

decide 132:8,10	65:19 68:24	diligence 73:5	52:13 53:24	39:7,22 42:3
decides 132:10	70:20	130:4	56:10,11,14	54:12 63:2,9
decision 50:23	designations 3:14	dimensional	57:6,7,16 58:13	75:25 92:3
132:13,18,19	4:12,24 5:23	92:20 94:10	60:21 61:25	115:7 129:21
declaring 112:12	24:21 78:19	diminished 103:2	64:14 71:15,19	131:18 137:23
dedicated 99:25	designed 16:7	direct 154:22	73:22 74:4,5,8,9	dollars 125:2,25
121:5	desire 130:10	directed 138:3,8	77:7 85:6 86:13	138:7,16,19
deficit 124:20	desired 88:13	direction 68:12	86:19 87:21	140:14
definitely 82:12	desires 8:4	directly 49:16	88:2,4,6,16,22	doom 121:17
130:18	desk 104:11	62:13	89:23 90:8,14	dozen 126:4
definition 18:20	destroyed 38:11	Director 4:4 6:10	91:10 92:17,18	draft 90:9 100:15
definitions 18:12	detail 94:23	9:23 17:23	92:20 94:7,9,10	drafted 128:5
24:16 92:16	details 11:13	20:20 22:25	97:8 106:7,25	driveways 95:16
94:6 106:8	determination	25:9 64:2 87:14	108:17 109:13	dropping 47:23
defunct 6:24	42:22	89:22 93:6	110:5 123:13,17	drunken 119:13
degrees 53:13	determine 47:2	106:15 109:3	124:8,10,17,19	due 52:12 73:5
Delaware 5:25	detriment 114:15	133:23 134:2	124:19 125:2,4	112:4 114:12
6:2,17 7:19	develop 13:2	disagree 45:23	126:2,21 127:4	116:13 130:3
108:16,19	16:10	121:20,24	127:6,10,14,20	Duly 142:19
109:11,14,20	developed 101:7	disagreements	127:21,23	143:15 144:8
110:5,6,8,12	developer 11:21	86:8	128:18,21 129:7	145:3,22 146:16
112:5,18,23	12:4 15:12	disbanded 113:6	131:19 132:10	147:10 148:5,22
113:8 114:19	101:9 113:7,20	discover 105:11	132:24 136:3,24	149:16 150:11
116:8 122:8	development 4:4	discussed 33:12	137:3,18 139:2	151:4,20 152:23
delivered 94:2	6:10 7:2 9:23	42:16	141:4	dump 51:3,7
demand 101:9,11	12:16 15:18	discussing 40:19	districts 4:19	dumped 50:14
DENNIS 1:14	16:5 17:23	discussion 7:11	22:18 23:9	dumping 37:19
density 6:21,25	20:20 22:25	32:16 34:10,17	25:22 26:15	38:13
101:7	25:10 26:15	35:6 42:13	27:10 29:11	dwelling 95:20
Department 31:6	78:11 83:16	58:24 60:11	57:22 69:8	
56:25 59:8	84:7 87:15	71:12 74:10	92:23 94:13	E
60:24 87:16	88:19 91:16	76:2 77:10	95:18,25 96:17	earlier 16:24
93:18,20,21	93:7 94:20 95:7	84:20 128:8	96:20,23 99:4	115:6
96:12 101:18	99:24 100:2	discussions 62:13	101:4 103:8	early 112:3
137:10	101:3 102:22	97:10 100:20	126:4	easements 95:16
depending 13:12	105:8 106:15	diseases 134:6	district-wise 74:6	easily 85:2
53:11	109:3,16 115:13	disorderly 112:9	Division 4:4,5	East 92:17 94:7
depth 95:24	Diego 124:13	116:11	6:10,11 9:23,24	96:9 97:7 106:6
describe 14:22	diet 138:6	dispute 32:20	17:23,24 20:19	106:25
described 94:22	different 32:8	dissemination	20:20 22:24,25	easy 104:11 137:8
deserves 89:2	36:18 40:17	107:5	25:9,10 93:6,7	eating 137:21
design 92:16 94:6	41:24 57:3	district 4:20,21	106:15,16 109:3	138:5
95:21 100:23	79:17,23 80:16	7:22 9:13 10:8	109:4	economic 84:7
designated 51:11	83:2,3 85:14	20:10 23:12	DJ 113:10	87:15 91:16
78:14	differently 59:23	26:11,12 36:10	documented	edits 18:13
designation 23:17	difficult 33:18	39:15 42:14	122:13	effect 54:7 93:15
29:3 43:12	Digital 106:5,24	46:16,21 52:11	doing 30:5 37:18	100:8

effort 89:2 100:10	124:7 136:2	112:6 124:20	96:9 97:7	filed 90:14
efforts 88:17,22	essentially 32:4	experiencing	familiar 82:11	final 30:3 74:14
137:2 139:3	Essington 37:7	40:22	families 38:25	122:5 123:6
either 7:8 16:8	establishment	expiration 9:16	far 12:15 49:23	finally 39:15
23:11 41:10	117:8	10:6	70:7 120:14	102:16
65:13 85:4	estimated 86:11	expire 10:10	129:21	financed 127:22
122:2 130:8	87:22 90:7	expires 14:2	farmers 137:13	Financing 136:14
131:23	et 62:5 79:22 80:4	explain 12:22	fat 138:9	find 37:22 72:9
Eleanor 62:11	everybody 2:25	14:15	fats 136:19	finding 140:10
63:25	79:4	explained 79:8	favor 114:23	findings 93:24
elected 81:13	everybody's 2:18	explore 35:19	142:22 143:18	122:10,11
electronic 105:5	evidence 154:4	127:8 128:18	144:11 145:6,25	fine 11:12 20:2
eliminate 96:14	evolution 100:7	exploring 127:16	146:19 147:13	51:8 58:5
embezzlement	exactly 3:4 14:23	exposed 125:15	148:8 149:2,19	121:21
120:6	41:10 61:23	express 45:22	150:14 151:7,22	finishing 26:3
embodied 105:12	115:25	expressed 52:10	153:2	fire 51:5 75:14
emphasis 88:8	example 46:7	96:2 117:12	favorable 125:21	firm 11:20 12:3
employ 121:16	examples 18:19	expressly 95:13	144:4 147:25	first 3:9 8:10
employers 84:15	exceed 107:7,9	extend 9:16 10:6	150:7	10:23 14:12
enacting 93:23	exception 23:17	10:11	favorably 142:16	15:22 35:14
enactment 112:22	96:19	extended 11:8	143:4 144:17,24	48:18 50:22
encourage 102:22	exceptions 85:5	extension 11:7	145:12,19 146:7	83:13 86:25
enforcement	103:16	12:24 13:7,23	146:12,25 147:7	87:9 112:2
112:16,17	exclude 139:8	extent 109:11	147:19 148:14	119:20 123:16
ensuring 137:7	exclusion 95:17	110:4	149:12,25	123:19 125:23
entails 15:7	Excuse 32:17	extra 50:8	150:20 151:17	136:5 141:9
entering 127:24	66:16 118:20	extremely 104:2	152:4,20 153:10	142:17 144:6,25
Enterprise 83:23	execution 128:22	e-mail 102:4	fear 117:25	145:20 146:14
Entertainment	Executive 89:22		federal 134:14	147:8 148:3
7:16	exercised 113:23	F	feel 30:11 91:21	149:14 150:9
entire 32:23 35:2	exist 28:10 44:11	facades 91:19	132:13	151:18 152:10
46:3 102:11	existence 120:12	facilitate 43:8	feels 60:3	152:21
119:5	existing 4:22 6:19	102:23	feet 95:19,25	fiscal 124:21
entitled 9:12,15	7:7 13:3 18:25	facilities 28:4	96:10,14,24	Fishtown 111:10
17:14 22:14	21:11 26:20,21	facility 29:25 41:6	101:2 107:7,8	114:22 115:11
24:14 25:18	41:6 42:3 43:9	facing 64:8 128:4	111:11	five-year 87:19
92:13 106:3	44:3 61:17	fact 40:20 41:9	Fegely 86:21,24	fix 47:5
108:13 123:9	67:12 96:18	47:10 91:13	87:9,11,14	fixed 47:25 48:2
environmentally	116:16	94:22 119:24	89:10,14	flat 104:10
94:18	exists 6:22 68:25	122:11	fellow 118:4	fleet 125:9,10
environments	expand 67:15	facts 120:24	Fetterman 126:23	flexible 104:18
137:4 139:11	expanding 45:10	Fadullon 97:25	field 124:12	flip 104:21
equally 67:13	expectations	98:9,10	fight 48:4 139:6	flipping 104:11
equipment 22:17	122:6	fair 94:20	fighting 45:20	floor 75:15
23:15 26:4 27:7	expected 118:9	fairly 32:19	figure 46:6 64:6	focus 70:12
28:3	121:8	fall 15:25	figured 43:11	111:12 116:10
erection 123:11	experienced	Falls 92:17 94:8	65:15	140:4

focused 117:18 141:2	31:10	120:3,4,4	68:13 81:18	45:15,18 46:14
focuses 26:10	for-profit 127:24	games 138:12	84:10,19 86:25	47:7 50:11 51:6
110:4	fostered 102:21	garage 39:11 41:2	87:9 90:5 99:19	56:5 59:20
folks 92:3	foundation	garages 36:22	100:12 101:21	67:17 78:7 79:7
follow 80:18	136:12	39:7,8,22 96:20	101:23 111:24	Gordon's 44:6
118:16	four 12:18 15:17	gas 49:18,21 75:4	132:11 140:14	62:7 65:3
followed 100:6	69:10 73:9	75:19	142:3	gotten 71:18
following 25:20	100:5	gather 88:17	goal 64:4 131:3	Government
100:9	four-year 100:9	gathering 124:4	134:5	134:2 135:18
food 135:5,19	fraction 138:19	Gaul 3:17 4:15	God 50:11	Graham 86:21
136:14,16,20,22	Fran 126:19	General 40:20	goes 29:22 40:11	89:22
136:23 137:15	Frankford 110:9	41:5,23 42:11	going 12:22 15:19	grandfathered
138:2,4,7,15,20	113:9	126:23	24:10 34:22	54:18 55:13
139:8	frankly 113:11	generalized 140:4	37:5 39:2 42:17	grandfathers
foods 134:12	fraud 120:6,8,8	generally 49:17	45:11 47:19	61:17
135:22 138:8	free 91:22	112:9,15 121:12	48:5 50:13	granted 113:21
foot 21:7	Fresh 136:14	generate 124:9	51:12 64:20	113:22
footage 107:14	front 5:25 12:17	127:8,13	72:5,5,11 79:2,3	Grays 82:6
football 124:12	51:3 53:3	generated 119:9	82:22 83:2,8	great 3:4 45:16
forbid 50:11	112:11 115:24	127:12	84:5 99:10	72:22 115:19
force 55:14	frontage 18:21	generation	103:19 117:3,6	Green 1:12 2:21
112:19 113:5	107:10	128:12,19 129:7	119:19 123:18	11:4,5 12:8 13:4
Ford 125:5	fruits 138:18	geographic	132:14 140:20	14:8 30:8,23,24
foregoing 154:7	full 15:16 139:17	108:15 109:11	140:24	31:9,14,19 32:6
154:19	fully 127:15 154:5	110:7	Goldenberg	32:18 33:17
foremost 141:9	full-service	geography 57:24	11:20 12:3	34:5,8,19 44:21
forever 48:19	136:16	getting 12:13	15:10	44:23 45:13,19
formal 90:2	functions 101:16	13:17 39:15	good 2:2,15 3:25	46:24 48:9
format 104:7	fundamentally	68:2 73:11	6:7 8:23,24 9:20	55:24 60:12,13
former 76:11 91:9	140:7	115:8,9 129:23	11:17 15:8	61:3 62:16
100:7	funding 140:5,6	girls 124:13	16:24 17:20	63:24 64:25
formerly 84:10	funds 124:24	give 11:12 25:3	20:17 22:22	65:7,10,14,21
formula 140:6	furnaces 29:15	85:22 117:14	25:7 35:25 36:4	65:24 66:7 67:6
forth 43:15 47:24	furniture 29:24	128:17	36:5 72:21	67:11 68:5,14
67:24 74:6	further 27:13	given 8:15 43:9	84:14 87:11	68:21 69:9,11
104:12,21	29:19 35:20	61:13 128:16	90:17 92:3 93:4	69:18,24 70:5
125:16	59:24 66:9,23	gives 71:15	99:20 106:12	70:14,19,25
forward 31:11	74:12 153:11	giving 79:16	108:24 115:8,9	71:5 77:16,18
35:22 42:18	future 4:25 6:19	glass 29:15 83:24	116:20 118:23	77:23 78:2,10
53:22 76:21	16:4 34:16 44:7	gloom 121:18	121:13,15	78:20 85:11,12
86:24 89:8 98:2	47:18 54:7	go 14:5,16 34:3	122:16 126:17	86:4 152:6
130:6,11,21	61:20 78:11	37:20,24 39:12	134:23 137:21	Greenlee 1:10 2:2
131:5,6 132:21	88:24	42:19 43:12	139:3	2:15 3:22 4:2
133:7 141:3,8	G	47:24 48:21	Goode 1:11 2:20	5:9,14,18 6:5,8
forwarding 31:6	Gabriella 135:17	49:13,23 50:8	Gordon 35:11,17	8:8,18,23 9:4,8
	gamblers 119:24	53:3 56:11	35:21 36:4,7,8	9:21 10:21
		61:24 67:23	38:10 40:3	11:22 14:9

16:13,22 17:5,8 17:18,21 19:9 19:16,25 20:6 20:15,18 21:25 22:6,10,20,23 23:25 24:5,9 25:2,8 27:15 28:24 30:7,17 30:21 33:22 34:9 35:4,16,25 36:5 39:24 40:5 41:13,18 43:25 44:5,10,20 48:11 51:16 54:2 55:17,22 56:15,20 57:4 57:10,23 58:6 59:2,10 60:8 62:20,25 66:19 67:21 68:3 71:9 72:14,18 73:15 74:19 75:24 76:7,14,24 77:8 77:12 78:15,22 80:23 81:4,22 82:10,21 83:7 83:13 84:17 85:9 86:5,23 87:8 89:6,11,15 89:21 90:15 91:4,23 92:2,6,9 92:25 93:4,12 97:4,13,18,22 98:6,15 99:17 99:21 101:25 105:14,18,23 106:10,13 107:21 108:5,9 108:22,25 110:16,20 111:5 111:19,23 116:21 121:25 122:21,25 123:5 123:15 126:11 126:18 128:24 129:9,17,25 131:2,16 132:3	132:23 133:3,15 134:19,22 135:2 135:12 139:14 141:14,18,22 142:20,24 143:2 143:11,16,20,22 144:9,13,15 145:4,8,10,23 146:3,5,17,21 146:23 147:11 147:15,17 148:6 148:10,12,23 149:4,6,17,21 149:23 150:12 150:16,18 151:5 151:9,11,21,24 152:2,8,14,24 153:4,6 Group 11:21 12:4 15:10 114:20 groups 73:5 95:6 115:7,18 growth 39:18 66:9,12,23 guarantee 128:22 guess 34:4,6,11 38:2 59:3,11 130:2,5 131:17 135:6 guy 49:19 guys 16:25 49:9 gym 124:14 G-2 41:23	happened 81:12 122:7 happening 36:20 50:2 122:15 happens 57:21 happier 66:13 70:7 happily 90:19 happy 5:7 8:6 10:19 19:7 21:23 23:23 58:22 61:19 89:4 90:10 97:2 107:19 110:14 hard 17:2 105:6 harken 121:10 Harrisburg 140:5 140:12,19 141:9 Harrison 11:19 12:2 Harvey 86:22 91:8 hazard 38:25 head 61:2 83:16 91:11 health 133:23 134:14 136:8 137:10 138:7,22 139:3 healthy 137:4,7 137:11,15,21 138:15 139:11 hear 3:3 66:5 90:19 114:4 121:22,23 123:18 heard 64:13 69:5 90:16 142:11 hearing 2:3,12,16 19:11 58:23 79:2 83:9 90:9 125:19,23 141:23 143:2,22 144:15 145:10 146:5,23 147:17 148:12 149:6,23 150:18 151:11	152:2 Heart 133:23,25 139:20 height 107:7 heinous 40:21 120:9 held 32:16 33:4 74:22 82:16 86:6 141:25 hell 50:16 Hellaware 112:13 116:15 121:10 help 7:18 46:3 129:16 helped 112:19 119:4 helpful 104:3 132:8,14 helping 88:12 Henon 1:12 2:21 28:25 29:2,7 30:6 high 124:13 138:9 Highway 96:13 high-end 101:12 Hill 95:9 118:5 hired 91:14 history 80:2 112:2 hold 34:20 52:23 55:11 66:19 73:11,18 74:10 82:22 90:9 holding 74:20 hole 43:13 home 98:12 homeowner 36:11 Homes 20:11 21:3 21:17 honest 70:2 hope 121:23 129:4 hopefully 19:12 86:7 hoping 56:7 horrible 37:19 house 37:22 51:3 households 111:9	houses 41:10 housing 12:20 100:25 hundred 41:17 140:13 Hungry-Free 134:15 hurdle 75:21 hydrant 51:5
I				
ICMX 4:20 7:8 25:21 26:11 27:8 29:3,9 31:22 32:22 43:11,12 46:12 61:16,22 62:5 64:18,20 65:22 65:25 66:4 67:8 68:9,19 69:12 69:13,14,19,19 70:8,11,23 78:5 85:17 idea 33:11 35:8 51:21 82:5 127:12 128:12 129:6 130:17 Ideally 131:2 identify 3:23 36:2 62:21 79:10 83:14 98:7 110:21 126:15 133:8,16 illegal 39:14 imagine 46:19,21 124:11 immediate 112:6 114:15 impact 64:16 134:5 138:4 impacted 69:7 impartial 127:11 implement 7:19 138:24 implemented 131:8 importance				

102:25 137:21 important 82:9 88:25 130:15 137:5 impression 69:3 improve 91:18 135:21 improvement 88:2 improvements 86:14 87:20 improving 99:25 100:3 inappropriate 126:7,8 inception 40:25 incidents 112:7 include 7:14 58:12 60:6,9 104:25 113:14 included 113:15 128:13 includes 127:18 134:8,11 including 87:21 92:15 95:7 100:16 104:6 136:13 inclusion 95:15 income 127:13 increase 18:25 96:20 137:15 increased 88:8 140:23 increasing 100:3 138:10 incredible 121:3 independent 21:10 88:14 index 105:2 individual 50:6 53:23 140:9 individuals 52:16 81:8 industrial 4:19,20 6:21,24 7:7,9 24:17 25:21	26:10,11 27:9 28:7 29:8,13,14 40:20 41:5,24 42:3,5,11 64:20 68:15 69:16,17 71:14 73:12 75:16,20 77:21 80:11 103:7 Industry 95:8 98:11 influences 138:6 information 52:17 66:17,18 66:21 107:6 informed 103:12 initial 40:15 52:18 initially 42:10 initiative 136:15 137:11 initiatives 136:12 136:17 input 53:21 88:17 inserts 104:8 inside 43:23 77:6 Inspections 93:18 102:20 103:14 instance 27:24 39:5 40:18 42:2 43:8 instances 41:15 instituted 42:11 Institutional 20:9 insufficient 113:12,17 insurance 120:8 intended 26:20 29:17 intent 57:20 interested 15:5 33:24 72:8 105:9 internal 121:3 Internet 125:18 interrupt 40:6 introduced 4:8 6:14 10:3 18:3	18:17 20:23 23:4 25:13 93:10 106:19 109:7,9 introducing 36:14 intrusive 75:10 investment 102:23 invitation 127:2 135:16 involved 62:12 91:16 97:9 involvement 132:22 involving 107:4 IRMX 68:8 69:21 70:17 78:3 85:20 IRS 128:4 Island 48:22 issue 35:7 36:19 50:25 52:6,15 52:19 56:13 59:18 64:11 69:4 71:21 72:9 73:2 74:12 76:21 81:9,11 82:9 83:12,17 83:21 125:12 140:6 141:10 issues 46:18 64:8 64:14 81:13,15 105:12 140:15 140:18 141:3 item 10:16 21:21 98:24 items 134:18 I-2 4:18 6:20 7:8 26:10 I-95 115:20 116:6	115:8 jobs 84:25 Johnson 1:13 25:15 30:14 32:7,20 33:5,24 34:12 35:5,18 36:14 48:14 51:18,20 54:14 55:20 56:4 62:8 66:16,20,22 67:9,18,25 70:4 72:16,19,20 73:20 74:3 76:6 76:8,9,16 77:2 77:11 78:8 81:3 81:6,24 83:20 Johnson's 115:6 joined 126:22 Jonathan 133:25 Jones 79:12,14 131:20 JR 1:11 jumping 131:12 June 7:22 102:12 junkyards 48:23 junk/chop 52:20 jurisdiction 101:17	117:21 118:18 118:21 120:11 120:16 121:7,21 142:12,13 143:6 143:8,13,24,25 144:19,21 145:14,16 146:9 146:10 147:3,4 147:21,22 148:16,18 149:8 149:9 150:3,4 150:22,24 151:13,14 152:9 152:11,17 KENYATTA 1:13 Kevin 15:9 key 105:4 kids 37:14 38:25 47:23 134:15 137:5 139:12 kind 33:17 50:7 63:13,14 66:11 71:13 75:3 77:14 83:25 85:7 120:5 130:9,14,14 kinds 114:7 Kingessing 81:19 82:3 Kirch 134:2 Klehr 11:19 12:2 know 11:14 28:15 32:16 33:10,15 35:9 40:8 46:17 47:19,21 50:22 54:22 55:2,9 57:13,21 58:3,8 59:12 60:5,5,7 60:23,23,25 63:12 64:9 70:2 73:6 76:17 77:9 77:9 79:25 81:15 89:11 112:3 114:7,23 115:19 117:25 118:13,24 121:6
--	---	---	--	--

137:3 138:2,23 knowledge 97:16 114:5 known 33:20 112:22 115:16 Korn 119:3 Kramer 3:19,23 3:25 4:3 5:11 6:6,7,9 8:9,13 8:17,21 9:2,19 9:20,22 10:22 10:24 11:10,11 13:4,11 17:19 17:20,22 19:10 19:13 20:16,17 20:19 22:3,21 22:22,24 24:2 25:3,5,9 27:20 27:24 28:11,19 28:22 29:2,6,9 30:9,15,20 31:3 31:11,17 32:3 32:13 33:2,19 35:14 40:7,14 41:15,20 44:4,9 44:12,24 45:5 56:16,18,22 57:8 58:9 61:6 62:10 93:2,3,6 97:5,11,16,20 100:17 106:11 106:12,14 107:22 108:2,23 108:24 109:2 110:18 111:6 122:3	landowner 114:14 landowners 103:10 language 60:18 99:5 large 104:7 largely 114:24 115:3 larger 64:11 Lastly 128:11 late 12:21 15:5 63:23 latest 21:5 Laurel 5:24 6:18 law 11:20 12:3 31:6 56:25 59:8 60:2,4,23 93:20 112:15,17 leader 139:6 leadership 136:9 140:8 leads 71:12 leaves 33:18 led 31:4 left 152:6 legal 57:3 60:24 89:7 legally 45:6 Legion 38:9,10 legislation 25:19 72:24 90:10 93:23 98:20 100:16 legislative 31:12 64:2 112:17 122:11 legitimate 80:25 length 63:6 107:9 letter 139:17 letters 54:22 81:16 135:5 let's 60:10 68:7 118:9 level 107:9 License 93:18 Licenses 102:19	103:13 licensing 117:16 117:17 lies 104:10 life 36:21 48:7 52:3 107:23,24 likes 131:20 limbo 63:15 limits 101:6 Lindbergh 24:23 26:7 48:21 line 42:9 44:13 76:4 linear 107:10 lines 47:10 listed 101:22 listening 71:11 125:17 literally 104:15 litter 88:3 little 11:23 14:17 14:22 35:19 78:16 107:23,24 112:2 115:15,19 116:9 120:23 live 36:9 80:4,19 113:10 116:5 living 21:11 loading 92:21 94:11 96:22 101:15 loads 37:4 local 91:17 115:3 located 3:15 5:24 21:4 24:22 107:8 110:8 location 15:6 43:5 51:11 88:13 Logan 95:11 long 2:23 13:7 39:4 57:5 80:2 81:11 longer 6:21 23:10 114:4 longstanding 136:9 look 38:15 47:9	65:18 70:24 71:20 72:3 73:3 73:8 82:3,7 104:19 115:24 122:6 130:22 131:11 looked 129:19 looking 60:16 69:17 79:15 80:17 83:20 looks 37:11,19 losing 128:3 lot 18:23 28:13 39:6 40:18,21 41:20 54:18 62:2 64:19 71:14 77:15 79:5 120:22 121:16 136:11 lots 28:2 low 3:3 lower 116:4 lowest 100:24 low-fat 138:17 low-income 21:9 Lube 62:4 83:23 L&I 55:14,14 113:19 L-4 29:11 41:25 L-5 29:11 41:25	85:13,14,16 132:17 mall 49:17 man 38:3 Manager 135:19 manner 88:21 map 46:7 56:16 56:18 57:5 115:25 maps 3:13 4:11 5:22 24:20 40:15,25 56:11 March 7:21 109:22 Marconi 3:8 5:19 9:9 17:9 19:21 20:7 22:11 24:10 82:17 86:9 92:10 105:24 108:10 MARIAN 1:15 market 101:9 106:6,24 118:9 marketing 88:9 138:2,7 marriage 12:19 master 7:19 20:10 21:2,15 95:18 101:4 109:19 110:11 match 4:24,25 materialized 121:18 materials 29:16 126:2 matter 27:8 43:6 47:10 76:20 103:20 154:7 Maurice 79:14 maximum 96:10 101:6 107:13 Mayor's 31:12 Ma'am 129:11 McDonald's 49:18 mean 37:11 48:20 48:21,22 55:4
---	---	---	---	---

58:2,22 60:8,9 63:11 65:21 66:13 75:8,15 120:16 121:17 meaning 126:7 means 14:3 56:23 154:21 meant 114:13 measure 124:24 125:20 measurement 18:12 mechanisms 85:4 media 138:14 medium 4:18 6:20 6:25 26:10 meet 101:11 meeting 2:6 5:3 7:25 10:14 19:3 21:14,19 23:20 26:25 36:16,17 94:24 107:17 109:23 114:24 115:2,5,10 142:4,6 153:13 meetings 33:4,7 51:23 90:6 member 8:11 14:14 81:19 118:4 members 4:2 6:8 9:21 14:24 16:17 17:21 20:18 22:23 25:8 87:12 89:21 93:5 99:21 106:13 108:25 111:3 114:11 124:3 125:19 126:18 128:25 140:10 memorized 65:11 mentioned 97:7 100:17 menu 136:19 mess 48:24 messaging 128:7	method 86:12 87:22 methodology 64:7 64:23 MICHELE 154:14 microphone 11:24 mid 124:21 Midas 83:24 middle 39:11,25 40:3 47:16 49:11,22 53:16 mid-rise 6:25 milk 138:17,17 million 124:20,22 124:23 125:8 140:13 mind 53:25 60:25 mine 121:23 minimum 96:21 128:6 minutes 83:5,6 mission 138:25 Mixed 7:17 mixed-use 4:21 7:2 25:22 26:12 27:9 42:5 101:12 109:16 mode 79:17 money 131:20 monitor 55:15 103:15 Montgomery 15:15,22 month 14:3 Moore 15:14 moot 114:16 Mora 135:11,14 135:17 Moriah 82:4 morning 2:3,16 3:25 6:7 9:20 11:17 15:9 17:20 20:17 22:22 25:7 36:2 36:4,6 87:12	93:4 99:20 100:18 106:12 108:24 126:18 motor 98:25 move 42:18 51:8 77:16 79:6 82:23 132:21 141:3 142:14 143:9 144:2,22 145:17 146:11 147:5,23 148:19 149:10 150:5,25 151:15 152:12 152:18 moved 142:21 143:17 144:10 145:5,24 146:18 147:12 148:7,24 149:18 150:13 151:6 152:25 moves 130:6,21 131:5,6 movie 95:22 moving 53:22 76:21 89:8 108:10 130:10 Mt 82:4 much-needed 124:18 137:2 muggings 112:9 117:18 multi-million-d... 38:21,24 Municipal 90:3 Murders 112:8 MURPHY 154:14 mystified 75:3 N name 11:18 19:20 19:20 36:7 79:14 83:15 87:13 91:8 98:9 99:22 110:23 126:19 133:21 135:17 Natalie 102:5	national 49:7 136:9 139:5 nationally 136:13 nature 18:15 28:5 103:24 NCP 9:12 10:7 nearby 62:2 nearly 125:8 necessarily 29:13 necessary 75:9 need 13:6,22,24 28:18,21 49:12 75:7 103:19 129:15 needed 105:11 needs 49:23 88:21 103:8,12 125:14 131:19 140:24 141:13 negative 64:16 153:8 negatively 138:5 neighbor 73:21 118:19,22,23,23 neighborhood 32:10 37:13 38:4 45:23 46:10 47:6,14 47:16 48:8 49:22 50:13 53:5,11,12 61:10,19 62:9 63:22 66:11,12 70:7,12,17 73:4 73:6,10 75:8,23 78:4 79:16,24 80:9 85:20,22 87:15 92:18 94:8 95:12 108:16 109:12 115:16,18,20 117:10,22 132:18 neighborhoods 46:12 61:12,24 80:7 84:8,9,25 100:4 102:24	132:6,8 136:17 neighbors 49:15 62:3 112:6 114:22,25 115:3 115:11 netherworld 63:15 never 36:17 114:6 117:18 121:18 new 13:24,25 29:10 37:9 54:24 55:6 61:11 62:18 64:25 67:12,14 67:19 84:2 86:11 87:19 88:15 91:14 93:14,23 95:20 98:18 100:8 102:17,21 104:8 104:14,16,25 105:2,13 124:25 125:6,6,25 news 106:5,24 107:5,12 Newspaper 112:10 nice 37:11,12 126:14 nightclubs 112:4 112:25 114:8 116:13 nighttime 88:8 Nike 124:13 non-accessory 123:12 124:7,16 127:4 128:20 136:2 non-conformity 18:25 non-profit 135:20 non-tax 127:13 north 9:12 10:7 15:21 108:16 109:11 110:5 112:5,23 116:7 Northeast 53:17
---	--	--	---	---

Northwest 49:3 72:22 note 111:14 notes 154:6 notify 90:5 notwithstanding 58:11 November 7:25 10:14 19:3 21:19 23:5 26:25 94:24 106:19 109:23 124:22 nuisance 113:3 number 42:25 91:20 93:14 100:13 117:3 138:11 143:10 numbers 103:17 120:24 numerous 101:20 nutrition 137:22 nutritious 135:21 O obesity 136:10 137:7 139:7 objection 31:20 90:14 objectionable 66:10 objections 90:11 154:4 obtained 13:18 obviously 35:7 52:8 130:4,7 131:18 occupancy 15:25 occurred 122:14 October 5:3 6:14 10:3 18:3,18 20:24 21:14 25:14 93:11 offer 99:12 135:22 offered 30:19 offering 98:16	office 31:13 64:6 86:18 87:14 Officer 126:21 offices 69:6 off-street 101:14 Oh 76:14 135:12 oil 38:12,12 47:22 47:24 49:20 75:5,19 okay 8:21 14:20 19:25 30:6,21 31:19 45:13 54:2 56:9 62:2 66:5 70:18,23 71:5,25 76:15 89:13 121:19 129:25 131:16 134:20 old 86:13,15,18 87:21,25 88:5,7 88:9,12,18,22 88:23 89:23 91:9 104:5 117:4 ones 42:8 44:11 54:8,9 83:11 one's 104:10 one-man 49:10 one-year 18:7 93:17,25 94:14 99:9 102:20 ongoing 103:19 137:12 139:10 online 105:5 138:12 open 39:10 49:10 49:14,20 54:20 55:8 67:2 95:17 opened 55:10 opening 36:24 37:15,17 38:18 55:6 63:19 71:23 73:14 opens 50:12 operate 13:2 53:14 operating 46:19	46:20 53:7 126:20 operation 49:10 75:13 79:18 operations 41:7 operator's 43:17 opinion 76:3 120:23 122:13 opinions 130:19 opportunity 54:20 55:8 98:19 99:14 129:3 135:15 oppose 115:12 opposed 31:16 55:3,5 61:16 64:15 68:9 70:20 99:6 114:20 142:24 143:20 144:13 145:8 146:3,21 147:15 148:10 149:4,21 150:16 151:9,24 153:4 opposition 54:23 81:16 111:13 114:18 options 26:16 orange 116:3 order 28:21 85:17 128:2 ordinance 3:12 5:21 9:11 12:6 12:24 13:3 14:2 17:13 20:9 22:13 24:13,19 86:11 92:12 94:4 106:2 108:12 123:8 ordinary 79:24 Oregon 6:4,18 organization 99:25 121:14 organizations 95:6 original 100:15 ought 71:20 72:7	outdoor 29:15 outlined 128:16 outside 43:20 53:10 118:14 overflowing 16:23 overlay 9:13 10:7 10:9 11:6,7,9 12:10 32:8 33:11 34:24 42:14 52:7 92:17,18 94:7,8 96:9 108:17 109:12 110:5,7 112:22,24 122:10 overlays 64:9 overload 140:23 141:12 overnight 44:17 130:13 overseas 79:22 owing 28:5 owner 11:21 12:4 15:11 53:20 87:24 90:13 owners 87:23 88:18 90:12 91:18 owns 140:17 O'Brien 1:14 16:17 139:23,24 153:5,7 P page 104:8 112:11 paid 124:12,14 paint 26:3 28:5 pales 138:16 paralysis 131:21 parcels 4:12 7:10 Pardon 152:14 parents 137:24 parked 39:13 parking 38:19 43:24 92:21 94:11 95:22	96:16 98:25 101:6,11,15 108:19 109:13 110:6 113:12,17 part 14:19 50:2 51:23 52:21 58:23 81:25 84:4 102:2 114:5 128:8 135:8 139:17,21 140:20 partially 64:10 participated 100:6 particular 31:22 36:19 40:17 42:19 46:4 52:4 52:19 55:3,5 63:21 79:24 82:4 116:5 particularly 64:15 97:7 partly 100:19 partnership 137:9 parts 29:23,25 30:2 37:3 38:12 41:8 53:17 79:21 81:21 82:14 Paschall 37:25 pass 74:13 138:23 passage 74:14 128:17,21 passed 12:7 35:9 122:10 path 33:15 Patterson 11:14 11:16,19,25 12:2,9,12 13:16 14:11,16 15:2 15:11 16:6 17:11 Paul 110:24 Pause 2:14 152:16 pavement 39:14 pavements 38:20
---	--	--	--	---

pays 90:13 pedestrian-frie... 109:17 penalties 128:4 pending 114:3 Pennsbury 125:4 Pennsylvania 1:6 90:4 125:3 136:14 people 36:17 43:24 50:21 52:13 63:8,15 63:19 65:16 72:6 79:21 87:25 115:4,18 117:25 118:14 118:15 121:16 125:15 133:6 Pep 53:5 62:4 83:23 percent 41:17 127:25 134:7 performing 127:19 period 10:12 19:12 28:13 56:9 63:8 81:11 permit 13:18,21 13:24,25 16:8,9 41:5 43:3 permits 13:13 61:18 permitted 25:21 68:16 77:24 107:4,7,14 permitting 23:10 123:11 124:6 persistent 47:11 person 79:17 personal 23:10,13 25:22,23 27:5,6 persons 12:18 120:14 perspective 79:16 petition 115:22 Phase 12:21,23 13:19,21,24,25	15:20 phases 16:5 Philadelphia 1:2 1:6 3:12 4:5,11 5:4,21 6:11 7:24 9:12,13,24 10:7 10:13 17:14,24 18:10 19:2 20:11,21 21:3 21:13,16,18 22:14 23:2,8,18 24:14,20 25:11 25:17 26:23 36:10 39:23 40:24 41:9 49:4 49:5 52:5,25 75:12 76:12 79:14 86:16 87:16 88:25 92:13 93:7 94:25 95:3,9 102:23 106:3,16 106:22 107:15 108:13 109:4,21 109:24 110:25 123:9,13 124:8 124:10,12,17 126:22 127:5,7 127:22 129:8 136:4,24 137:9 139:2,5 140:17 Philadelphians 136:8 Philadelphia's 100:2 Philadelphia-b... 135:20 Philly 39:6 48:18 49:4 52:25 137:11 phone 55:2 138:14 photos 15:20 37:21,23 phrase 131:21 physical 120:14 137:22	pick 50:17,21 105:3,4 picking 50:15 piece 31:22 35:2 piggyback 72:21 76:10 piles 47:17,17,17 place 40:17 41:23 50:4 placed 46:2 placement 124:15 places 32:25 61:22,25 70:21 83:24 84:10 107:2 112:25 114:8 placing 43:6 88:7 plan 7:20,22 20:10 21:2,15 86:11 87:20 88:19,20 90:11 95:18 101:4 109:19 110:11 planned 14:23 planning 4:6 5:4 6:12 7:20,24 8:19 9:25 10:13 17:15,25 19:2 20:21 21:13,18 22:15 23:2,18 24:15 25:10,11 26:24 27:3 30:10 31:16 33:6 47:8 52:9 52:14 62:11 63:11 64:2 65:15 69:25 73:23 83:18 92:14 93:8,19 94:17 95:2,4 98:14 99:11 100:14,21 102:5 102:19 103:14 105:10 106:4,17 107:15 108:14 109:5,21,25 123:10	played 88:11 players 120:2 Pleas 114:2 please 2:18 3:6,8 3:23 11:24 35:22 36:2 51:19 77:17 78:25 79:11 82:18 83:7,8 86:9 87:10 89:15 92:10 97:25 98:2,6 99:19 105:24 110:21 111:7 116:14,16 126:14,15 133:16 135:13 pocket 115:16 116:6,9 point 33:3,12 40:19 41:4,9 43:18 53:13,15 53:16 66:4,17 66:17,20 68:19 85:13,14,16 119:21 120:18 121:7,17 122:5 131:9 140:2 points 121:22 police 112:19 113:5 118:6,13 119:2,4,9,11,14 119:15 120:21 121:4 policy 10:17 21:22 135:18 138:24 poor 69:25 pop 72:10 popping 50:4 73:3 portion 28:8 posed 52:6 position 76:19 positive 94:19 possibilities 127:16 possibility 34:4,5	61:5 possible 138:23 posting 103:9 potentially 34:23 powerful 138:4 practices 94:19 precedence 56:16 56:19 precluding 83:25 predictable 102:22 preferences 138:4 preliminary 52:8 premise 66:25 premises 117:19 preparatory 130:14 prepared 96:4 110:3 130:24 131:10 134:3 Presbytery 20:11 21:3,16 prescribed 90:3 present 1:9 8:12 11:3 14:14 16:18,19 74:21 presented 119:2 127:16 presently 80:18 80:19 presents 138:21 President 15:10 98:10 140:9 pretty 40:10 80:5 prevent 78:6 122:15 preventing 137:6 previous 10:17 21:22 previously 139:19 primarily 26:9 primary 72:23 73:12 76:19 principles 94:17 printed 103:25 prior 52:17 81:9 priority 102:13
---	--	--	--	--

private 128:2 129:15	111:11 113:23 114:5,14,25 115:9 116:2	protect 102:24	113:8 134:8	137:2 138:24
private-use 127:19 130:20 131:13	projects 95:19 101:13	protection 75:8	putting 30:3	raised 78:8 83:11 83:17,21 125:8
probably 13:12 39:9 99:12	proliferation 51:24 52:20 112:4	protective 122:17	33:25 51:13 54:11 101:16	raising 135:6 141:5
problem 33:3 34:14 39:3 41:8 43:16 44:6,17 46:4 47:20 50:5 51:15 54:9 57:3 61:7,8 72:4 79:8 80:24,25 82:12 82:13 89:7 116:13 119:23 120:3,4,13 140:16	promote 94:17 109:15 139:3	prove 124:24	p.m 153:16	ran 42:9
problems 39:20 39:21 62:7	promotes 66:11	provide 11:8 12:10 43:22 88:3 101:10 102:20 105:6 125:25 131:15	Q	rapes 112:9
procedures 18:12 94:21	promoting 139:11	provided 18:24 46:9 94:22 95:14 113:12	qualify 120:19	rate 118:22
proceed 3:24 36:3 98:8 110:22 123:16 126:16 133:17	propagating 118:8	provides 84:25 107:12 128:5	quality 36:20 47:21 48:7 52:3	rave 113:11
proceedings 154:4	properties 6:17 26:11,12 40:18 42:7 44:25 69:12,16 115:13 127:22	providing 106:4	quality-of-life 50:25	RCO 2:8 142:6
process 63:8,19 89:25 90:2 94:15 100:24 103:4,8,12 117:18 140:12	property 11:10 12:5,25 13:19 15:12,13 16:11 26:14 35:3 43:3 48:7 53:10 69:13 71:16 87:23,24 88:18 90:8,12,13 91:18 103:11 118:16 123:13 124:9,17 127:5 127:10 128:21 136:4,25 139:9 141:4	provisions 14:4 24:16 27:11 85:18 92:15,15 96:3 123:10 124:6	question 12:9 14:21,25 42:9 52:6 56:6 59:4 59:12 61:15,21 62:15 63:4 77:20 89:7 103:9 116:2	reached 52:14 112:8
product 30:4 93:16	property's 107:10	proviso 43:21	questions 5:8,11 8:6,25 10:19,23 16:15 17:3 19:7 19:13 21:24 22:3 23:23 24:3 35:13 71:18 89:5,16 91:2,7 91:21,24 97:2 97:20 105:16 107:20 108:2 110:14,17 122:2 122:20,23 129:14 132:24 132:25 134:24 139:22	reading 142:17 144:6,25 145:20 146:14 147:8 148:3 149:14 150:9 151:19 152:21
professional 53:9 95:6	proportions 112:8	public 2:3,6 58:23 90:5,9 107:11 135:6 137:10 138:22 139:19 141:23 142:3,5 154:15	quick 89:7	ready 77:10
professor 76:11	proposal 21:5 113:14 115:14	publicly 84:14,24	quickly 60:17 72:17 89:24	real 41:8 45:22 59:6 72:16
proffered 98:23	proposals 113:19	pull 42:24 119:4	quite 70:2	reality 42:25
prohibit 45:9,10 128:7 136:22	proposed 70:9 86:12 96:14 101:20 111:11 116:2 135:23 136:21	pulled 13:13,17 16:7	quorum 2:20 142:4	realize 104:3
prohibited 27:22 112:24 113:18 126:9	proposes 4:17	pursuing 125:6	quote/unquote 112:13	really 37:10,11,11 39:4,20 46:16 47:13 48:2,6 51:14 53:2 69:25 73:10,13 79:4 82:23 114:7 131:14 137:13 140:19
project 12:20 13:8,14 15:6,7 55:3,4 73:7	prostitution 117:22	put 19:20 33:11 41:22 43:15 49:25 51:10 61:9 62:17	R	rear 95:24
			radio 125:17 rail 42:9 47:10 railroad 80:12 raise 124:18,25	reason 26:17 42:17 48:25 76:15 85:16 140:21
				reasonable 116:17
				reasons 128:16
				rec 132:14
				recall 115:5
				received 52:10 90:11 95:5 124:22 126:3

recessed 2:8 142:7	Reed 7:15	99:5 127:11	147:24 148:13	28:6 29:8 36:23
recognize 29:12 30:8	reference 94:21 104:18 135:4	remaining 16:3	149:11,25 150:6	37:13 38:4,18
recognizes 142:11	referenced 129:21	remains 105:9 110:10	150:19 151:16	39:25 40:10
recognizing 7:5	refine 136:21	remap 61:12 63:7	152:4,19 153:9	43:10 47:16
recommend 27:14	refining 139:7	remapped 63:10 63:17,22	reporter 154:23	50:7 53:6 61:14
recommendation 27:2 42:21	reflect 6:19 8:11 10:25 14:13	remapping 47:2 62:17 63:5,8,19	reports 102:25 103:13	68:11 72:11
125:21 144:5	refining 139:7	70:13 83:19	represent 11:20 12:3 36:8 111:8	73:12 77:4
147:25 150:7	reflected 103:21	103:4	111:13	79:25 80:10
recommendatio... 93:25 109:19	Reform 128:14 130:5	remarks 117:15	represented 115:17 123:17	92:20,22 94:10
110:11 135:23	refused 113:19	remember 117:5	representing 56:6 99:23	94:12 96:22
recommended 5:5 8:2 10:15	regarding 52:15 74:14 96:15	remembering 102:16	represents 32:22 98:11	98:12,13 101:13
18:7 19:4 21:20	regenerate 28:14	remodeled 37:22	reproduction 154:20	116:9
94:14 95:2	region 38:7	remote 114:24 115:3	reputable 84:24	residents 77:5
100:14 104:25	region's 98:12	remove 25:20 49:20 96:9	request 142:16 144:5,24 145:19	80:13 88:15
109:25	registered 86:17	101:6	146:13 147:7	95:10
recommending 30:10	regular 37:13 79:18 104:2,5	removing 100:24 101:3	148:2 149:12	resolution 51:21
recommends 136:20	regulate 128:6	renegade 73:14	150:8 151:17	resolve 32:19
reconsider 84:5	regulate 128:6	rental 25:23,25 26:5 27:5 83:23	152:20	respect 44:25
reconsidered 13:15	regulating 106:5 123:11 124:6	rentals 23:14,16	requesting 16:9	52:12 60:15
record 2:19 8:10	regulations 22:16 24:18 25:19	repair 25:24 26:2 27:6 28:4 36:21	require 14:5 23:16 66:3	74:7 78:11
10:25 14:12,20	92:19,22 94:9	36:24 37:17	91:15	114:12
16:16 19:10	94:12 99:2	38:22 41:6	required 76:23 93:22 96:21	respectfully 96:6
33:23 36:3	reintroduced 58:20	50:12 71:17	102:18	respecting 74:7
62:22 75:3	relate 118:3	79:18	requirement 101:3 103:3	responds 88:20
76:18 77:19	related 118:5	repairs 23:11	requirements 70:11 96:18	response 5:13,17 9:3,7 17:4,7
83:14 87:5 97:5	relates 53:21	repeal 108:18	requires 53:2,18 90:4 96:12	19:15 20:5 22:5
98:7 100:12	relating 22:16 24:16 92:15	repeals 109:13	104:15 128:13	22:9 24:4,8
102:2 110:22	Relations 134:2	replacement 83:24	requiring 50:6	35:15 91:25
125:13 133:17	relationship 90:24	report 18:8 93:24 94:2 102:20	reschedule 74:24	92:8 96:5 97:21
135:8 139:18,21	relative 27:23 63:5 117:10	103:21 119:5,16	research 119:24	105:17,22 108:4
141:24 142:5	relief 14:6	reported 142:15 143:3 144:3,17	residences 15:24	108:8 110:19
153:7	remain 7:8 54:10	144:23 145:11	resident 79:13 111:2 118:4	112:20 117:15
recreation 132:7		145:18 146:6,12	residential 26:14 26:21 27:23	122:24 123:4
rectified 41:14		146:24 147:6,18		133:2,12 134:25
rectify 71:21				141:17,21
recurring 124:24				142:25 143:21
reduce 109:10 134:6				144:14 145:9
				146:4,22 147:16
				148:11 149:5,22
				150:17 151:10
				151:25
				responses 112:14
				responsibility 53:19
				responsible 94:19 140:18

responsive 62:7	rezoned 41:4	17:22 18:1,11	133:1 134:1	102:3
rest 16:10,25	rezones 6:16 26:6	19:1 20:1,18	135:1 136:1	school 47:24
restaurants 88:14	rezoning 26:10,18	21:1 22:1,23	137:1 138:1	123:12,16 124:8
restrict 32:22	47:2 95:18	23:1 24:1 25:1,8	139:1 140:1	124:10,14,16,18
restriction 134:10	101:4	26:1 27:1 28:1	141:1 142:1,16	124:19 125:2,16
134:11,12,18	rid 27:25 43:23	29:1 30:1 31:1	143:1,4 144:1,6	126:2,4,21
restrictions 31:21	44:16 45:8	32:1 33:1 34:1	144:18,24 145:1	127:4,6,10,14
31:25 45:25	ride 39:2	35:1 36:1 37:1	145:12,19 146:1	127:21 128:10
70:8 107:2	right 2:24 8:16	38:1 39:1 40:1	146:7,13,25	128:14,20 129:7
134:16	15:19 24:12	41:1 42:1 43:1	147:1,7,19	130:5 131:19
restrictive 27:12	27:8 34:8,13	44:1 45:1 46:1	148:1,2,14	132:10,11,15,24
30:12 42:23	38:4 39:24 43:7	47:1 48:1 49:1	149:1,13 150:1	134:14 136:3,24
67:5,10,13,14	44:3,8,9 45:4	50:1 51:1 52:1	150:2,8,20	137:3,18 139:2
67:19 68:15	47:20 60:10	53:1 54:1 55:1	151:1,18 152:1	139:9 141:3
restricts 66:9,23	63:24 65:6,10	56:1 57:1,14	152:5,20 153:1	schools 132:6
result 51:22 117:7	66:24 69:18	58:1 59:1 60:1	153:10,15	137:12,18
119:12 131:14	71:3,16,24 73:2	61:1 62:1 63:1	running 37:14	140:25 141:6
resulted 54:19	74:16,17 76:25	64:1 65:1 66:1	rush 72:25 74:16	seated 3:20
retail 136:16	78:23 82:6,15	67:1 68:1 69:1	R&S 28:3 39:19	second 27:20 40:6
retailers 88:14	85:3,10 89:8,9	70:1 71:1 72:1	49:6,16 53:4	75:15 119:20
retained 27:8	97:19 108:10	73:1 74:1 75:1		152:15
return 116:15	126:24 129:18	76:1 77:1 78:1	S	seconded 142:19
reuse 26:16	131:22	79:1 80:1 81:1	Safe 91:11	142:21 143:15
revenue 119:22	rights 113:24	82:1 83:1 84:1	sales 22:17 23:14	143:17 144:8,10
124:9,18 125:6	ring 104:7	85:1 86:1 87:1	23:15 25:23,25	145:3,5,22,24
127:9,11,14	river 6:2 108:20	87:13 88:1 89:1	26:5 27:5,7 28:2	146:16,18
128:12,19 129:6	109:14 110:6	89:21 90:1 91:1	28:2 29:20	147:10,12 148:5
137:2 138:24	115:20 116:7	92:1 93:1,5 94:1	salvage 37:8	148:7,22,24
revenues 120:2	Riverfront 6:17	95:1,22 96:1	79:20	149:16,18
141:5	RMX-3 96:16	97:1 98:1,20	salvaging 37:3	150:11,13 151:4
revert 14:3	101:8	99:1,22 100:1	San 124:13	151:6,20 152:23
review 18:8 85:5	RM-1 95:25 99:3	101:1 102:1	sanitation 50:21	152:25
92:16 93:17	robberies 117:23	103:1 104:1	50:24	secondhand
94:6,14 95:21	role 88:12	105:1 106:1,14	satisfied 46:11	118:12
96:13 99:9	Ron 11:22,25	107:1 108:1	saying 32:5 51:2,9	section 7:3 9:11
100:23,25	Ronald 11:18	109:1,2 110:1	55:2 58:7 61:4	9:14 10:8 25:18
revising 22:15	room 1:6 3:4	111:1 112:1	72:3 85:8 102:6	60:20 62:18
24:15 92:14	row 41:10	113:1 114:1	130:12 131:4	65:2,8 98:24
revolved 52:19	RPR-Notary	115:1 116:1	says 60:24 62:2	108:14,18
rewrite 100:10	154:15	117:1 118:1	103:20 118:13	sections 106:23
Reynolds 1:14	RSA-5 95:24 99:3	119:1 120:1	scaled 136:13	security 88:8
14:13 123:20	rules 1:3 2:4,11	121:1 122:1	schedule 81:9	91:14 121:3,4
126:25 128:25	2:17 3:1 4:1,3	123:1 124:1,4	scheduled 2:7	see 15:20 16:23
129:20 135:25	5:1 6:1,9 7:1 8:1	125:1 126:1,19	Schelter 82:22	31:2 34:24 38:3
136:6	9:1,22 10:1 11:1	127:1 128:1	83:5,10,15,16	38:12 39:12,13
rezone 6:23 7:4	12:1 13:1 14:1	129:1 130:1	85:3,13 86:2	47:11 48:4 49:2
41:23 42:4 43:3	15:1 16:1 17:1	131:1 132:1	99:19,20,23	49:3,4,5 50:3

71:22 72:2 73:9 75:20 97:7 99:4 99:8 111:21 115:25 116:6 125:20 126:14 130:7 131:4,7 seeing 5:14,18 9:4 9:8 17:8 19:16 20:6 22:6,10 24:5,9 92:9 97:22 105:18,23 108:5,9 110:20 111:18 122:25 123:5 133:3,15 135:2 141:22 seen 36:17 40:23 43:18 47:9 111:16 129:24 Senior 15:9 20:14 seniors 21:9 sense 63:21 66:14 84:2 sensitive 54:15 sensory 140:23 141:12 separate 34:7,10 September 4:8 109:7 Sepviva 3:15 4:13 seriousness 46:18 service 22:17 services 20:12 21:4,17 86:13 86:15,19 87:20 88:10 session 102:12 142:18 144:7 145:2,21 146:15 147:9 148:4 149:15 150:10 151:19 152:22 set 10:10 15:23 75:13 setting 50:8 share 130:24 Sharpe 62:11,21 63:25,25 65:5,8	65:13,16,23 66:5 68:10,18 69:2,10,15,23 70:10,18,22 71:4,25 72:13 73:25 77:22,25 78:9,12,17 sheet 94:22 shied 64:8 Shieh 102:5 shipping 79:21 shop 26:4 36:24 38:22 50:12 71:23 79:19 shopping 4:22 shops 28:5 36:21 37:9,17 38:17 48:23 52:2,20 73:2,10,14 75:7 84:11,13 shops/salvage 51:25 short 19:12 show 119:25 showed 115:5 119:5 showing 12:16 shown 119:25 140:8 shows 103:18 113:11 126:3 shut 71:24 side 41:10 129:15 sidewalk 88:3 sidewalks 43:24 sign 107:3,6,12 132:9,11 signage 18:22 128:20 signed 53:21 114:6 signers 115:24 116:3 significant 7:5 112:7 signs 106:6,24 107:14 127:4	similar 64:14 134:10,14 simple 12:10 32:19 simplification 95:23 simplifying 100:23 simply 103:17 140:14 single 90:12 sir 8:17,22 25:5 28:22 29:6 31:4 31:18 32:5 33:20 65:6 78:24 79:7 93:3 97:12,17 110:21 111:20 sit 17:2 site 7:14 16:4 21:12 48:20 situation 33:18 40:8 77:3 situations 55:15 size 128:6 Skechers 124:14 slot 120:2 small 68:17 smaller 95:19 smart 138:14 social 138:14 Society 95:9 118:5 soda 136:18 sodium 138:10 sold 134:13 solid 84:14 solution 72:9 85:21 solve 62:6 somebody 19:19 51:2 52:6 59:9 someone's 75:23 soon 2:4,12 54:21 sorry 11:25 12:8 15:2,4 28:19 37:21 78:17	135:9,10,13,13 139:15 143:10 sort 50:18 111:15 118:7 sound 94:17 south 7:14 15:14 21:5 40:24 41:9 49:4 52:25 75:11 76:11 southern 7:2 Southwest 28:8 36:8,9,18 39:6 39:23 48:18 51:23 52:21,24 53:17 59:24 79:13 space 7:6 spaces 113:13 speak 11:23 46:16 78:15 Spear 86:22 87:2 91:6,8,9 special 7:16 20:10 23:16 28:18 85:5 86:13,18 95:21 96:18 103:15 108:19 109:13 112:18 112:23 140:24 141:13 specific 34:18 64:12 100:13 104:8 110:7 specifically 9:14 28:15 46:9 64:19 68:7 95:15 101:11 136:23 specifics 11:15 101:22 spent 138:19 spoke 118:6 sponsor 123:21 sponsoring 7:12 sports 113:15 114:6 spot 114:13	spring 99:13 Springfield 24:24 26:8 56:8 SP-ENT 7:15 square 21:7 95:11 95:19 96:23 101:2 107:13 Squilla 6:15 23:6 90:22 106:20 109:8 staff 7:12 32:15 33:5,6,8 42:20 52:16 62:12 63:12 64:6 90:23 100:18,21 129:23 130:22 stakeholders 93:22 95:13 96:2 standard 95:24 96:11 128:6 standards 92:21 94:11 98:25 128:9 standpoint 53:19 start 45:7 63:19 129:18 started 2:24 12:21 starting 63:9 96:13 state 119:14,15 120:21 121:4 142:5 stated 9:16 94:15 statement 126:8 station 49:19 status 128:3 stay 45:3,4 74:18 104:17 111:6 stenographic 154:6 step 50:8 64:21 125:23 steps 42:2 stopped 49:12 stopping 84:18 storage 29:15
---	--	---	--	--

store 18:21 75:5 stored 43:20 stores 137:13 stories 112:11,12 strategic 126:6 138:11 strategies 137:6 Strauss 39:19 49:16 53:4 62:4 Strausses 28:3 49:6 stream 125:6 street 3:16,16,17 3:18,18 4:13,14 4:15,15,16 5:25 5:25 6:2,18 7:15 15:14,15 21:5 24:24,25 26:8,9 38:5 39:3 49:12 53:16 56:23 58:2,17 59:13 75:12 80:3 106:6,25 107:9 107:11 111:10 Streets 50:24 96:12 101:17 strengthen 139:10 stringent 128:9 strip 28:7 49:17 82:7 strives 137:13 strongest 44:15 strongly 48:25 101:5,13 structures 96:16 stuck 58:17 student 12:20 students 15:25 137:19 139:4 140:24 141:13 studied 130:8 studies 122:6 study 131:23 stuff 49:22 submit 96:6 subsections 18:10	94:5 subsequently 95:4 subsided 113:4 substantive 18:16 subtlety 85:7 successful 41:17 88:23 91:13 successfully 88:6 succinctly 134:8 suffering 48:19 sufficient 101:10 sufficiently 103:10 sugar 138:9 SugarHouse 118:8 119:10 121:2,18 sugary-sweeten... 136:18 suggest 102:8 suggested 100:17 suggesting 70:10 70:15 suggestion 34:6 summarize 87:4 89:25 133:19 summarizing 93:24 summary 96:8 summer 15:24 Sunset 9:15 Superfund 47:20 48:20 supermarket 136:15 supersede 59:5 supervision 154:22 Supervisors 96:13 supplier 30:2 suppliers 98:13 supplies 23:15 26:4 27:7 support 7:9 56:3 57:17,19 59:19	59:20,21 84:13 87:18 89:3 90:22 97:14 101:5,14 102:4 114:25 116:16 125:20 129:6 supported 95:13 121:14 supporting 100:13 supportive 45:25 50:9 67:3 83:19 127:15 132:16 136:25 sure 11:16 38:5 52:16,22 59:17 68:11 74:13,17 80:5,9 87:11 117:14 125:11 126:17 132:2 surprised 90:19 surrounding 28:6 120:13 Susan 126:23 suspension 142:17 143:5 144:6,18,25 145:13,20 146:8 146:13 147:2,8 147:20 148:2,15 149:13 150:2,8 150:21 151:18 152:5,21 153:10 sustainable 94:18 sync 59:24	79:19 82:3 122:12 taken 57:16 154:6 takes 54:6 56:16 56:18 talk 68:7 121:9 130:22 talked 32:7 72:23 129:23 talking 3:3 8:14 30:5 57:18 67:11 74:20 tanks 49:21 75:5 75:19 Tasco 1:15 8:11 71:7,10,11 72:2 132:4,5 task 55:14 112:19 113:5 Tasker 76:12 tax 100:3 tax-exempt 127:23 128:3 teach 137:20 teachers 137:25 technical 17:15 18:6,15 59:18 103:24 technically 57:18 59:25 technology 88:15 television 125:17 138:12 tell 40:14 131:19 Temple 15:25 ten 38:22 tens 137:19 ten-year 79:13 terms 9:18 17:16 22:19 67:15 86:20 92:24 106:8 108:20 123:14 testified 27:21 117:2 testify 4:7 5:15 6:13 9:6 10:2	17:6 18:2 19:18 20:3,22 22:7 23:3 24:6 25:12 35:12,17 46:15 87:17 92:7 93:9 97:24 98:19 105:20 106:18 108:7 109:6 123:2 127:2 129:11 133:6,11 135:16 141:20 testimony 8:5 10:18 14:19 19:6,11 23:22 25:3 43:15 78:5 87:3 89:17 96:25 101:21 110:13,17 115:6 117:5,20,24 124:5 133:18 134:3 text 18:13,14 thank 2:11,12 5:9 8:8 10:21 11:5 14:8,9 16:12,13 17:10,11 19:9 20:2 21:25 23:25 27:15,18 28:23 30:22,24 36:13 44:23 45:13,18 48:9 48:11,16 51:20 54:3 55:25 60:13 68:5 71:5 72:14 77:18 78:20 80:22 81:7 86:4 89:4 89:19 90:17,20 91:3,4,12,21 92:4,4,5 97:4,19 97:23 98:14 99:16,17 105:14 105:19 107:21 110:23 111:2,25 116:19,21,24 122:19,21 124:2 126:11,12,24
--	--	--	---	---

128:23 129:9 133:4 134:21 135:3,8,14,15 136:6 139:13,14 139:15,24 141:14 142:13 145:16 146:10 147:4,22 148:18 149:9 150:4,24 151:14 153:14 theatres 95:22 theft 117:22 They'd 67:6 thievery 117:19 thin 63:13 thing 40:23 42:19 43:17 54:25 55:9 71:13 76:4 84:6 103:23 things 41:11 49:19 63:9 67:16 75:6 80:14 91:20 99:8 117:6 118:2 130:7 think 3:2 8:15 14:21 19:19 24:10 34:11 35:7,11,18 49:24 52:15 54:12 63:17 64:4 69:25 71:20 72:6,7 73:22 74:5 75:8 75:25 76:3 79:9 79:15 84:6,15 85:13 90:16 92:2 101:23 102:9,14 103:18 103:22 119:7,8 119:18 120:20 121:12,23 122:16 130:9,15 132:12,20 133:5 133:17 140:3,7 thinking 34:12 137:14	thinks 59:22 thirdhand 118:12 thorny 125:12 thought 42:23 56:21 64:10,21 70:22 131:6 135:9 139:16 thousand 119:9 120:20 thousands 137:19 three 69:10 73:9 threshold 96:21 100:25 throw 34:4 131:24 Thursday 35:9 Ticker 106:5,24 107:12 ticket 39:16 time 10:11 12:14 16:10 19:12 24:11 25:4 35:7 39:4 40:25 41:3 63:6 74:21,22 80:6,11,16,18 81:8,12 98:3 103:4 104:10 113:2 137:17 141:19 timeframe 131:3 timeline 131:15 times 41:6,21 117:3 tire 50:12,16 51:3 tires 37:4,4 43:19 47:12 49:21 50:13,16,21 51:13 75:6 title 3:9 17:13 22:13 24:13 56:7,12 57:14 58:17,21 59:3,4 59:5 82:18 92:12 106:2 108:12 123:8 tobacco 126:9 128:7 134:10	Toby 113:15 114:4 today 3:10 4:6 6:12 9:25 17:25 20:22 23:3 25:12 28:10 65:24 69:12,14 69:16 93:9 99:23 100:12 101:24 106:17 109:5 115:7 123:6 124:4 129:4 135:22 153:13 Today's 125:23 told 33:23 42:12 58:9 59:8 97:14 tool 44:15 top 74:18 topic 129:4 total 36:12 124:23 totally 48:24 52:3 55:3,5 83:18 84:12 touching 57:5 tower 15:21,23 tracks 80:12 Tracy 36:7 56:5 59:20 trade 99:25 traded 84:14,24 trail 38:21,24 trans 136:19 transcript 154:8 154:20 transition 29:5 transitional 28:13 29:17 translated 29:10 transportation 125:9,10 Trapper 12:22 14:18 15:8,9 trash 91:15 travel 49:2 50:3 trends 88:7 true 154:7	trust 60:24 81:23 135:5,19 136:20 try 8:7 35:8 43:8 59:11 62:22 114:16 trying 27:25 28:14 34:15 44:12 47:4 61:9 72:8 84:13 Tuesday 1:7 Tulip 3:18 4:16 turn 62:10 turned 117:11 two 16:3 24:11 57:22 73:9,19 82:7,15 83:5,6 86:6 111:8 112:14 133:9 141:11 two-part 117:15 two-story 21:7 type 30:4 40:23 41:11 75:10,22 76:22 77:6 80:14 81:17 99:13 120:8 types 18:19 43:14 53:7 118:2 U ultimate 100:11 ultimately 113:5 unbelievable 48:6 underfunding 140:12 undermining 138:25 underserved 136:16 understand 7:13 13:10 31:20 35:5 48:24 51:17 61:4,20 68:4,4 76:25 80:24 83:10 110:2 111:15 118:11	understanding 28:12 30:12,18 63:5 114:21 undo 122:16 unfortunate 116:11 Unfortunately 44:14,18 65:17 115:15 unhealthy 134:12 136:23 138:8,20 unit 121:5 units 21:11 95:20 101:2 unrelated 12:18 unusual 40:8 41:12 update 104:6 updates 105:11 urge 131:17 usage 74:15 use 7:9,16,17 16:8 22:15 24:17 26:13 29:22 30:4 41:5 42:7 44:15 45:2,3 62:3 68:8,11,17 70:6 73:12 75:16,20 77:24 85:17 92:19 94:9 107:4 110:24 128:2,2 129:15 131:20 useful 84:16 103:23 user 104:20 users 104:2 105:2 user-friendly 103:25 uses 4:24,25 6:19 7:7 22:18 23:9 25:19,20,21 26:20 27:12,21 27:23 29:13,14 32:24 40:21 41:3,21 43:4,6,9 43:14 61:18
--	---	--	---	---

64:19 68:15 78:13,18 83:25 84:10 96:22 113:18	volume 104:15,16 vote 115:3 140:2 140:21 142:9 voted 73:7 114:25 115:12 153:8	39:9 40:16 41:14,19 46:20 48:20 53:10 55:11 57:25 58:7 60:6,9 84:13 104:18 115:12 124:25 127:13 130:25 132:21 135:7 140:4 141:11 ways 54:10 55:18 138:11 website 119:17 Wednesday 2:9 34:21 142:7 weight 138:6 went 89:25 93:15 100:8 113:20 119:2 weren't 29:13 64:15 West 15:15 49:5 124:12 Westmoreland 3:17 4:15 we'll 13:18 19:11 67:23 70:23 74:15,22,24 111:24 we're 8:13,14,21 12:22,23 15:11 16:9,23 24:10 34:22 38:14 39:17 42:2 55:13 58:5,17 58:23 59:24 61:15 68:22 69:16 72:24 74:16,19 76:5 79:2,3 80:17 82:22,25 83:8 83:18 85:8 121:6 123:18 124:4 130:10,24 131:17 137:14 137:23 140:18 we've 41:16 50:18	58:17 75:11 90:23 100:20 102:4 113:24 whatnot 118:10 119:14 wherewithal 49:8 wholesale 103:6 width 96:10 William 1:10 3:19 4:3 6:9 9:22 17:22 20:19 22:24 25:9 93:6 106:14 109:2 willing 73:17 74:9 willingness 102:6 WILSON 1:11 Windsor 39:11 wish 33:20 44:18 wishes 7:13 9:6 33:25 34:2 133:10 141:16 Witherspoon 20:14 witness 3:20,20 35:23 82:19,19 87:6 98:4 123:24 133:13 witnesses 35:23 87:6 98:4 123:24 133:9,13 woefully 113:17 wonder 34:20 wonderful 90:23 135:15 141:7 Woodland 38:15 word 58:7 67:10 115:8 wording 56:12 words 61:10,21 105:4 work 43:22 70:21 70:23 71:2 74:6 74:23 76:3 86:7 99:10,15,18 102:6 116:20 118:25 122:17 126:13 127:7,18	129:5 130:14,19 130:23 131:11 137:12 worked 64:5 113:2,4 working 55:13 90:23 91:17 105:9 135:20 137:17 works 119:17 121:15 Workshop 83:17 95:7 99:24 104:24 105:9 world 28:4 40:16 44:15 worry 132:17 worthwhile 89:2 wouldn't 75:7 132:7 written 34:3 87:2 89:17 112:11 133:18 134:3 wrong 69:5 wrote 54:22 81:16
V vacancy 28:14 vacant 26:16 valid 33:3 68:20 value 125:20 126:8 values 48:7 variance 28:21 49:9,14 50:9 53:3 67:4,7 72:12 75:7,9,21 76:23 85:2 variances 103:15 103:20 various 52:11 53:13 81:20 95:5 98:17 99:11 104:12,18 104:22 varying 125:11 vegetables 138:18 vehicle 22:16 23:10,14,15 25:23,24,25 26:2,3,4 27:5,6 27:7 98:25 vehicles 79:20 vehicular 22:17 29:20 venue 113:8 114:10 Verna 37:7 version 105:5,7 versus 74:4 viable 80:10 Vice 11:2 15:9 91:10 vicinity 110:8 view 43:18 viewers 125:19 views 125:12 visit 47:9 82:2	W W 1:11 wait 102:11 waiting 118:14 walking 47:23 want 2:5,24 28:7 46:2 49:9 51:19 54:13 60:6 63:16 67:22 72:21,25 73:16 74:17 75:18 76:3 77:5 78:24 80:6,8,14 81:7 81:20,24 82:24 85:15 86:25 91:11 100:12 103:21 107:24 122:15 126:24 129:11 130:3,8 130:9 131:10,22 131:22 135:4 wanted 35:12 42:23 52:22 68:13 90:20 102:8 132:9 wants 32:21 49:20 50:6 66:25 75:4 85:20,23 113:7 warehouse 75:15 Washington 53:15 wasn't 3:4 42:15 42:17 watching 125:17 water 6:2 138:18 waterfront 6:23 7:3 103:7 108:20 109:15 109:18,20 110:6 110:12 way 32:8,19 35:6	Y yard 95:24 yards 80:4 yards/renegade 52:2 yeah 16:22 38:11 76:17 78:12 79:12 year 10:10 36:15 36:15 103:16 104:16 119:6,7 119:8 120:21 124:21 125:7 137:20 140:14 yearly 103:13 104:5 years 36:11,12 37:6,16 39:8 88:5 90:25 100:5 116:12 yellow 116:4		

yields 120:5	\$304 124:20	90:1 91:1 92:1	38:1 39:1 40:1	152:1 153:1
York 125:7		93:1 94:1 95:1	41:1 42:1 43:1	130636 1:16
young 125:14	1	96:1 97:1 98:1	44:1 45:1 46:1	108:11 109:6,9
136:8	1 12:21 13:19	99:1 100:1	47:1 48:1 49:1	110:2 123:3
youth 138:3	15:20 60:20	101:1 102:1	50:1 51:1 52:1	150:23 151:2,16
	98:25	103:1 104:1	53:1 54:1 55:1	152:3
Z	1,082 90:12	105:1 106:1	56:1 57:1 58:1	130657 2:7 142:6
zero 90:11	10 127:25	107:1 108:1	59:1 60:1 61:1	130694 1:16 19:24
zone 4:22 39:19	10th 23:20 107:17	109:1 110:1	62:1 63:1 64:1	123:7 124:5
66:8	10:00 1:7	111:1 112:1	65:1 66:1 67:1	127:3,17 133:11
zoned 6:20 7:8	100 111:9 137:18	113:1 114:1	68:1 69:1 70:1	135:24 141:20
37:16 38:2	100,000 96:23	115:1 116:1	71:1 72:1 73:1	152:9,18 153:8
40:20 41:4	11th 2:9 7:23	117:1 118:1	74:1 75:1 76:1	130727 1:16 5:20
101:7	15:14 142:8	119:1 120:1	77:1 78:1 79:1	6:13,16,23 8:2
Zones 49:7,16	112 124:22	121:1 122:1	80:1 81:1 82:1	9:6 143:7,11,14
zoning 3:13,13	12 94:4	123:1 124:1	83:1 84:1 85:1	143:23 144:3,16
4:11,12,18,23	12th 4:9 15:15	125:1 126:1	86:1 87:1 88:1	130763 1:16 9:10
5:22,22 7:18	39:15	127:1 128:1	89:1 90:1 91:1	10:2,5,11,16
13:6,7,18,21,24	12/3/13 3:1 4:1	129:1 130:1	92:1 93:1 94:1	17:6 144:20,22
14:6 16:8 17:14	5:1 6:1 7:1 8:1	131:1 132:1	95:1 96:1 97:1	145:11
18:8,11 22:14	9:1 10:1 11:1	133:1 134:1	98:1 99:1 100:1	130764 1:17 17:12
23:8,17 24:14	12:1 13:1 14:1	135:1 136:1	101:1 102:1	18:2,5,9 19:5,18
24:20,21 25:17	15:1 16:1 17:1	137:1 138:1	103:1 104:1	20:4 145:15,18
26:19 29:17	18:1 19:1 20:1	139:1 140:1	105:1 106:1	146:6
35:2 40:9,15,25	21:1 22:1 23:1	141:1 142:1	107:1 108:1	130768 1:17 24:13
43:19,21 44:14	24:1 25:1 26:1	143:1 144:1	109:1 110:1	25:13,16 26:25
45:2,7,12 46:3	27:1 28:1 29:1	145:1 146:1	111:1 112:1	30:9 31:16 46:8
49:13,23 50:9	30:1 31:1 32:1	147:1 148:1	113:1 114:1	141:25
53:19 54:25	33:1 34:1 35:1	149:1 150:1	115:1 116:1	130775 1:17 86:10
55:7 61:7,11	36:1 37:1 38:1	151:1 152:1	117:1 118:1	87:19 92:7
62:18 65:2,11	39:1 40:1 41:1	153:1	119:1 120:1	147:21,24
65:22,25 70:6	42:1 43:1 44:1	12:10 153:16	121:1 122:1	148:13
70:16 72:12	45:1 46:1 47:1	13th 76:12	123:1 124:1	130804 1:17 18:17
73:4 74:15,15	48:1 49:1 50:1	130 143:9 152:13	125:1 126:1	19:11 92:11
77:20 78:3 84:2	51:1 52:1 53:1	130589 1:16 3:1	127:1 128:1	93:9,13 95:3,15
84:19 92:13	54:1 55:1 56:1	3:11 4:1,7,10,17	129:1 130:1	96:4 97:25
93:14,19 94:5	57:1 58:1 59:1	5:1,6,16 6:1 7:1	131:1 132:1	98:16 105:21
94:16 98:18	60:1 61:1 62:1	8:1 9:1 10:1	133:1 134:1	148:17,20
100:7,9 102:18	63:1 64:1 65:1	11:1 12:1 13:1	135:1 136:1	149:11,24
103:4,11,15	66:1 67:1 68:1	14:1 15:1 16:1	137:1 138:1	130812 1:17 20:8
104:5 106:3,22	69:1 70:1 71:1	17:1 18:1 19:1	139:1 140:1	20:23,25 21:21
108:13 109:10	72:1 73:1 74:1	20:1 21:1 22:1	141:1 142:1,12	22:8 146:9,11
112:22 113:18	75:1 76:1 77:1	23:1 24:1 25:1	142:15 143:1,3	146:24
113:20,22	78:1 79:1 80:1	26:1 27:1 28:1	144:1 145:1	130813 1:17 24:19
114:13 118:25	81:1 82:1 83:1	29:1 30:1 31:1	146:1 147:1	25:13 26:6
123:9	84:1 85:1 86:1	32:1 33:1 34:1	148:1 149:1	27:13 60:17
	87:1 88:1 89:1	35:1 36:1 37:1	150:1 151:1	141:25
\$				

130855 1:17 22:12 23:4,7,20 24:7 147:3,6,18	5:4 6:15 7:23 8:2 10:4,15 18:4 18:18 19:4	58th 21:5 5800 82:6		
130856 1:17 105:25 106:18 106:21 107:17 108:7 150:3,6 150:19	20:24 21:15,20 23:5,21 25:14 27:2 93:11,15 94:3,25 107:18 109:8,24 142:8	6		
14 16:2 17:13 22:13 24:13 92:12 106:2 108:12 115:4 123:8	2016 9:17 10:12 2020 134:5,7 2050 21:4 21st 10:10,12 22 115:4 22nd 93:15 94:3 24th 6:15 10:4 18:4	6 125:8 6th 7:21 60 21:8 61 82:2 62 82:2 6200 82:2 63rd 39:11 6300 37:20,24		
14th 23:5 106:20 14-503 108:14 14-506 9:11 14-506(2)(c) 9:15 10:9 14-600 25:18 14-802 108:18 14-803 98:24 14-803(1)(d) 96:15	243 21:10 25 95:20 100:25 25,000 95:19 101:2	7		
142 119:18 120:21 15th 5:3 21:15 17 124:23 18 18:10 18th 76:13 19th 8:2 10:15 19:4 21:20 27:2 94:25 109:8,24 1998 87:25	3	72 115:23 73,122 21:7		
2	3 1:7 7:17 3rd 56:10,14 57:6 57:6 58:13 73:21 74:4,7 3,000-person 113:8 114:9 30 36:11 39:8 96:13 102:10,14 300 111:11 31st 9:17 18:18 20:24 25:14 93:11	8	8 115:4 8th 118:9 813 64:19 84th 24:23 26:7	
2 12:23 13:21,24 13:25 2nd 36:10 46:15 56:14 60:21 74:4,8 75:12 20 36:11 96:10 134:7 2009 12:6 2010 134:15 2011 102:18 2012 7:21 109:22 119:8 2013 1:7 2:9 4:9	4	9	9 95:25 9:30 2:9 142:8 90s 112:3 116:12 122:8,14	
	5			
	5 107:7 50 107:8 500 113:12 501(c)(4) 99:24 54th 24:25 26:9 56:10,22 57:15 58:2,5,16 59:13 81:18			