

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, February 22, 2012
10:05 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

BILL 120004 - An ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Torresdale Avenue, Megargee Street, Cottage Street...

BILL 120021 - An ordinance repealing Bill No. 070955-AA (approved December 21, 2007)...

BILL 120023 - An ordinance amending the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Chestnut Street, 2nd Street, Walnut Street...

BILL 120024 - An ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Snyder Avenue, the Delaware River, Pattison Avenue...

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COUNCILMAN GREENLEE: Good

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morning, everyone. This is the Committee

4

on Rules.

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For the record, we have a

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quorum with Councilman O'Brien,

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Councilman Green, Councilwoman Bass and

8

Councilman Goode, and I know other

9

members of the Committee will be coming,

10

and myself, Bill Greenlee.

11

Ms. Marconi, will you please

12

read the title of the first bill before

13

us today.

14

THE CLERK: Bill No. 120024, an

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ordinance to amend the Philadelphia

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Zoning Maps by changing the zoning

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designations of certain areas of land

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located within an area bounded by Snyder

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Avenue, the Delaware River, Pattison

20

Avenue and the Delaware Expressway.

21

(Witness approached witness

22

table.)

23

COUNCILMAN GREENLEE:

24

Mr. Kramer, please identify yourself and

25

proceed.

1 2/22/12 - RULES - BILL 120004, ETC.

2 MR. KRAMER: Good morning,
3 Councilman Greenlee, members of the Rules
4 Committee. I am William Kramer, Division
5 Director of the Development Division of
6 the Philadelphia City Planning
7 Commission. I am here to testify on Bill
8 No. 120024, which was introduced into
9 City Council January 26, 2012.

10 Bill No. 120024 amends the
11 Philadelphia Zoning Maps in the area
12 generally bounded by Snyder Avenue, the
13 Delaware River, Pattison Avenue and the
14 Delaware Expressway.

15 The purpose of Bill No. 120024
16 is to rezone a number of sites currently
17 being used for port-related uses from
18 their existing zoning designations of
19 "LR" Least Restricted to "PI" Port
20 Industrial. This change will allow these
21 properties to continue to be used for
22 port-related activities while protecting
23 the area from other noxious uses such as
24 refineries and car-crushing facilities.
25 Some vacant parcels will also be rezoned

1 2/22/12 - RULES - BILL 120004, ETC.
2 to "PI" Port Industrial so they may be
3 redeveloped for port-related use.

4 Additionally, the new Zoning
5 Code becoming effective in August of this
6 year, Bill No. 120024 will help many of
7 the existing uses from becoming
8 considered non-conforming uses, which
9 often require relief from the Zoning
10 Board when they are expanded.

11 The Philadelphia City Planning
12 Commission at its meeting of February 21,
13 2012 recommended that Bill No. 120024 be
14 approved.

15 That is my testimony. If
16 there's any questions, I'd be happy to
17 try to answer them for you.

18 COUNCILMAN GREENLEE: Thank
19 you, Mr. Kramer.

20 Any questions?

21 Also please let the record
22 reflect that Councilwoman Reynolds Brown
23 is present.

24 If you just hold one second, I
25 think Councilman Green may have had a

1 2/22/12 - RULES - BILL 120004, ETC.

2 question.

3 Councilman Green.

4 COUNCILMAN GREEN: Thank you,

5 Mr. Kramer. Just a couple of quick

6 questions. Have all of the property

7 owners impacted been spoken to and are

8 they okay with the changes that are being

9 made to the zoning designations of the

10 property?

11 MR. KRAMER: It is my

12 understanding that this was done in

13 coordination with my staff and the

14 Whitman Council and that the individual

15 property owners were in fact contacted,

16 but that was not specifically done by my

17 staff. That was sort of a committee that

18 was working within that area under the

19 direction of current Councilman Squilla.

20 COUNCILMAN GREEN: Okay. But

21 don't you think we should know if the

22 property owners, if you come before us

23 and you're the only person testifying, if

24 property owners are in favor of or

25 against a change, a zoning designation to

1 2/22/12 - RULES - BILL 120004, ETC.

2 their property?

3 I'm very uncomfortable -- I
4 mean, I may or may not think it's a good
5 idea, but I'm very uncomfortable not
6 knowing where a property owner stands on
7 a change that affects their property,
8 that impacts potentially the taxes they
9 pay and that impacts their potential
10 future uses.

11 MR. KRAMER: It is my
12 understanding that the proposed changes
13 in here were specifically done for many
14 areas that were under the Philadelphia
15 Port and was done in coordination with
16 them. This was certainly not done in a
17 vacuum. Can I say that each and every
18 property owner was specifically
19 hand-notified? No, I can't.

20 Typically what we also do is
21 post these properties so that the bill is
22 posted out there, and this was -- the
23 young lady on my staff that has done this
24 is currently out with surgery, so I can't
25 contact her and say, Give me the

1 2/22/12 - RULES - BILL 120004, ETC.
2 heads-up. But I do know that there were
3 several meetings on this. This is
4 something that went on for some period of
5 time and there were public meetings in
6 the community with regards to this as far
7 as drafting this ordinance and putting it
8 together.

9 COUNCILMAN GREEN: So when
10 you're changing a property from Least
11 Restricted to "G-2," you're lowering the
12 value of that property, aren't you?

13 MR. KRAMER: I hesitate to say
14 it's lowering or raising the value of a
15 particular property. It depends on what
16 you're using it for. "G-2" is a rather
17 heavy industrial classification and most
18 of the stuff that you can do in "G-2" --
19 the difference between the two
20 classifications is not usually and vastly
21 different. You can still do outdoor
22 manufacturing in "G-2," which you can do
23 in "LR."

24 COUNCILMAN GREEN: Fewer uses
25 are available, which, in theory, makes

1 2/22/12 - RULES - BILL 120004, ETC.

2 the property less valuable.

3 MR. KRAMER: Actually, I don't
4 know if there's fewer or more, but the
5 bigger headache is the fact that when you
6 have "LR" versus "G-2," the "LR" uses are
7 generally considered more noxious. In
8 other words, the car crushing and the
9 junkyards are not -- you don't have to do
10 anything. You can just go in and store
11 junk cars and crush them and do other
12 things that are -- things that a city
13 needs in terms of its use package, but
14 you sort of have to be really careful as
15 to where you put that.

16 COUNCILMAN GREEN: For example,
17 UPS, we're taking them from Least
18 Restricted to "G-2."

19 MR. KRAMER: Mm-hmm.

20 COUNCILMAN GREEN: I mean, UPS
21 is a big employer in this city. Are they
22 okay with that change?

23 MR. KRAMER: It makes no
24 difference. The "LR" or "G-2" would
25 permit the use that they're doing.

1 2/22/12 - RULES - BILL 120004, ETC.

2 COUNCILMAN GREEN: It permits
3 their current use, but that doesn't
4 answer my question.

5 COUNCILMAN SQUILLA: I can
6 answer that.

7 COUNCILMAN GREENLEE:
8 Councilman Squilla.

9 COUNCILMAN SQUILLA: I was at
10 the meetings. I was President of Whitman
11 Council at the time. We organized a
12 meeting with the Planning Commission with
13 all the landowners throughout this area.
14 We invited all of them to the meeting. I
15 would say 80 percent of them did come.
16 We also sent them letters of what was
17 going to happen, why the meeting was
18 going to be taking place. This was a big
19 community concern.

20 Least Restricted, we believe
21 that the community let the landowner have
22 a lot of uses that the community wasn't
23 comfortable with, and also we believe
24 that as-of-right they were allowed to do
25 a lot of things that we couldn't control

1 2/22/12 - RULES - BILL 120004, ETC.

2 as a community.

3 We talked to most of the
4 landowners there, which is mostly port
5 use in that vicinity, and we went through
6 with the Planning Commission to come up
7 with a design, with a lot of the property
8 owners there at the meetings and even the
9 PRPA at the time, and came up with this
10 plan. And we thought this was the best
11 plan for the community and the best plan
12 moving forward. Not to say that the
13 landowners cannot get a variance, but
14 they would also have to involve the
15 community and City Council in order to do
16 that.

17 COUNCILMAN GREEN: Okay. Well,
18 I mean, my questions are really for
19 Mr. Kramer.

20 Just for future Rules Committee
21 testimony, I'm going to want to know if
22 property owners approve or disapprove.
23 This is a down zoning of people's
24 property, which, in theory, is a taking,
25 which can result in the City having to

1 2/22/12 - RULES - BILL 120004, ETC.

2 pay the difference between people uses if
3 anybody brings a lawsuit.

4 Now, it's very unlikely this
5 has happened. Obviously Councilman
6 Squilla has involved the community and
7 given an opportunity for these people to
8 say it, but between the Planning
9 Commission and your testimony and future
10 hearings, I want to know if property
11 owners have actually been met with and if
12 they approve or disapprove of a
13 particular zoning change to their
14 property. And that doesn't necessarily
15 influence my vote, but I think that's
16 something you should be prepared to tell
17 us --

18 MR. KRAMER: Yes, sir.

19 COUNCILMAN GREEN: -- when
20 you're recommending a change.

21 MR. KRAMER: No problem.

22 COUNCILMAN GREEN: Thank you.

23 Thank you, Mr. Chairman.

24 COUNCILMAN GREENLEE: First,
25 let the record also reflect Councilman

1 2/22/12 - RULES - BILL 120004, ETC.

2 Kenney is present, the Vice-Chair of the
3 Committee, and Councilman Henon, a member
4 of the Committee, and we already heard
5 from Councilman Squilla.

6 Councilwoman Reynolds Brown.

7 COUNCILWOMAN BROWN: Good
8 morning. Good morning. Some of the
9 questions raised by Councilman Bill Green
10 are very well taken in that too often we
11 arrive at this place to discover that
12 those -- Councilman Goode firmly
13 acknowledges it doesn't have to be
14 uniform agreement, but it's imperative
15 that community members that are going to
16 be impacted are informed.

17 So, Councilman Squilla, in your
18 remarks, I couldn't get a handle on where
19 you are with this proposed initiative.

20 COUNCILMAN SQUILLA: I'm in
21 favor of this initiative. As the
22 President of Whitman Council, we met with
23 the community, had several meetings over
24 this. This was an eight-month process
25 that we took going forward to meet with

1 2/22/12 - RULES - BILL 120004, ETC.
2 all the landowners and the community over
3 this. This had started because of some
4 of the property in that area as-of-right
5 were allowed to be strip clubs.

6 COUNCILWOMAN BROWN:

7 As-of-right are?

8 COUNCILMAN SQUILLA: "LR" Least
9 Restricted. And the property owned by
10 these individuals, we could not argue
11 them, we could not fight them. As a
12 community, we had no say. And also as a
13 community, we had a lot of workers who
14 worked in the port area and we thought
15 that the longshoremen, the teamsters and
16 the people like that, we should have
17 their back too and protect them to make
18 sure these grounds were used for the
19 proper use. And, again, if a variance
20 would be requested, us as a community
21 would have a say, along with City
22 Council, to make sure as-of-right people
23 just don't put an incinerator or a strip
24 club or anything like that on the
25 property.

1 2/22/12 - RULES - BILL 120004, ETC.

2 COUNCILWOMAN BROWN: And for my
3 own understanding of the process in your
4 department, "posted" means what? Talk
5 through what that looks like.

6 MR. KRAMER: It's a white
7 poster. It's roughly 11-by-17, maybe a
8 little bigger than that. It's printed
9 actually by the Clerk's Office with a lot
10 of blanks, that we then put in the bill
11 number, the date of the hearing and the
12 boundaries of the particular rezoning
13 bill.

14 COUNCILWOMAN BROWN: But it
15 gets posted throughout the community?

16 MR. KRAMER: Yes, ma'am.

17 COUNCILWOMAN BROWN: Okay.

18 MR. KRAMER: Absolutely. I've
19 done that for -- I've been doing these
20 for 20-some years and we've done those in
21 a lot of neighborhoods.

22 COUNCILWOMAN BROWN: Sure.

23 MR. KRAMER: I will tell you
24 we've gone out and posted and in some of
25 the larger areas, you can post and by the

1 2/22/12 - RULES - BILL 120004, ETC.
2 time you get to finish, as you're driving
3 back to the office, you can find half of
4 them are gone, but you do the best you
5 can with it. And these are never done
6 without meeting with the community and
7 having community support. Not only does
8 this Council ask those questions, but
9 also does my Commission, and they will
10 put us on the hot seat if we don't do
11 these with community support. I'm not
12 going to tell you we have 100 percent
13 community agreement.

14 COUNCILWOMAN BROWN: That's
15 rare, 100 percent is rare.

16 MR. KRAMER: Well, truly, but
17 as you would say, you do have to notify
18 the community of what you want to do and
19 why you want to do it.

20 COUNCILWOMAN BROWN: Got it.
21 Thank you.

22 Thank you, Mr. Chairman.

23 COUNCILMAN GREENLEE: Thank
24 you, Councilwoman.

25 Councilman Kenney.

1 2/22/12 - RULES - BILL 120004, ETC.

2 COUNCILMAN KENNEY: Thank you,
3 Mr. Chairman. Just to give you some
4 historical perspective, when I first
5 started dealing with the port, which is
6 over 30 years ago, the port's zone was
7 traditionally right south of Penn's
8 Landing proper all the way down to Packer
9 Avenue and around towards the Navy Yard.
10 As development increased over the years
11 and more and more residential and
12 recreational uses became apparent in the
13 port zone, the port activities were
14 shifted further and further south. So
15 that initially you'd say the border was
16 Christian Street, then it became
17 Washington Avenue, then it became Tasker
18 Street, and now it's almost Oregon
19 Avenue. And I think what Councilman
20 Squilla and the community and even the
21 port folks want to do is maintain areas
22 of land that are port-related, period.
23 I'm ambivalent about a strip
24 club being there. Probably it's better
25 it's there than it is in somebody's

1 2/22/12 - RULES - BILL 120004, ETC.
2 neighborhood, because there's nobody
3 living there, but could that land have
4 been better used for car storage or
5 for -- I know, for example, there's a
6 plan that's not been completed yet, but a
7 planned construction of one of the
8 largest robotic refrigerated warehouses
9 in the country in the old Food
10 Distribution site. That would certainly
11 inure to the benefit of the port, because
12 we'd have more opportunities for imports
13 than we do today.

14 So I think in order to make
15 sure that we have port-related businesses
16 and a place for them to be, this type of
17 legislation preserves that opportunity
18 and doesn't allow those properties to be
19 used for non-port-related purposes. So I
20 think overall in the long term, it's a
21 safety valve or safety net for port jobs
22 and for teamster jobs and for
23 longshoremen jobs.

24 So, I mean, I think that the
25 legislation is pretty sound, and if you

1 2/22/12 - RULES - BILL 120004, ETC.
2 look at some of the land that's being
3 rezoned, there's not been a plan of
4 action on those parcels for quite some
5 time, and maybe creating this requirement
6 that it's port related will bring some
7 port-related planning to those sites.

8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you, Councilman, for that background.

11 Councilman Green.

12 COUNCILMAN GREEN: Thank you.
13 Actually, most of the land is already
14 zoned port and most of it -- and very
15 little of it is being rezoned port. It's
16 going from "LR" to "G-2." But I
17 understand your basic point, and it would
18 be a good one if the Port Authority of
19 Philadelphia was even aware of this
20 change.

21 However, I mean, I'm not
22 opposed to this. My only point is to the
23 Planning Commission, which is in the
24 future when you testify before me anyway
25 and you want to change the zoning

1 2/22/12 - RULES - BILL 120004, ETC.
2 designation of someone's property, I want
3 to know whether they approve or
4 disapprove of that change. That's all.

5 Thank you.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 And, Councilman Squilla, I
9 assume you want this to move with a
10 suspension of the rules?

11 COUNCILMAN SQUILLA: Yes,
12 please.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 Any other questions or
16 comments?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, thank you.

20 Ms. Marconi, will you please
21 read the next bill before us.

22 THE CLERK: Bill No. 120023, an
23 ordinance amending the Philadelphia
24 Zoning Maps by changing the zoning
25 designations of certain areas of land

1 2/22/12 - RULES - BILL 120004, ETC.

2 located within an area bounded by
3 Chestnut Street, 2nd Street, Walnut
4 Street and 3rd Street, all under certain
5 terms and conditions.

6 COUNCILMAN GREENLEE:

7 Mr. Kramer.

8 MR. KRAMER: Good morning,
9 Councilman Greenlee, members of the Rules
10 Committee. I am William Kramer, Division
11 Director of the Development Planning
12 Division of the Philadelphia City
13 Planning Commission. I am here today to
14 testify on Bill No. 120023, which was
15 introduced by Councilmember Squilla
16 January 26, 2012.

17 Bill No. 120023 amends the
18 Philadelphia Zoning Maps by amending the
19 zoning designation of certain areas of
20 land located within an area bounded by
21 Chestnut Street, 2nd Street, Walnut
22 Street and 3rd Street.

23 The purpose of this bill is to
24 rezone the property at the corner of 3rd
25 Street and Chestnut Street from "REC"

1 2/22/12 - RULES - BILL 120004, ETC.
2 Recreation to "C-3" Commercial zoning.
3 The property will be owned by the
4 National Center for the American
5 Revolution. That ownership dictates a
6 change in the zoning designation because
7 the Recreation classification of the
8 Philadelphia Zoning Code only allows land
9 owned by the City, State or federal
10 government to be zoned "REC" Recreation.
11 The developer plans to demolish the
12 existing structure to construct a museum
13 dedicated to the American Revolution.
14 The plans for the building have not been
15 completed. However, massing studies and
16 agreements with the National Park Service
17 have allowed a degree of certainty that
18 the "C-3" Commercial designation will be
19 adequate for the proposed development.
20 The Philadelphia City Planning
21 Commission at their meeting of February
22 21, 2012 considered Bill No. 120023 and
23 recommended that it be approved.
24 That concludes my testimony. I
25 appreciate the opportunity to appear and

1 2/22/12 - RULES - BILL 120004, ETC.

2 will answer any questions you may have.

3 COUNCILMAN GREENLEE: Thank
4 you, Mr. Kramer.

5 Any questions for Mr. Kramer?

6 COUNCILMAN GREEN: Yes.

7 COUNCILMAN GREENLEE: I'm
8 sorry. Councilman Green.

9 COUNCILMAN GREEN: Thank you.
10 I'm sure the novelty of being on Rules
11 will wear off on me, Mr. Kramer.

12 COUNCILMAN GREENLEE: We all
13 hope so, Councilman.

14 COUNCILMAN GREEN: My question
15 is this: A museum use is permitted under
16 its current Recreation zoning.

17 MR. KRAMER: It is.

18 COUNCILMAN GREEN: So why does
19 the developer need this to be a
20 commercial zoning if the use is currently
21 permitted?

22 MR. KRAMER: Because of the
23 nature of what Recreation is written as,
24 wherein you have to be a city, state or
25 federal museum in order to be a qualified

1 2/22/12 - RULES - BILL 120004, ETC.
2 use in Recreation. If you are an outside
3 agency, which is a private-interest
4 agency that is proposing this new museum,
5 then you would wind up in front of the
6 Zoning Board because the L&I Department
7 would not issue a permit based on the
8 fact that the ownership is not a
9 municipal, state or federal institution.
10 So subsequently in order to avoid having
11 to go to the Zoning Board, you change the
12 classification to "C-3" Commercial. It
13 permits the museum use, and the use is
14 consistent with the park land. And
15 because this is park land, the Park was
16 involved in a land swap deal. You may
17 have remembered this was originally
18 something proposed in the Valley Forge
19 area and was back and forth in the
20 papers. I'm sure Mr. Sklaroff can
21 explain a lot better than I can what that
22 is.

23 COUNCILMAN GREEN: So when you
24 say this is park land --

25 MR. KRAMER: It's under the

1 2/22/12 - RULES - BILL 120004, ETC.

2 jurisdiction of the National Park

3 Service.

4 COUNCILMAN GREEN: It's not

5 Fairmount Park land?

6 MR. KRAMER: I could be wrong

7 on that one. I haven't checked that, but

8 Mr. Sklaroff I'm sure would be able to

9 answer that.

10 COUNCILMAN GREENLEE:

11 Mr. Sklaroff.

12 (Witness approached witness

13 table.)

14 COUNCILMAN GREENLEE: Gee, you

15 thought you might not have to testify

16 today.

17 MR. SKLAROFF: I was trying.

18 COUNCILMAN GREENLEE: Please

19 identify yourself.

20 MR. SKLAROFF: Good morning.

21 My name is Neil Sklaroff. I am an

22 attorney and I represent the National

23 Center for the American Revolution.

24 One of the reasons for the

25 rezoning is that "REC" is defined and

1 2/22/12 - RULES - BILL 120004, ETC.
2 designed for lands that are publicly
3 held, whether by the City, by the State
4 or in this case by the federal
5 government. Now, the federal government
6 is not controlled by the City zoning
7 ordinances and build a building there.
8 In order for a private entity, a private
9 landowner, to develop or operate other
10 than exactly the way that the National
11 Park Service has operated the property,
12 we need to have a zoning that allows
13 private uses. And after meeting with the
14 Deputy Mayor and Commerce Director Alan
15 Greenberger, we agreed that most of the
16 properties in the area that were
17 privately owned were zoned "C-3." A few
18 properties are zoned "C-4," but we didn't
19 believe, following our negotiations with
20 the National Park Service, that we needed
21 that kind of expansive use and so "C-3"
22 was fine with us.

23 COUNCILMAN GREEN: Given the
24 neighborhood and the concerns that would
25 probably exist in the community if this

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2 were to be anything other than a museum,
3 are there height restrictions there? Are
4 there limitations on the "C-3" use that
5 would -- I mean, can you go up 20 stories
6 if we rezone it "C-3" and put residential
7 on top of a museum? What happens if the
8 museum doesn't get its funding and this
9 property is now "C-3"?

10 MR. SKLAROFF: There is an
11 intricate deed and set of deed
12 restrictions that are incorporated within
13 that deed. The National Park Service, in
14 accordance with the National Historic
15 Preservation Act, went through a Section
16 106 process, which required outreach to a
17 vast array of stakeholders.

18 COUNCILMAN GREEN: I don't want
19 to know the process. I just want to know
20 what will be permitted there if we make
21 it "C-3."

22 MR. SKLAROFF: And, therefore,
23 what came out of that was a set of
24 massing restrictions, and also if we
25 don't develop it for a museum, they have

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2 a right of first refusal to purchase the
3 property back from us. And the fact that
4 given within the massing restrictions
5 that are in the deed, there's little else
6 we can do. Plus our mission is education
7 about the American Revolution and,
8 therefore, we're not in the business of
9 doing anything else.

10 However, when it comes down to
11 it, could the property be sold? Yes.
12 While it's in the borders of the
13 Independence National Historic District,
14 it is not strictly controlled by the
15 National Park Service or the federal
16 government. It has -- there's still some
17 private property rights, and we do have
18 those. But our intention is and we
19 have -- we're almost two-thirds of the
20 way funded. We've been working on this
21 for more than a decade, and we will have
22 the only museum in the United States
23 dedicated to telling the story and the
24 legacy of the American Revolution.

25 COUNCILMAN GREEN: Mr. Kramer,

1 2/22/12 - RULES - BILL 120004, ETC.

2 are there massing restrictions in the
3 deed that you're aware of, and what would
4 they permit?

5 MR. KRAMER: I'm not aware of
6 the deed restrictions involved with this
7 property. That's been an ongoing
8 discussion between the National Park
9 Service and Mr. Sklaroff and his client.

10 MR. SKLAROFF: But we have
11 provided to the Planning Commission the
12 massing studies that are based on that --

13 MR. KRAMER: Correct.

14 MR. SKLAROFF: -- that show the
15 massing of the building.

16 COUNCILMAN GREEN: How high
17 could you go?

18 MR. SKLAROFF: It's 80-some
19 feet, I believe.

20 Do you have the massing
21 studies?

22 MR. KRAMER: I'm working on
23 that.

24 MR. SKLAROFF: To the rear of
25 us is the Customs House, which is a

1 2/22/12 - RULES - BILL 120004, ETC.

2 building that's much taller.

3 COUNCILMAN GREEN: I'm familiar
4 with it.

5 MR. SKLAROFF: Obviously we're
6 across from the Second Bank, I think it
7 is, and our cornice line very
8 scientifically has been lined up with
9 that. Then we go a little higher as we
10 step back.

11 There is a lot of process that
12 went into what the massing study would
13 be, and we do have an illustration, if I
14 may approach. This illustrates the
15 massing included in the deed.

16 MR. KRAMER: If I may, to
17 answer your specific question about
18 "C-3," specifically under the current
19 code, "C-3" does not have a specific
20 height limit. It is limited under FAR
21 and it's either 450 or 550 percent of the
22 square footage of the lot, is what's
23 permitted in a "C-3" district. And that
24 difference is depending if it's all
25 commercial use, you can have a bigger

1 2/22/12 - RULES - BILL 120004, ETC.
2 building. If it's got a combination of
3 residential, it's 450. And so that means
4 if you were to go property line to
5 property line, the most you could do is
6 like four, four and a half stories in
7 terms of height. Now, you can certainly
8 wedding-cake it in and have a higher
9 building if that's what you wanted to try
10 to do, but the practical side of this,
11 this site is about 180 by a little more
12 than 200 feet. By the time you put in an
13 elevator core, you're not going to be
14 able to go up that significantly higher.

15 COUNCILMAN GREEN: Is "C-3"
16 required? Is that the minimum zoning
17 designation?

18 MR. KRAMER: For the site?

19 COUNCILMAN GREEN: For the site
20 for a private property owner doing a
21 museum?

22 MR. KRAMER: I'll answer that.
23 It is. For the massing studies and the
24 proposals that they've put forward, yes.
25 It is also consistent with a lot of the

1 2/22/12 - RULES - BILL 120004, ETC.

2 zoning classifications in that area.

3 COUNCILMAN GREEN: Like --

4 MR. KRAMER: In the Old City

5 area, which this abuts, it's mostly

6 "C-3." Most of the area is already

7 "C-3."

8 COUNCILMAN GREEN: Okay. Thank

9 you.

10 COUNCILMAN GREENLEE: Thank

11 you.

12 MR. SKLAROFF: If I may, the

13 deed restrictions will follow the

14 property, and if we were to sell the

15 property, the deed restrictions would

16 still be there. Only the National Park

17 Service could relieve the property owner

18 from those restrictions.

19 COUNCILMAN GREEN: So who do we

20 rely on -- the National Park Service has

21 to enforce these restrictions or they're

22 not enforceable by any other party and --

23 MR. SKLAROFF: It would be --

24 COUNCILMAN GREEN: If you're

25 not a museum and they don't exercise

1 2/22/12 - RULES - BILL 120004, ETC.

2 their right of first refusal, do these
3 restrictions go away or do they stay?

4 MR. SKLAROFF: It would be my
5 position that the National Park Service
6 is the only one who can enforce the
7 restrictions. Now, separate from this
8 and as a result of the Section 106
9 process, the National Park Service
10 entered into an agreement, a programmatic
11 agreement, with a number of stakeholders,
12 including the City of Philadelphia, so
13 that they have certain responsibilities
14 with regard to enforcement. And I don't
15 want to speak to that agreement. We're
16 not signatories to that agreement, but
17 there are many signatories to that
18 agreement, and the things that are
19 included in the deed, including the
20 treatment of historic and national
21 resources that are underground, are
22 rather extensive. But I would imagine
23 that somebody under the programmatic
24 agreement would have some leverage on the
25 National Park Service to enforce what's

1 2/22/12 - RULES - BILL 120004, ETC.

2 in the deed.

3 COUNCILMAN GREEN: So there's
4 agreements with the City of Philadelphia
5 that are not presented to us with respect
6 to consideration of the zoning change.
7 Once again, Mr. Kramer, I'd ask you to
8 please make sure our file is full before
9 you come before us.

10 Thank you.

11 MR. SKLAROFF: I'm not sure
12 anybody other than the National Park
13 Service and the programmatic signatories
14 to that were aware of the programmatic
15 agreements. There is a deed in the file
16 that we provided that has the -- would
17 verify the massing studies.

18 COUNCILMAN GREENLEE: Before I
19 recognize Councilwoman Bass, could we
20 have a copy just for the record so
21 everybody is comfortable with what you
22 presented here?

23 MR. KRAMER: Mr. Sklaroff
24 doesn't have that original. My office
25 does, and I will make certain that that

1 2/22/12 - RULES - BILL 120004, ETC.

2 gets to you. That's not a problem.

3 COUNCILMAN GREENLEE: Okay.

4 Thank you. Thank you very much.

5 Councilwoman Bass.

6 MR. KRAMER: There's only the
7 one analysis.

8 COUNCILMAN GREENLEE: No. I
9 understand. That's fine.

10 Councilwoman Bass.

11 COUNCILWOMAN BASS: Good
12 morning. I just have a couple of
13 questions. Can you tell me what the
14 existing structure is? What is the
15 building that's there now?

16 MR. SKLAROFF: The existing
17 structure was originally a visitors
18 center. It is not considered one of the
19 more attractive buildings in the City,
20 and it was used for archeological storage
21 of materials, and the archeological team
22 from the National Park Service diligently
23 worked there and now across the street in
24 the Bank Building. It was originally
25 designed as two kind of movie theatre

1 2/22/12 - RULES - BILL 120004, ETC.

2 sections to it and a large open area in
3 the middle, which had been cut off
4 somewhat into offices and to work areas
5 for the re-creation of the archeologists
6 that put together a lot of fragments.

7 COUNCILWOMAN BASS: Okay.

8 MR. SKLAROFF: It was not
9 generally open to the public, though they
10 allowed, I guess, tours.

11 COUNCILWOMAN BASS: It was not
12 open to the public?

13 MR. SKLAROFF: Not after the
14 new visitors center, is my recollection.

15 COUNCILWOMAN BASS: Okay. And
16 as far as changing the zoning from
17 Recreation to Commercial, is that
18 something that you would normally talk to
19 the City's Parks and Recs Department
20 about that change or is that something in
21 which you would notify them about a
22 change such as that?

23 MR. SKLAROFF: We went to the
24 Councilman, we think was the most
25 appropriate person. We didn't go to

1 2/22/12 - RULES - BILL 120004, ETC.
2 the -- I don't know that Parks and Rec
3 has any -- had no authority over the
4 federal government, and they're probably,
5 if they had knowledge, it would be
6 incidental. When it became private
7 property, there was a need to change that
8 on your part.

9 COUNCILWOMAN BASS: Not
10 necessarily in terms of having authority
11 but just information, is just what I was
12 thinking.

13 MR. SKLAROFF: I did not do
14 that.

15 COUNCILWOMAN BASS: Okay.

16 MR. KRAMER: We would normally
17 make sure that that would happen if it
18 were actually under the jurisdiction of
19 the Rec and Park Department. We would
20 definitely have had those conversations.

21 COUNCILWOMAN BASS: But if it's
22 not directly under their jurisdiction,
23 even though it's zoned Recreation, you
24 don't really --

25 MR. KRAMER: Right. Not all

1 2/22/12 - RULES - BILL 120004, ETC.

2 land zoned Recreation comes under the

3 Rec/Park Department. In this instance,

4 it's under the National Park Service.

5 That's who Mr. Sklaroff and his clients

6 were dealing with. And if it had been a

7 City-owned piece of land or structures,

8 then the discussion would have been with

9 the City departments and whoever would

10 have been involved.

11 COUNCILWOMAN BASS: Okay.

12 Thank you.

13 MR. SKLAROFF: Thank you.

14 COUNCILMAN GREENLEE: Thank

15 you, Councilwoman.

16 Just one question,

17 Mr. Sklaroff. I know all the details

18 aren't finalized. Is there a timeframe

19 you're working on where you'd actually

20 like to see the building existing?

21 MR. SKLAROFF: As soon as

22 possible. No. There's some --

23 COUNCILMAN GREENLEE: Sounds

24 like a lawyer.

25 MR. SKLAROFF: You'll see from

1 2/22/12 - RULES - BILL 120004, ETC.
2 the project fact sheet, about two-thirds,
3 a little less than two-thirds of the
4 funds have been committed. We continue
5 to raise funds. We're in a design
6 process. The firm of Robert A.M. Stern,
7 which was working with us in Valley
8 Forge, continues to work with us, but
9 we're not yet ready to put a design out
10 there. When we are, I think maybe if
11 Council was interested, we invite you all
12 down to the current center and ask you to
13 see what we have. We have been in
14 communications with the local civic
15 association, from whom we have a letter
16 of support for this rezoning, but we
17 intend to make it a very public process.
18 It's been a very public process up to
19 now.

20 COUNCILMAN GREENLEE: Okay.
21 Thank you. And it seems like a pretty
22 good location for such a museum.

23 MR. SKLAROFF: We hope so.

24 COUNCILMAN GREENLEE: Any other
25 questions or comments?

1 2/22/12 - RULES - BILL 120004, ETC.

2 (No response.)

3 COUNCILMAN GREENLEE: Seeing

4 none, Ms. Marconi -- thank you.

5 Anyone else here to testify?

6 I'm sorry.

7 (No response.)

8 COUNCILMAN GREENLEE: Seeing

9 none, Ms. Marconi, please, next bill.

10 THE CLERK: Bill No. 120021, an

11 ordinance repealing Bill No. 070955-AA

12 (approved December 21, 2007), entitled

13 "An ordinance to amend the Philadelphia

14 Zoning Maps by changing the zoning

15 designations of certain areas of land

16 located within an area bounded by

17 Burholme Avenue, Napfle Avenue, Burholme

18 Avenue, Hartel Avenue, Hasbrook Avenue,

19 Central Avenue, Cottman Avenue, Fillmore

20 Avenue and Shelmire Avenue (Extended)."

21 COUNCILMAN GREENLEE: Thank

22 you.

23 Mr. Kramer.

24 MR. KRAMER: Good morning,

25 Chairman Greenlee, members of the Rules

1 2/22/12 - RULES - BILL 120004, ETC.
2 Committee. I am William Kramer, Division
3 Director of the Development Planning
4 Division of the Philadelphia City
5 Planning Commission. I'm here today to
6 testify on Bill No. 120021, which was
7 introduced into Council January 26, 2012.

8 Bill No. 120021 repeals Bill
9 No. 070955-AA, which was approved
10 December 21, 2007. The original bill
11 approved the expansion of the Fox Chase
12 Cancer Center's Institutional Development
13 District into Burholme Park. The sale of
14 this property to the Center never went
15 through based on legal action that
16 prohibited the sale.

17 Bill No. 120021 will
18 effectively repeal this IDD expansion
19 into the Park and will result in the
20 Master Plan for this area to be
21 invalidated and the zoning returned to
22 its previous zoning designation of "REC"
23 Recreational.

24 The Philadelphia City Planning
25 Commission at its meeting of February 21,

1 2/22/12 - RULES - BILL 120004, ETC.

2 2012 recommended that Bill No. 120021 be
3 approved as an item in accord with
4 previous policy.

5 I'd be happy to answer any
6 questions you may have.

7 COUNCILMAN GREENLEE: And I
8 know Councilman O'Neill has
9 representatives here and I assume he's in
10 support of the bill. Thank you.

11 Any questions or comments?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, anyone else here to testify?

15 Mr. Maurer, I think you're on
16 the record here.

17 (Witness approached witness
18 table.)

19 COUNCILMAN GREENLEE: Please
20 identify yourself and proceed.

21 MR. MAURER: Fred Maurer. I
22 have written testimony for the Committee
23 and for the --

24 COUNCILMAN GREENLEE: It will
25 be distributed. Go ahead.

1 2/22/12 - RULES - BILL 120004, ETC.

2 MR. MAURER: I'll read my
3 testimony.

4 On behalf of Save Burholme Park
5 and 4,000 petitioners and all public park
6 users, I welcome this repeal motion to
7 remove the technical IDD faults placed on
8 the City Zoning Map and I support this
9 repeal motion of Ordinance 55-AA.

10 At long last, the 30 years
11 effort of a private party goal is to take
12 this public park to a now end, and I
13 thank Councilman O'Neill for this repeal
14 introduction. I am sorry I cannot thank
15 City Council or the last Mayor Street or
16 the present Mayor Nutter or the host of
17 City officers who violated their oath of
18 office to uphold the laws faithfully.
19 They all willfully conspired or made
20 conscious mistakes against the public
21 rights, that public parks are for the
22 public welfare forever.

23 That rights of public welfare
24 was vested when William Penn planned City
25 parks before the first City Charter of

1 2/22/12 - RULES - BILL 120004, ETC.
2 1701 and it was placed in the City
3 consolidation map of 1854 and also placed
4 in the Cities of First Class laws.

5 It was your elected duty to
6 maintain public parks for the people's
7 use only. Most of you are lawyers or in
8 the practice of creation and applying the
9 laws, but when it came down to speak or
10 vote on these matters, you all put
11 private motives against the rights of the
12 people. It was not a valid councilmanic
13 prerogative on public parks. City
14 Council chose to enrich a few patrons to
15 take away land that was dedicated as
16 public land to be held in parks
17 perpetually.

18 And I ask, do you know that
19 fact?

20 When we citizens appealed to
21 protect our parks, everyone on the City
22 payroll voted against us. The City
23 Planning Commission cheated. Even the
24 City Solicitor compromised on the truth.

25 And I ask, do they know the

1 2/22/12 - RULES - BILL 120004, ETC.

2 laws?

3 I make this testimony a
4 teaching moment for you. The unpaid
5 volunteers to support our park bore an
6 undue burden. We were even slapped with
7 a \$10 million lawsuit. City Council
8 changed the laws twice to oppose us.

9 Governor Rendell had created
10 this situation when he conspired to take
11 Burholme Park and he gave \$10 million of
12 public funds for this private party's
13 inside plan. Even ex-Governor Mark
14 Schweiker spoke against us. Both
15 Governors violated the State Constitution
16 of Bill of Rights, Article 1, Section 27,
17 I think it is, on public lands.

18 When Judge Herron ruled in the
19 Estate of Robert Ryerrs, Orphans Court,
20 DE 1896, the ruling was on December 9,
21 2008, he denied the City to take any park
22 lands; that once it is a park, it stays a
23 park.

24 All appeals have now been
25 sustained, but the City neglected to do

1 2/22/12 - RULES - BILL 120004, ETC.

2 this fix or the records until now.

3 It is time to end this six-year
4 battle and restore Burholme Park in whole
5 with this repeal.

6 This battle we had was with the
7 institutions of Fox Chase Cancer Center
8 and the partnership of Temple University.
9 We have prevented a major default. The
10 delusions of Dr. Young in his 20 years
11 dream plan was based upon future
12 unlimited funding, but it has fallen
13 flat. We now know they need financial
14 rescue, because they overreached.

15 If we did not oppose you in
16 court, this park jewel would have been
17 lost and replaced with a monstrosity
18 failure.

19 I think we, Save Burholme Park,
20 merits public thanks and restitutions.

21 In the future, I advise City
22 Council to honor the words of Park
23 Director Phil Goldsmith who said that
24 parks are for the people.

25 Thank you.

1 2/22/12 - RULES - BILL 120004, ETC.

2 COUNCILMAN GREENLEE: Thank
3 you. And you certainly have the right to
4 your opinion. I was a member of Council
5 at that time, and without going into a
6 long rehash of it, let me just say I
7 disagree with many of the things you say.
8 And that monstrosity, I just will add,
9 and what was going to happen in there
10 was, people were going to try to cure and
11 fight cancer. So just for the record.
12 You have your opinion; we have ours.

13 Thank you, Mr. Maurer. Thank
14 you.

15 MR. MAURER: Since you made
16 your statement, please give me a chance
17 to respond to your statement.

18 That was a 20-year plan,
19 20-year plan of a billion dollars. You
20 thought you were going to get money.
21 That was never funded. And with that
22 coming in, you would have torn down all
23 the trees and put in new roads and we'd
24 have lost all the green space that was
25 dedicated to be public parks forever.

1 2/22/12 - RULES - BILL 120004, ETC.

2 Unfortunately, you made a mistake,
3 Mr. Greenlee, and --

4 COUNCILMAN GREENLEE: We each
5 have an opinion on that, sir.

6 MR. MAURER: I would have
7 chatted with you and informed you about
8 more of the details of what was behind
9 it.

10 COUNCILMAN GREENLEE: I was
11 aware of the details, sir. Thank you.

12 Any other questions or
13 comments?

14 (No response.)

15 COUNCILMAN GREENLEE: Anybody
16 else here to testify on this bill?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, I assume we want a suspension of
20 the rules on this, too. Thank you.

21 Ms. Marconi, will you please
22 read the title of the next bill.

23 THE CLERK: Bill No. 120004, an
24 ordinance to amend the Philadelphia
25 Zoning Maps by changing the zoning

1 2/22/12 - RULES - BILL 120004, ETC.
2 designations of certain areas of land
3 located within an area bounded by
4 Torresdale Avenue, Megargee Street,
5 Cottage Street, Placid Street, Frankford
6 Avenue and Tolbut Street.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 Mr. Kramer.

10 MR. KRAMER: Good morning,
11 Chairman Greenlee and members of the
12 Rules Committee. I'm William Kramer,
13 Division Director of the Development
14 Division of the Philadelphia City
15 Planning Commission. I'm here to testify
16 on Bill No. 120004, which was introduced
17 into City Council January 26, 2012.

18 Bill No. 120004 amends the
19 Philadelphia Zoning Maps in the area
20 generally bounded by Torresdale Avenue,
21 Megargee Street, Cottage Street, Placid
22 Street, Frankford Avenue and Tolbut
23 Street.

24 The site in question was the
25 former location of the Liddonfield

1 2/22/12 - RULES - BILL 120004, ETC.
2 Apartments, which housed approximately
3 412 residential units in over 40
4 structures. These structures have been
5 demolished and the site is currently
6 vacant land. Bill No. 120004 will rezone
7 this site from its existing zoning
8 designation of "R-11A" Residential to a
9 new zoning classification of "R-9A"
10 Residential. The new classification of
11 "R-9A" Residential mirrors the zoning of
12 the areas immediately adjacent to this
13 property and would only permit the
14 construction of single-family dwellings
15 on the site. Additionally, to fully
16 develop this site, we expect that other
17 councilmanic actions would be necessary,
18 an example being the placement of new
19 streets on the City Plan.

20 It should be noted that this
21 property is owned by the Philadelphia
22 Housing Authority and is currently the
23 subject of a request for proposals.
24 Depending upon what type of development
25 is chosen, a second rezoning bill may be

1 2/22/12 - RULES - BILL 120004, ETC.
2 necessary. However, while this interim
3 zoning change will make the zoning
4 designation of the property more
5 consistent with the surrounding
6 neighborhood, to approve it at this time
7 would possibly influence the selection
8 process ongoing at PHA.

9 The Philadelphia City Planning
10 Commission at its meeting of February 21,
11 2012 requested an additional 45 days for
12 consideration of Bill No. 120004 in order
13 to allow the PHA selection process to be
14 completed.

15 That completes my testimony.
16 I'd be happy to answer any questions you
17 may have.

18 COUNCILMAN GREENLEE: Thank
19 you, Mr. Kramer.

20 Councilman Henon.

21 COUNCILMAN HENON: Thank you,
22 Mr. Kramer. I just want to add for the
23 record that this bill and the zoning
24 change is a simple zoning change that
25 conforms with the adjacent neighborhood.

1 2/22/12 - RULES - BILL 120004, ETC.

2 I understand that they are currently --
3 the PHA is in the current process of an
4 RFP, which, by the way, isn't out on the
5 street. The RFP has been -- the deadline
6 was in early January. So this is
7 after -- I waited until after the process
8 of the RFP being submitted to the Housing
9 Authority.

10 I met with the Housing
11 Authority Executive Director Mike Kelly
12 last week, let him and his staff know
13 that I'm willing to work with PHA and the
14 surrounding communities, as always, once
15 a bidder has been selected. To this
16 point, they haven't selected any kind
17 of -- they haven't selected a builder for
18 any of the development as it stands.

19 I thank you for your testimony
20 today, especially the part where you say
21 that it is a -- the zoning conforms with
22 the existing adjacent neighborhood. So
23 all this does is keep it kind of vanilla
24 until a developer has -- and I'm willing
25 to work with anybody moving forward.

1 2/22/12 - RULES - BILL 120004, ETC.

2 COUNCILMAN GREENLEE: And I
3 assume, Councilman, that the community is
4 obviously in favor of this bill, because
5 it does keep it consistent with the rest
6 of the community.

7 COUNCILMAN HENON: Absolutely.
8 It was a reaction and a request from the
9 communities, in consultation with the
10 Philadelphia Planning Commission's
11 Planning and Strategy Pilot Program that
12 you've been performing throughout the
13 City. So it conforms with their wishes
14 and their great work that they've done
15 with the Planning Commission moving
16 forward.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 MR. KRAMER: I would add to
20 that, sir, that the Holmesburg Civic
21 Association was at our meeting yesterday
22 afternoon and did testify in support of
23 this legislation.

24 COUNCILMAN GREENLEE: Oh, okay.
25 Thank you.

1 2/22/12 - RULES - BILL 120004, ETC.

2 COUNCILMAN HENON: Thank you.

3 COUNCILMAN GREENLEE: And my
4 understanding is, Councilman, you would
5 like the bill to move forward today
6 without a suspension to give a little
7 more time for discussion; is that
8 correct?

9 COUNCILMAN HENON: I would like
10 the bill to move forward and be voted out
11 with a favorable recommendation without
12 suspension of the rules, correct.

13 COUNCILMAN GREENLEE: Right.
14 Okay. Thank you.

15 Any other questions, comments
16 for Mr. Kramer?

17 (No response.)

18 COUNCILMAN GREENLEE: Anyone
19 else here who would like to testify or
20 say anything?

21 (No response.)

22 COUNCILMAN GREENLEE: Okay.
23 That concludes our Committee on Rules
24 today. I'll just warn the Committee,
25 usually we don't get done in an hour, but

1 2/22/12 - RULES - BILL 120004, ETC.

2 just be prepared, as the Councilpeople
3 who have been on the Committee know.

4 The meeting of the Committee
5 will proceed momentarily. Thank you.

6 (Pause.)

7 COUNCILMAN GREENLEE: Thank
8 you. This is now the meeting of the
9 Committee on Rules, and the Chair
10 recognizes Councilman Kenney regarding
11 Bill No. 120024.

12 COUNCILMAN KENNEY: Thank you,
13 Mr. Chairman. I move that Bill No.
14 120024 be moved out of Committee
15 favorably and a rules suspension to allow
16 first reading at our next Council
17 session.

18 (Duly seconded.)

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

21 All in favor?

22 (Aye.)

23 COUNCILMAN GREENLEE: Opposed?

24 (No response.)

25 COUNCILMAN GREENLEE: Hearing

1 2/22/12 - RULES - BILL 120004, ETC.
2 none, Bill No. 120024 is reported out of
3 Committee with a favorable recommendation
4 and with a rules suspension to allow for
5 first reading at our next session.

6 Councilman Kenney on Bill No.
7 120023.

8 COUNCILMAN KENNEY: Thank you,
9 Mr. Chairman. I move that Bill No.
10 120023 be reported out of this Committee
11 favorably and a request made for rules
12 suspension to allow first reading at our
13 next Council session.

14 (Duly seconded.)

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

17 All in favor?

18 (Aye.)

19 COUNCILMAN GREENLEE: Opposed?

20 (No response.)

21 COUNCILMAN GREENLEE: Hearing
22 none, Bill No. 120023 is reported out of
23 Committee with a favorable recommendation
24 with a rules suspension.

25 The Chair recognizes

1 2/22/12 - RULES - BILL 120004, ETC.

2 Councilwoman Reynolds Brown regarding
3 Bill No. 120021.

4 COUNCILWOMAN BROWN:

5 Mr. Chairman, I move that Bill No. 120021
6 be reported out of Committee with a
7 favorable recommendation and further move
8 for the suspension of the rules.

9 (Duly seconded.)

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

12 All in favor?

13 (Aye.)

14 COUNCILMAN GREENLEE: Opposed?

15 COUNCILMAN KENNEY: No.

16 COUNCILMAN GREENLEE: The
17 record will reflect Councilman Kenney
18 voted no. Bill No. 120021 reported out
19 of this Committee with a favorable
20 recommendation with a rules suspension.

21 The Chair recognizes Councilman
22 Henon regarding Bill No. 120004.

23 COUNCILMAN HENON: Thank you,
24 Mr. Chairman. I recommend that Bill No.
25 120004 be voted out of Committees with a

1 2/22/12 - RULES - BILL 120004, ETC.

2 favorable recommendation with no
3 suspension of the rules.

4 (Duly seconded.)

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

7 All in favor?

8 (Aye.)

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

11 COUNCILMAN GREENLEE: Hearing
12 none, Bill No. 120004 is reported out of
13 this Committee with a favorable
14 recommendation.

15 There being no further
16 business, I appreciate everybody's
17 participation today. Thank you.

18 (Committee on Rules concluded
19 at 10:55 a.m.)

20 - - -

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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 on February 22, 2012, and
that this is a true and correct transcript of
same.

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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